

## SWT Planning Committee

Thursday, 30th March, 2023,  
1.00 pm



Somerset West  
and Taunton

The John Meikle Room - The Deane  
House

[SWT MEETING WEBCAST LINK](#)

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**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. 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.)

**3. 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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4. **Access to information - Exclusion of the press and public - Agenda item 5 - Appendix 2** (Pages 5 - 6)
5. **14/21/0047/HYB - Application for a Hybrid Planning application for Outline planning permission with all matters reserved, except for access related to the A38, for the second phase of the Monkton Heathfield development comprising of a residential and mixed use Garden Neighbourhood including up to 1210 No. dwellings, up to 4.83 hectares of land for strategic employment uses, 8 hectares of land for a through school, mixed use district centre, community facilities, green infrastructure, drainage works, land for a 600 No. space 'Bus and Ride' facility, relief road (EER2) and associated works and for Full planning permission for the erection of 240 No. dwellings with access, including temporary access arrangements, and associated infrastructure works on land east of the A38, south of Walford Cross, Monkton Heathfield Land East of the A38, south of Walford Cross, Monkton Heathfield** (Pages 7 - 106)
6. **42/22/0076 - Application for approval of reserved matters following outline approval 42/14/0069 for the appearance, layout and scale for the erection of a bat house and associated works at Orchard Grove Urban Extension at Comeytrove. Orchard Grove, Land at Comeytrove/Trull, Taunton** (Pages 107 - 124)
7. **3/26/22/010 - Construction of coastal erosion risk management scheme to protect the B3191 comprising of the construction of rock armour revetment, cliff-face re-enforcement, re-profiling of the upper cliff face and other associated works to include stockpiling areas and construction compounds. Land adjacent to Blue Anchor Pub and section of the Blue Anchor foreshore and cliff at Blue Anchor** (Pages 125 - 144)
8. **3/21/23/014 - Refurbishment and alterations to single storey cafe building to include raised flat roof level, additional replacement windows and doors, construction of ramp and raised deck to entrance and installation of a mobile catering unit, cafe, Blenheim Gardens, Blenheim Road, Minehead TA24 5PY** (Pages 145 - 164)

9. **37/22/0008 - Change of use of land from agricultural to residential curtilage with earth bund to boundary, erection of extension to garage block including games room and garden store and construction of tennis court with associated fencing at Haydon Farm Barn, Haydon Farm Lane, Stoke St Mary.**

(Pages 165 - 174)

A handwritten signature in black ink, appearing to read 'A Pritchard', with a horizontal line underneath.

**ANDREW PRITCHARD  
CHIEF EXECUTIVE**

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Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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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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During discussion of the following item (Agenda Item 5– Appendix 2) 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 Committee 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 item of business (Agenda Item 5 – Appendix 2) on the ground that it involves the likely disclosure of exempt information as defined in paragraph 2 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).



<b>Application Details</b>	
Application Reference Number:	14/21/0047/HYB
Application Type:	Hybrid Application
Application Validation date:	17 December 2021
Description:	Application for a Hybrid Planning application for Outline planning permission with all matters reserved, except for access related to the A38, for the second phase of the Monkton Heathfield development comprising of a residential and mixed use Garden Neighbourhood including up to 1210 No. dwellings, up to 4.83 hectares of land for strategic employment uses, 8 hectares of land for a through school, mixed use district centre, community facilities, green infrastructure, drainage works, land for a 600 No. space 'Bus and Ride' facility, relief road (EER2) and associated works and for Full planning permission for the erection of 240 No. dwellings with access, including temporary access arrangements, and associated infrastructure works on land east of the A38, south of Walford Cross, Monkton Heathfield
Site Address:	LAND EAST OF THE A38, SOUTH OF WALFORD CROSS, MONKTON HEATHFIELD
Parish:	Creech St Michael PC and West Monkton PC
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning)
Agent:	One Eleven Property
Applicant:	REDROW HOMES/PERSIMMON HOMES SOUTH LTD

### **Update Report**

- 1.1 Members will recall the above stated application was presented on Thursday 15 September 2022 with a recommendation of refusal for 14 stated reasons, see Appendix 1.
- 1.2 After representations from the applicant the committee resolved to defer the application.
- 1.3 Reasons for the deferment given by the committee were:
  - i. That the application be deferred to allow opportunity for significant revisions to address the recommended reasons for refusal and in

- accordance with a timeline agreed through a Planning Performance Agreement and informed by the use of the Quality Review Panel.
- ii. That had the application proceeded to determination at this stage, Planning Committee would have been minded to refuse permission in accordance with the recommended reasons for refusal. If sufficient progress is not made within 6 months towards a revised scheme officers in consultation with the Chair and Vice Chair have delegated authority to refuse the application.
- 1.4 This report seeks to update Members 6 months later regarding progress with the agreed actions.
  - 1.5 Following the September Committee meeting the applicant and the LPA commenced discussions regarding a Planning Performance Agreement (PPA). A PPA acts as a project management tool to set out a framework to achieve an objective. Importantly for the LPA it also secures the financial resources to support this process. This not only covers recharges for the LPA, but also Highways, Ecology and the LLFA to create capacity to engage in the process.
  - 1.6 The applicant has instructed a new planning agent and master planning firm whilst the LPA has changed its Planning Case Officer.
  - 1.7 A summary meeting to establish the position of both parties was held in early October. The LPA reiterated the reasons for refusal but advised which matters needed immediate and significant revision, notably the omission of the proposed relief road and the need to embed Garden Town principles was suggested.
  - 1.8 The LPA then instructed Create Streets, at its own cost, to act as critical friend to assist in the master planning process. Create Streets is a social enterprise with expertise in research and championing the creation of beautiful, sustainable and popular places. Create Streets has previously advised Arts Taunton and West Monkton Parish Council and are also working with the LPA on the Staplegrove Garden Community.
  - 1.9 The developers and the LPA created a structure of regular meetings (every Friday) and a monthly Steering Group meeting.
  - 1.10 Specific technical meetings have also taken place regarding highways, sustainability, phosphates, the school, noise (from the A38 and M5) and sport/recreation. Presentations have also been given to the applicant by the Council on its work regarding mobility hubs and stewardship.
  - 1.11 Supported by the wider LPA team and Create Streets a Design Workshop was held in mid-November where a draft emerging revised masterplan was discussed. It was evident within the 2 months since the Planning Committee that significant and positive changes had already been made following previous discussion, including the omission of the relief road.



- 1.12 Following feedback and advice given at the first Design Workshop a progress workshop was held in mid-December. Again, it was evident the masterplan was evolving to better reflect the requirements of the LPA.
- 1.13 After the Christmas break the emerging draft masterplan was presented to SWT's Quality Review Panel on January 23. The report from Frame Projects, who administer the QRP, is attached as Appendix 2. Please note the report refers to the session as a pre-application review, this isn't strictly true as it was in application amended proposal review.
- 1.14 Importantly the LPA and planning agent for the applicant have sought to update the two relevant parish councils (Creech St Michael PC and West Monkton PC) and an in-person workshop took place in Creech St Michael on 09 March 2023 where the emerging masterplan was presented and discussed.
- 1.15 Whilst significant progress has been made there are still areas requiring further discussion which necessitates more time before the LPA would be content to receive a modified/revised application. These topics will be subject to further meetings and workshops over the coming months as part of a work programme agreed with the applicant –
- Phosphates, inclusive of drainage,
  - The design and composition of the District Centre,
  - Highways – strategic approach to modal shift (including a proposed Mobility Hub) and the site approach to estate road design,
  - Sustainability,
  - S106 obligation requirements (health, education, affordable housing sport, play etc) and to include Stewardship and delivery, plus the use of CIL;
  - Noise (from the A38 and M5) and
  - Heritage.
- 1.16 It would seem appropriate therefore to allow time for these discussions to continue. The LPA is not minded to seek refusal of the application at this point and the timescale suggested at Para 1.17 is not a hard deadline for the applicant to have resolved all of these issues, but more like a milestone whereby the new Somerset West Planning Committee would be updated of progress akin to this report.

### **Recommendation**

- 1.17 Officers seek agreement from the Planning Committee to not enact part ii) of the previous resolution to refuse the application because in the view of Officers significant progress has been made but it is requested Members further resolve to give a further 6 months for the LPA and applicant to continue working towards an agreed masterplan and revised submission with Environment Statement addendum, but maintaining the option to delegate a refusal in consultation with the Chair and Vice Chair of the Somerset West Planning Committee of Somerset Council should progress not continue in the way required by the LPA.

## **Appendices**

Appendix 1 - Officer Report presented on Thursday 15 September 2022

Appendix 2 - QRP report from 23 January 2023

<b>Application Details</b>	
Application Reference Number:	<u>14/21/0047/HYB</u>
Application Type:	<u>Hybrid Application</u>
Earliest decision date:	18 March 2022
Expiry Date	<u>18 March 2022</u>
Extension of time	30 September 2022
Decision Level	Committee
Description:	Application for a Hybrid Planning application for Outline planning permission with all matters reserved, except for access related to the A38, for the second phase of the Monkton Heathfield development comprising of a residential and mixed use Garden Neighbourhood including up to 1210 No. dwellings, up to 4.83 hectares of land for strategic employment uses, 8 hectares of land for a through school, mixed use district centre, community facilities, green infrastructure, drainage works, land for a 600 No. space 'Bus and Ride' facility, relief road (EER2) and associated works and for Full planning permission for the erection of 240 No. dwellings with access, including temporary access arrangements, and associated infrastructure works on land east of the A38, south of Walford Cross, Monkton Heathfield
Site Address:	<u>LAND EAST OF THE A38, SOUTH OF WALFORD CROSS, MONKTON HEATHFIELD</u>
Parish:	14
Conservation Area:	None
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	<u>Darren Roberts</u>
Agent:	One Eleven
Applicant:	REDROW HOMES/PERSIMMON HOMES SOUTH LTD
Committee Date:	15 September 2022
Reason for reporting application to Committee	Major application, EIA

## 1. Recommendation

1.1 That planning permission be REFUSED for the reasons set out in the report.

## 2. Executive Summary of key reasons for recommendation

2.1 The proposal would deliver a significant area of the Monkton Heathfield development allocation with new 1450 dwellings, including affordable dwellings,

land for the delivery of community uses and facilities and employment which is the subject of strategic policies SP1, SP2 and SS1. The current situation in respect of the Council's requirement to provide a five-year housing land supply (5YLS) is challenging, but applying reasonable assumptions, the Council considers that it can demonstrate this requirement. Whilst granting permission for dwellings would assist in the delivery of housing, in this instance a phosphate solution would be required, and to date this has not been proposed. This is a significant issue that weighs against the grant of planning permission. It is unlikely that delivery of these parcels of development would make a meaningful contribution to the 5 year housing land supply of deliverable sites.

- 2.2 In favour of the development is that it would include the creation of construction jobs during the development phase, and thereafter jobs in employment estimated in supporting material as an additional 751 full time equivalent (FTE) jobs on the site together with a further 338 FTE jobs in the south west of which 188 will be in the Somerset West and Taunton area, within the proposed education, employment and commercial areas and will add to economic activity in the area. There would also be financial contributions towards infrastructure and the provision of facilities although these matters are primarily intended to address the impact of the development itself. The development will also generate CIL receipts towards infrastructure and New Homes Bonus.
- 2.3 However, as the report demonstrates there are a range of significant and fundamental policy conflicts arising from the proposed development and substantial harm would arise were planning permission to be granted. This harm is in respect of serious impacts upon an irreplaceable habitat of European significance (contrary to policies CP8, SS1 and DM1c of the adopted Taunton Deane Core Strategy together with paragraphs 180-182 of the NPPF). The application will also result in a place that is not well designed, poor in quality, unsustainable, car and road dominated with poor coordination and connectivity, a dormitory development that is not attractive, locally distinctive, healthy or with a sense of place and has insufficient provision for sustainable transport, walking and cycling.
- 2.4 An inadequate approach to the District centre will mean that it will not fulfil its intended function or meet the needs of the development in order to deliver a mixed, sustainable community. Critical infrastructure such as the bus and ride facility is not secured by the development in accordance with policy requirements. Phasing proposals would deliver key facilities and infrastructure intended to serve not only this application area but also the wider allocation after the delivery of further phases of residential development. This would leave existing and future residents without these facilities for an unacceptable period. As presented the application is not considered to comply with affordable housing requirements, meet need and the extent of affordable housing provision across the wider site is uncertain. In combination this would result in an unacceptable place, living conditions, amenities for residents that do not meet the quality standards or housing needs expected for a Garden Town or the Vision as set out by this Council. (Contrary to policies CP3, CP4, CP5, CP6, SP2, SS1, DM1, DM4 (Taunton Deane Core Strategy); A1, A3, A5, D7 and D9 (Taunton Deane Site Allocations and Development Management Plan); CSM1, CSM4 and CSM6 (Creech St Michael Neighbourhood Plan); Policy T1 (West Monkton and Cheddon Fitzpaine Neighbourhood Plan); is contrary to the Districtwide Design Guide SPD, Garden Town Public Realm Design Guide SPD

and the Vision for Taunton Garden Town. It is also considered contrary to the National Planning Policy Framework paragraph 125 and sections 2, 8, 9 and 12 and national design guidance including the National Design Guide and National Model Design Code, the Ministerial Statement of 24 May 2021 and Planning Policy Guidance 2021).

- 2.5 Policy conflict has been identified in that the application does not demonstrate an acceptable approach to sport and recreation to meet the demand arising from the development. This results in harm to health and well-being considerations. (Contrary to policy SS1 of the Core Strategy and Policies C2 and C5 of the Adopted Site Allocations and Development Management Plan).
- 2.6 Policy conflict and harm has also been identified due to failure to demonstrate that it will sufficiently incorporate sustainable design features to reduce its impact on the environment, mitigate and adapt to climate change, and particularly help deliver reduction in CO2 and other greenhouse gas emissions. It fails to demonstrate that it will result in a development which minimises the use of energy, or to holistically consider the energy strategy for the site as a whole (which might include use of an energy centre to provide locally generated electricity to the new development), or how the development can realistically meet current or future national standards likely to apply within the development's lifetime. (Contrary to policies SS1, CP1 and DM5 of the Core Strategy and provisions within the Districtwide Design Guide SPD, and provisions within the National Planning Policy Framework sections 2 and 14).
- 2.7 Policy conflict has also been identified in relation to significant transport matters due to insufficient information having been submitted to fully understand the impact of the development on the strategic highway network; specifically, the safe and efficient operation of the M5 motorway and its assets. Furthermore, the transport assessment is not considered in accordance with published guidance and a range of possible outcomes have not been evaluated. It is therefore not possible to determine the impact of the development upon the local highway network, the range of transport interventions that may be required in order to address those transport impacts, their triggers for provision in relation to the phases of development and their delivery has not been secured. This results in the potential for significant harm to highway safety. In respect of the strategic highway network this is demonstrated by the current holding objection issued by National Highways with the effect of preventing the grant of planning permission. (Contrary to policies CP6 and DM1b of the Taunton Deane Core Strategy and provisions within the National Planning Policy Framework section 9).
- 2.8 Policy conflict arises from no suitable means for securing the delivery of the proposed park and ride site required by SS1, and it has not been proven that this is the optimum location for this facility in order to maximise its use and effectiveness. No bus strategy has been put forward within the planning submission, and the application is not considered to comprehensively plan for public transport. This results an unsustainable approach to transport planning to the detriment of the occupiers of the development and the environment. (Contrary to policies SP2, SS1, CP6 and CP7 of the Taunton Deane Core Strategy; A5 of the Taunton Deane Adopted Site Allocations and Development Management Plan and policy CA1 of the West Monkton and Cheddon Fitzpaine Neighbourhood Plan and the National Planning Policy Framework sections 9

and 12).

- 2.9 The proposal will result in dwellings subject to significant levels of road transport noise, necessitating suitable mitigation measures. It has not been demonstrated that the amenity of the occupiers of these proposed dwellings has been safeguarded from noise arising from the development nor the suitability of proposed mitigation measures. This results in potential harm to the amenity of occupiers. The application does not demonstrate that the requirements of policy DM1e of Taunton Deane Core Strategy nor paragraphs 174 and 185 of the National Planning Policy Framework have been met.
- 2.10 Potential harm to heritage assets and policy conflict have been identified in that insufficient information has been submitted to understand the site's archaeological value or significance and the likely effects of the development upon it; together with the absence of comprehensive assessment of the impact of the development upon the setting of Monkton Elm, a grade II heritage asset. (Contrary to policies CP8 and D9 Taunton Deane Core Strategy, ENV4 Taunton Deane Site Allocations and Development Management Plan and the National Planning Policy Framework section 16 including paragraphs 199-204 and 206).
- 2.11 Insufficient information has also been submitted to demonstrate the adequacy of the proposed approach to water management and drainage of the site and therefore compliance with requirements within policies CP1, SS1 and I4 of the Taunton Deane Core Strategy and paragraph 169 of the National Planning Policy Framework. There is therefore potential associated harm to the occupiers of the development and the environment arising from inadequate water management.
- 2.12 In the absence of a signed S106 agreement a range of other policy conflicts have been identified. Whilst the provision of signed S106 agreement would secure and thereby resolve many of these issues, in its absence policy conflict arises in respect of the delivery, timing and funding of a range of critical facilities and infrastructure required to meet the needs of the development or to mitigate for its impact including affordable housing, education, community facilities, employment, open space and sports provision, highway improvements including sustainable transport and the park and ride site, ecological enhancement, public rights of way and the phasing of development. Policies CP4, CP5, CP7, CP8, SP1, SP2, SS1, DM1 of the Taunton Deane Core Strategy, policies A2, I4, C2 and C5 of the Taunton Deane Site Allocations and Development Management Plan and provisions within the National Planning Policy Framework apply, at present are not satisfied and currently weigh against the application. The lack of appropriate resolution of these key facilities and infrastructure raises the potential for significant harm if they remain unresolved.
- 2.13 The presumption in favour of sustainable development in paragraph 11 of the Framework is a material consideration. For decision taking this means approving development that accords with an up to date development plan without delay or, where a five year housing land supply cannot be demonstrated, Paragraph 11d, tilts the balance in favour of the grant of permission unless
- i. "The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the*

*development; or*

- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

Although the position is challenging, this Council considers that applying reasonable assumptions, it is able to demonstrate a 5 year supply of deliverable housing sites. Accordingly, the Paragraph 11d tilted balance is not considered to be engaged.

- 2.14 However, even if it were, the lack of an agreed phosphate budget and mitigation means that the development is likely to lead to a significant adverse effect on the Somerset Levels and Moors Ramsar site. As such, the Council cannot ascertain beyond reasonable scientific doubt that the development would not affect the integrity of the Ramsar site, which provides a clear reason for refusing the application. The application is also not considered to accord with the development plan taken as a whole and the benefits of the application, whilst substantial, do not outweigh this conflict. The overall adverse impacts and substantial harm that would arise if planning permission were granted are also identified in this report and are considered to significantly and demonstrably outweigh the benefits of the proposal, when assessed against the development plan policies, the National Planning Policy Framework and other material considerations. There are no other material considerations that are considered to outweigh that.

Having regard to all the matters raised, it is therefore recommended that planning permission is **refused**.

### **3. Planning Reasons for Refusal**

#### **3.1 Reasons (full text in Appendix 1)**

- 1) The development will add to phosphate levels and is likely to have a significant effect on the Somerset Levels and Moors Ramsar site. No information has been submitted to enable the Council to undertake an appropriate assessment and without mitigation measures the Council cannot be sure that the development will not lead to a significant adverse effect on the Somerset Levels and Moors Ramsar site to the detriment of its integrity.
- 2) The development is not well designed in that it is an unsustainable, car dominated, uncoordinated and unconnected, dormitory development that is not attractive, healthy, locally distinctive or with a sense of place. Furthermore, its car-based approach to placemaking results in road, car and parking domination that does not prioritise active travel and public transport. It has poor connectivity to the surrounding area.
- 3) The development does not secure affordable housing in accordance with policy requirements.
- 4) In the absence of a S106 agreement the application does not secure contributions towards education and health care and the provision of other critical and necessary aspects arising from the development in order to mitigate its impact.
- 5) The District Centre is considerably reduced from that set out in policy SS1 to the detriment of it successfully fulfilling its function, its contribution to successful

placemaking and meeting the needs of the wider Monkton Heathfield development.

- 6) The development does not deliver the park and ride or provide a bus strategy with inadequate planning for public transport.
- 7) The development fails to comprehensively address the need to respond to climate change, reduce carbon and promote energy efficiency measures.
- 8) Insufficient information has been submitted in respect of archaeology in the absence of trial trenching.
- 9) Insufficient information has been submitted in order to fully understand the impact of the development on the strategic highway network; specifically, the safe and efficient operation of the M5 motorway and its assets.
- 10) The transport assessment is not considered in accordance with published guidance and a range of possible outcomes have not been evaluated. It is therefore not possible to determine the impact of the development upon the local highway network, the range of transport interventions that may be required in order to address those transport impacts, their triggers for provision in relation to the phases of development and their delivery has not been secured.
- 11) The application does not demonstrate an acceptable approach to the provision of on-site and off-site sport facilities including built sports provision to meet the demand arising from the development.
- 12) Insufficient information has been submitted in respect of sustainable urban drainage systems.
- 13) The proposal will result in dwellings subject to significant levels of road transport noise. The application does not demonstrate that the requirements and the amenity of the occupiers of the proposed dwellings has been safeguarded from noise arising from the development and demonstrated the suitability of proposed mitigation measures.
- 14) The impact of the development upon the setting of Monkton Elm, a grade II heritage asset has not been comprehensively assessed, such as to understand the effect of the development upon its significance and setting, nor considered ways to enhance, better reveal or preserve the setting of that heritage asset.

### 3.2 Informatives

Proactive Statement

## **4. Proposed development, site and surroundings**

### **4.1 Details of proposal**

4.1.1 The application has been submitted in hybrid form. Firstly, as an outline application for the majority of the site with all matters reserved (except for access) for a new garden neighbourhood including up to 1210 dwellings, up to 4.83 ha of employment land, 8 ha of land for a through school, district centre, community uses, a bus and ride facility, new eastern relief road, and landscaping and infrastructure required for the development.

4.1.2 The dwellings are proposed in several blocks, accessed via the Central Boulevard or minor access roads. All housing is proposed to the west and north of the relief road and is shown in the indicative masterplan as being interspersed with areas of play. The proposed employment area is situated in the eastern portion of the site, adjacent to the M5 motorway, accessed via the spine road. In the same portion of the site is the proposed bus and ride facility;



this borders existing housing and farm buildings to the North and East at Walford Cross.

- 4.1.3 Directly off the main roundabout is the proposed mixed use district centre. This includes health and community facilities as well as the retail units for the Monkton Heathfield development. It is intended to act as the focal point for the community. The proposed central boulevard runs through the district centre to the through school, which sits in grounds which extend to the existing A38 to the north. This includes land proposed to be used as playing fields.
- 4.1.4 Finally, the east and south of the proposed new relief road (known as the Eastern Relief Road, or ERR) is an area of green infrastructure, comprising tree planting, open space, allotments, and attenuation features. In policy SS1 this area is referred to as a green necklace.
- 4.1.5. The application seeks full planning permission within the area in the south and west of the site, in two distinct areas which are adjacent to the existing A38 and opposite the Monkton Elm Garden Centre. 240 homes are proposed in these two land parcels and together they are referred to as phase 1 of the development.
- 4.1.6 The houses in the detailed application are shown generally arranged in a series of cul-de-sacs, either with garages or parking to the front of properties. There are also some apartment buildings with rear parking courts. Affordable housing is also shown, within parts of the site. Attenuation ponds are shown facing the existing A38 in the southern portion.

## 4.2 Site and surroundings

- 4.2.1 The site covers approximately 100 hectares and is located to the northeast of Taunton and north of the existing recent housing development, known as 'Monkton Heathfield 1'. Most of the site is situated to the north and east of the existing A38 which runs between Taunton and Bridgwater. It comprises of agricultural fields, which contains hedgerows and woodlands. A small brook runs across the site from north to south and two main footpaths traverse the fields. It slopes gently from north to south. Apart from the A38, the site is bordered by buildings in the small hamlet of Langaller to the south, the M5 to the east, with industrial and agricultural buildings at Walford Cross to the north.
- 4.2.2 A further part of the site is situated opposite the Monkton Elm Garden Centre. This is also agricultural land bordered by roads, other agricultural land and the rear gardens of houses.
- 4.2.3 Whilst the site is not within any statutory designations, it is close to the Hestercombe House Special Area of Conservation, is within the Bat Consultation Zone and contains trees protected by a Tree Preservation Order.

## 5. Planning history

- 5.1 There is no planning history within the site itself, however residentially-led development has been delivered on land to the east under earlier phases of development within the SS1 Monkton Heathfield allocation area. This existing

development to the east comprises Monkton Heathfield phase 1 (MH1), together with residential development at Hartnells Farm and Aginhills Farm.

- 5.2 Outline planning permission was granted on appeal in March 2009 for a mixed-use urban extension comprising 900 dwellings, employment development, a local centre, primary school, A38 relief road and public open space, under ref 48/05/0072. Subsequent reserved matters approvals were granted for just under 900 new units together with the first section of the eastern relief road under application references 48/10/0036, 48/13/0081, 48/14/0007, 48/14/0009, 48/14/0016, 48/14/0028, 48/15/0018 and 48/15/0030.
- 5.3 A further full permission for a local centre including 5 retail units, 18 apartments and 69 dwelling units within this 'Phase 1' was approved in August 2016 (48/15/0053) with approval for a new 420 place primary school given in December 2015 (48/15/0027).
- 5.4 Further permissions have been granted at Aginhills (48/10/0072, full permission for 136 dwellings) and Hartnells Farm (48/16/0033, outline permission for 320 dwellings together with subsequent grant of reserved matters).

## **6. Environmental Impact Assessment**

- 6.1 The application is accompanied by an Environmental Statement. The proposal constitutes Schedule 2 development under the Environmental Impact Assessment (EIA) Regulations. It is an urban development infrastructure project due to its size and number of dwellings.
- 6.2 Two EIA scoping opinions have previously been issued by the Council for the application site, under references 48/17/0013/SCO and 48/19/0003/SCO.
- 6.3 Both opinions were sought on a similar basis to the submitted application, i.e., as a mixed-use new neighbourhood, although the amount of housing at 2100 homes was in excess of that proposed in the current application. The comments of the Local Planning Authority (LPA) included that the proposed numbers of housing would result in an excessive density and was not likely to be achievable within the policy requirements of the local plan. The LPA confirmed the scope of the future application and the subjects that would be required to be included within an environmental statement. These are specifically, ecology/biodiversity, historic environment, transport and highways, flood risk and drainage, landscape and visual impact, air, noise and vibration, ground conditions and contamination, and socio-economic impacts. The applicant has also included a chapter on climate change within the Environmental Statement, reflecting the declaration of a climate change emergency by the Council. In the opinion of the case officer, the submitted Environmental Statement has met the requirements set out in the scoping report.

## **7. Habitats Regulations Assessment**

- 7.1 Natural England has advised the Council that in determining planning applications which may give rise to additional phosphates within the catchment of the River Tone they must, as a competent authority, undertake a Habitats Regulations Assessment and an appropriate assessment where a likely significant effect cannot be ruled out. Natural England identify certain forms of

development affected including residential development, commercial development, infrastructure supporting the intensification of agricultural use and anaerobic digesters.

- 7.2 The proposed development will result in additional phosphate output and the foul water discharge and surface water in combination from the development will add to the phosphate levels within the Somerset Levels and Moors Ramsar Site ('the Ramsar Site'). The foul water pathway is via the Taunton 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. The consultation response from Natural England indicates that appropriate assessment should demonstrate through an agreed phosphorus budget that the proposals can achieve phosphorus neutrality through the implementation of appropriate permanent offsetting measures. The consultation response requests a phosphorus budget for the scheme together with details of the permanent mitigation measures that will be applied to secure phosphorus neutrality. No such budget or permanent mitigation measures to this issue have been put forward within the application.
- 7.3 This Monkton Heathfield application also has potential effects on the lesser horseshoe bat colony at Hestercombe House Special Area of Conservation. The development boundary is bordered with the Hestercombe House Ecological Zone of Influence. Policy SS1 of the Core Strategy requires off-site woodland habitat to be provided in accordance with the recommendations of the Hestercombe House SAC Appropriate Assessment to compensate for the loss of habitat and for this to be functional prior to the commencement of any development north of the A3259.
- 7.4 The Hestercombe House SAC Appropriate Assessment recommended mitigation is embedded into policy SS1. Mitigation and screening of the site are required, including woodland buffer planting and specification of directional street lighting. The submitted Environmental Impact Assessment (EIA) identifies an equivalent of at least 5.24 ha of accessible habitat suitable for lesser horseshoe bats would be provided at appropriate light levels to function as alternative habitat for at the appropriate stage of development. It predicts that there would be no long-term loss of habitat available for lesser horseshoe bats associated with Hestercombe House SAC and concludes that there would be no likely significant effect on the favourable conservation status of the SAC bat population, with the effect of the application development being neutral.
- 7.5 At time of writing this report, no advice has been received from the Somerset County Ecologist, nor does the consultation response from Natural England refer to the Hestercombe SAC, in the context of the application. The Council as competent authority therefore cannot formally conclude at this time on the significance of the effect, nor the effectiveness of the proposed mitigation. Similarly, no advice has to date been received over the contents of the EIA on other European protected sites in screening them in or out, the extent and significance of any other impacts of the development and the need (or otherwise) for mitigation.
- 7.6 In the absence of information on phosphates and wider advice, there is no certainty that the integrity of the international site(s) will not be affected, and it

is not possible for the Local Planning Authority as competent authority to conclude a favourable Habitats Regulations Assessment and fulfil its statutory duty under Regulation 63 the Conservation of Habitats and Species 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: 24/12/2021

8.2 Press Date: 03/01/2022

8.3 Site Notice Date: 03 January 2022

8.4 **Statutory Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WEST MONKTON PARISH COUNCIL	Objects. District Centre insufficient, phasing issues, community facilities, design of estates, crossing points needed	See Section 18
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
CREECH ST MICHAEL PARISH COUNCIL	Objection. Inadequate consultation, lack of infrastructure, impact on CSM village, phasing.	Consultation was undertaken in line with guidance. Period for comments was extended at request of residents
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
HOUSING ENABLING	The proposed tenure mix for the Outline and the Full Planning permission should be amended to reflect the affordable housing policy tenure requirement of 25% First Homes, 60% Social Rent and 15% Intermediate housing in the form of shared ownership. 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 and the housing need requirements. To reflect this the overall affordable housing mix for both the Outline and Full Planning permission should be amended to: • 10-15% 1b2p	See Section 15

	<ul style="list-style-type: none"> <li>• 40% 2b4p</li> <li>• 35-40% 3b 5/6p</li> <li>• 10% 4b6p</li> </ul> <p>1b2p dwellings should be in the form of maisonette style properties with their own access and garden area and should be for social rent.</p> <p>Any low-cost home ownership housing including First Homes and intermediate housing should be in the form of 2b4p and 3b5p houses.</p> <p>As the Planning Application triggers over 25 affordable housing requirements, the scheme should provide 10% of the total affordable housing provision to be in the form of fully adapted disabled units in accordance with Part M4, Category 3: Wheelchair user dwellings of the Building Regulations 2010.</p> <p>For the Full Planning Permission being sought on 240 dwellings, including 60 affordable homes this would equate to a requirement of 6 fully adapted disabled units in accordance with Part M4, Category 3: Wheelchair user dwellings of the Building Regulations 2010</p> <p>To reflect local housing need the requirement is for the fully adapted units to be in the form of 2b4p and 3b5p dwellings for social rent.</p> <p>The disabled specification requirements are to be submitted and agreed in writing.</p> <p>Whilst no indication of the location of the affordable units has been provided at this stage for the Outline provision it should be noted the affordable housing should be an integral part of the development and should not be visually distinguishable from the market housing on site.</p> <p>In addition, the affordable housing is to be evenly</p>	
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	<p>distributed across the site with the practicalities of managing and maintaining units being considered when agreeing the appropriate spatial distribution of affordable housing on site. Service charges should reflect the necessity to keep these properties affordable. It is also recommended that any service charges should be calculated on a per metre square basis rather than per unit.</p> <p>The affordable housing scheme for each parcel /phase must be submitted to and approved in writing. Continuing engagement to agree the affordable housing provision is recommended.</p> <p>It is noted two layouts have been submitted for the 240 dwelling Full Planning Application including the tenure mix and location of the affordable homes. These plans will need to be updated to incorporate the comments above regarding the proposed affordable housing tenure and unit sizes.</p> <p>The developer should seek to provide the Housing Association tied units from the Councils preferred affordable housing development partners list.</p>	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
LANDSCAPE	A number of concerns raised regarding location of school, connections to the district centre, demand for employment units, car dependency, lack of crossings and integration of SuDs schemes, width of boulevard, connections to public rights of way, links to green necklace, biodiversity, location of allotments	See Sections 13 and 14
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
HERITAGE	The heritage assessment submitted identifying the change in significance of	See Section 19

	Monkton Elm a Grade II heritage asset is <u>barely perceptible</u> as a result of the design and layout of Phase 2, fails to fully address the impact of the development on the setting. In addition, the adopted layout and design detail for Phase 2, needs further considering regarding the local and distinctive character of Somerset's vernacular.	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
LEISURE DEVELOPMENT	No response	-
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
ARTS TAUNTON	Poor design. Too many parking spaces, poor parking layout, road widths too large, materials should be specified, permeable materials should be used, employment land is poorly connected, lack of connection between walking and cycling routes, roundabout should not be enlarged, poor district centre	See Sections 11, 12, 14, 18
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
TAUNTON AREA CYCLING CAMPAIGN	Active travel proposals are inadequate; roundabouts are too large and not compliant with guidance; lack of cycle provision on new road	See Sections 12 and 14
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
ARBORICULTURAL OFFICER	The concept layout generally has regard to high category protected trees. Concern is expressed over the extent of hedgerow removal with amendment requested to allow for greater retention. A detailed Arboricultural Method Statement will be required to show how the retained trees and hedgerows will be protected.	See section 13

	Recommendations are made over the approach to landscaping and planting, but recognition that these can be addressed by condition.	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
ENVIRONMENTAL HEALTH	<p>Noise and vibration- the proposed layout and configuration is subject to significant levels of road transport noise. The application does not sufficiently demonstrate good acoustic design approach in accordance with standards. Given the layout and configuration of the site is a key and fundamental element of the design process, object to the application.</p> <p>Contamination- additional detailed risk assessment should be submitted to the Local Planning Authority for approval. Where contaminants have been encountered, the applicant needs to provide a detailed option appraisal, remediation strategy and verification plan prior to commencement of the development.</p>	See section 21
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
NATIONAL HIGHWAYS	Recommend that planning permission not be granted-further information required on the impact of the development on the M5	See Sections 10 and 11
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
NATURAL ENGLAND	Further information required on phosphorous budget for the scheme, and proposed mitigation	See Sections 7 and 10
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>



BRITISH TELECOM	No response	-
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE	No response	-
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
ENVIRONMENT AGENCY	No objection subject to conditions	See section 17
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
NHS SOMERSET, SOMERSET PRIMARY CARE TRUST	The CCG's concern is that the combined surgeries of Creech Medical Centre, Lyngford Park Surgery and Crown Medical Centre, a community facility, are already over capacity within their existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The surgeries already have 21,063 patients registered and this new development will increase the local population by a further 3,377 persons. Total contribution required = £838,912 a. Total space (m2) required x premises cost = final contribution calculation b. 262.16m2 x £3,200 = £838,912 (£579 per dwelling).	See Section 23
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
PLACEMAKING TEAM MANAGER	Extensive comments on design and placemaking matters with particular reference to context and character, movement, built form, layout, parking, density and the district centre. A series of deficiencies of the application approach are identified.	See sections 12, 14 and 18

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
POLICE ARCHITECTURAL LIAISON OFFICER	Difficult to make comments at this outline stage. Observations on layout of roads and footpaths, communal spaces, orientation of dwellings, rear access footpaths and vehicle parking, landscaping, climbing aids, street lighting and security.	See Section 22
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
THE RAMBLERS ASSOCIATION	No comments	-
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
LEAD LOCAL FLOOD AUTHORITY	Further information needed – drainage plan, details of sustainable drainage system. Details for the full application area may be conditioned.	See Section 17
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - ECOLOGY	No comments received	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - COUNTY ARCHIVIST	Further information required on any archaeological remains.	See Section 20
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - CHIEF EDUCATION OFFICER	Requires education contributions for early years, primary, secondary and SEN.	See Section 18.1
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - RIGHTS OF WAY	No objection, but applicant must apply for a diversion order	See Section 24
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - TRANSPORT DEVELOPMENT GROUP	This response is an update to the those made by Highways Development Management on 4 <sup>th</sup> February and on 10 <sup>th</sup> June 2022. No further information has been provided in support of the planning application at this time, and the planning authority has now confirmed their intention to make a planning decision and that the scheme will be considered at Planning Committee in due course. Given the current	See Sections 10.1, 11, 12 and 14

	<p>planning position, and due to the issues detailed in the earlier highway consultation responses, the highway authority objects to the application and recommends the following reasons for refusal.</p> <ul style="list-style-type: none"><li>•• <b>Sustainable connections.</b> The proposal is contrary to policy since the planning submission presents no suitable analysis or details of the required pedestrian and cycle connections, including to a standard that fulfils the requirements of LTN 1/20 guidance and the Somerset County Council Local Cycling and Walking Infrastructure Plan, through the areas surrounding and connecting to the application site.</li><li>•• <b>Bus access.</b> The proposal is contrary to policy since the planning submission does not present a viable public transport strategy for the application scheme.</li><li>•• <b>Phase 1 layout.</b> The layout of the proposed development layout is unacceptable in terms of the pedestrian and cycle access</li><li>•• <b>Phase 1 access.</b> The proposal is contrary (to policy) since the formation of an access together with the introduction of conflicting traffic movements onto and from the Monkton Heathfield Road would be prejudicial to highway safety.</li><li>•• <b>Highway impact.</b> The proposal is contrary to policy since insufficient information is provided to demonstrate that the impacts of development would not have a severe impact on the wider operation of the highway network.</li><li>•• <b>Parking.</b> The proposed parking layout would be likely to result in parking on the</li></ul>	
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	<p>highway, with consequent additional hazard to all users of the road and interference with the free flow of traffic</p> <ul style="list-style-type: none"> <li>•• <b>Travel Plan.</b> The proposal is contrary to policy since the planning submission does not present a suitable Travel Plan in support of the application scheme.</li> <li>•</li> </ul>	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SOUTH WESTERN AMBULANCE SERVICE	No response received	-
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SPORT ENGLAND SOUTH WEST	<p>Sport England has no objection in principle to housing growth but we OBJECT regarding the lack of planning for sport on-site and/or financial contribution off-site to create new sports facilities including built sports provision. The proposal does not deliver for sport and recreation what the policy SS1 and other development plan policies require, including planning policies C2 &amp; C5. And this proposal is inadequate in terms of sport and recreation in line with adopted neighbourhood plans. We have highlighted a number of issues in this response including the lack of dedicated community sport playing fields, a sports hub with multiple playing pitches to meet the future needs or a number of sports. We recommend that further discussions and amendments are made to the proposals to take on board the comments above before the application is determined. We can then confirm Sport England's position if the sporting needs can be addressed, either through on-site provision, and/or off-site contributions for outdoor and</p>	See Section 18

	indoor sport and recreation. And the principles of Active Design can be demonstrated/use of the checklist proven	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SOMERSET WASTE PARTNERSHIP	No comments	-
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
WESTERN POWER DISTRIBUTION (BRISTOL)	No comments	-
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SOMERSET WILDLIFE TRUST	No comment	
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - GYPSY LIAISON OFFICER	No comment	-
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SCC - MINERAL & WASTE	No comment	-
<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
SEDGEMOOR DISTRICT COUNCIL	No comment	-

## 8.6 Local representations

Neighbour notification letters were sent in accordance with the Council's Statement of Community Involvement.

13 letters have been received (12 objections, one making general comments) making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Does not make sufficient provision for ecology	See Sections 7 and 13.
Risk of rat running	See Section 11
Right turn onto A3259 should be banned	See Section 11
Opposed to a bus gate	See 11
Landscaping not up to standard	See Section 13.2
Risk of flooding	EA has not objected. See Section 17
Impact on heritage assets	See Sections 19 and 20
Density not in keeping with village	See Sections 10.1, 14
Impacts on bat roost in centre	See Section 13

Concern over relationship with housing on Phase 1	See Sections 12, 14 and 15
Loss of wildlife	See Section 13
Not local vernacular	See Section 14
Insufficient infrastructure	See Section 18
Application proposes bat roosts and ecological mitigation on land outside of their control	See Section 13
Should use the existing road not a new relief road- existing relief road a racetrack	See Sections 10.1, 11 and 12
Langaller should not be used as access	This is not part of the proposals
Doctor's surgery should be provided	See Section 23
Increased light pollution would disturb protected species	See Section 13
Insufficient parking	See Sections 11, 12 and 14
Should use new energy technology	See Section 16
New roundabout at Walford is unsafe	See Section 11
Moving of gas main is not acceptable	No comments have been received from the energy company
Location of park and ride not acceptable	See Section 10.1, 11 and 14
No details of phosphate mitigation	See Section 7 and 13
Needs a noise bund between existing development	See Section 21
Need to connect to existing facilities, e.g. retail parks and health centres – could a new railway station be built	See Sections 12, 14 and 18 A railway station has not been identified in the Policy SS1. Site lies some distance from the railway line making this not realistic
No confidence that PV panels, grey water recycling, heat pumps etc. will be installed	This would be made a condition of any planning permission See section 16
New homes not needed	See Section 10.1
<b>Support</b>	Officer comment
Allotments and mini farm have been dropped from scheme	Noted. Allotments are proposed within the green infrastructure area
<b>General Comments</b>	
Relief Road must be built before any residential development	See Section 18.5
Materials should fit in with the village	See Section 14
MH1 has not been delivered	See Section 18
ERR should have no street lighting	This would be a matter for the Highway Authority at adoption

## 8.7 Summary of objections - non planning matters

- Application driven by profit
- Consultation period too short

- Plan does not include all new houses
- Links to documents do not work

8.8 Summary of support - non planning matters- NONE

## 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 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 Deane 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) together with made Neighbourhood Plans for West Monkton and Cheddon Fitzpaine (2017) and Creech St Michael (2019).
- 9.2 Whilst the Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013) form part of the development plan, they are not considered to be primary plans against which the application will be determined.
- 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:

### Taunton Deane Core Strategy

SD1 -	Presumption in favour of sustainable development,
CP1 -	Climate change,
CP2 -	Economy,
CP3 -	Town and other centres,
CP4 -	Housing,
CP5 -	Inclusive communities,
CP6 -	Transport and accessibility,
CP7 -	Infrastructure,
CP8 -	Environment
SP1 -	Sustainable development locations,
SP2 -	Realising the vision for Taunton,
SS1 -	Monkton Heathfield,
DM1 -	General requirements,

- DM4 - Design,
- DM5 - Use of resources and sustainable design,

#### Taunton Deane Site Allocations and Development Management Plan Policies

- C2 - Provision of recreational open space,
- C5 - Provision of Community Facilities,
- A1 - Parking Requirements,
- A2 - Travel Planning,
- A3 - Cycle network,
- A5 - Accessibility of development,
- I1 - Powerlines,
- I4 - Water infrastructure,
- ENV1 - Protection of trees, woodland, orchards and hedgerows,
- ENV2 - Tree planting within new developments,
- ENV4 - Archaeology
- D2 - Approach routes to Taunton and Wellington,
- D7 - Design quality,
- D8 - Safety,
- D9 - A Co-Ordinated Approach to Dev and Highway Plan,
- D10 - Dwelling Sizes,
- D12 - Amenity space,
- D13 - Public Art,
- TC3 - Local shopping

### 9.5 Neighbourhood plans

#### – **Creech St Michael 2019**

The majority of the application site (outline area) is located within the area covered by the Creech St Michael Neighbourhood Plan which was made in 2019. Section 4 of the Plan deals with the Monkton Heathfield urban extension and at 4.1.5 and 4.1.6 confirms that due to the requirement that the neighbourhood plan be in conformity with Somerset West and Taunton Council's Development Plan (including allocation policy SS1), the neighbourhood plan does not propose any specific policies for the Monkton Heathfield site.

The plan contains a series of relevant general policies including

- CSM1 – Cycle and Footpath Network
- CSM2 – Parish Traffic Management Plan
- CSM3 – Housing to meet local needs
- CSM4 – Quality of Design
- CSM5 – Employment
- CSM6 – Community Cohesion

#### – **West Monkton and Cheddon Fitzpaine 2017**

The neighbourhood plan was made in 2017 and relates to the part of the site



north of Monkton Heathfield Road between Blundell's Lane and Doster's Lane and the further parcel on the western corner with the A38. These parts of the site form the full application elements (phase 1) of the proposal.

This contains the following policies relevant to the application:

- H1 Housing Suitable for Older People
- H2 External Materials for Residential Development
- H3 Refuse Bin Storage for Residential Development
- H4 Affordable Housing
- T1 Development a Comprehensive and high-quality footpath and cycle network
- E1 Starter Workshop Units
- E5 Wider Rollout of Broadband Connectivity
- R1 Dark Skies
- R2 Green Space and Wildlife
- R3 Flood Alleviation
- R4 Recreation and Community Facilities
- CA1 Developing high quality bus infrastructure

The Neighbourhood Plan for West Monkton and Cheddon Fitzpaine is in the process of being updated, with a revised Plan due to go to referendum on 22 September 2022 following the independent examination. If more than 50% of those voting are in favour of the plan it will then go forward to full Council to be made (i.e adopted). Due to its advanced stage, this revised plan is a material planning consideration and weight should therefore be given to it.

#### **9.6 Supplementary Planning Documents**

- Public Realm Design Guide for the Garden Town, December 2021
- District Wide Design Guide, December 2021
- Affordable Housing 2014

#### **9.7 Other relevant policy documents and guidance**

- Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022) and the SWT Net Zero Carbon Toolkit
- Somerset Climate Emergency Strategy
- SWT Carbon Neutrality and Climate Resilience Action Plan
- Taunton Design Charter and Checklist
- Taunton: The Vision for Our Garden Town (2019)
- Connecting our Garden Communities (consultation draft, 2022)
- Guidance notes on First Homes, recreational open space and community halls

#### **9.8 National Planning Policy Framework**

Although read as a whole, relevant sections and in some instances, paragraphs are cited in relation to the key issues.

### **10. Material Planning Considerations**

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

- Policy framework, the principle of development and land supply
- Strategic and local highway network
  
- Sustainable transport
- Natural Environment and Green Infrastructure
- Design and placemaking
- Housing and Residential Amenity
- Climate Change
- Ecology and Biodiversity
- Sustainable Drainage and flood risk
- Infrastructure Requirements
- Phasing
- Heritage
- Archaeology
- Air quality, noise and contamination
- Safety and crime
- Health and wellbeing
- Public rights of way
- Local finance considerations

These are dealt with in the following sections

## **10.1 Policy framework, the principle of development and land supply**

10.1.1 The spatial policy for the District, outlined in Policy SP1 of the Core Strategy, is to focus development on the most sustainable locations, notably Taunton and Wellington. As a result, several strategic locations have been identified for growth as new sustainable communities. The Vision for Taunton within the Core Strategy confirms that the major new neighbourhoods are to be well connected to Taunton and known as exemplars of quality placemaking, mixed use where people can meet their daily needs locally and an environment in which people are proud to live. Monkton Heathfield has specific mention as one of those major new neighbourhoods.

10.1.2 Policy SS1 of the Core Strategy identifies Monkton Heathfield as one of these strategic communities. The land which is the subject of this application is included within this allocation. The principle of development is therefore established by this policy.

10.1.3 In respect of housing provision across the District, the Council published a snapshot of the situation most recently in May 2022. This demonstrated that the former Taunton Deane area has 4.04 years of supply within its five-year housing land supply (5YHLS) target, calculated using the standard method. However, following the resolutions of the Phosphates Planning Sub-Committee on the 21 July 2022, which approved a scheme of phosphates credits in connection with interim measures in the catchment area, it is expected that more development schemes are deliverable and can be included in the 5YHLS. It is expected that between 150 – 780 homes within the catchment will be able to be released. Accordingly, although still a challenging position, it is now estimated that the 5YHLS within the former Taunton Deane area is at the upper end of a range between 4.25-5.13 years

and the Council is able to meet requirements applying reasonable assumptions over the number of homes likely to be released. Further guidance is expected shortly following the July 2022 Written Ministerial Statement over how development held up by phosphates may in some circumstances still be counted as deliverable. This can only improve the Council's supply position.

10.1.4 Delivery of housing at this site is dependent firstly upon achieving a solution in terms of phosphate mitigation, and in any case is unlikely to be completed within five years, due to the requirements to sign legal agreements, comply with any imposed conditions, and timescales for the construction of infrastructure. Due to the scale of the proposal, it is also expected that it would take more than five years to build out. The latest published position in May 2022 did not include any dwellings within this Monkton Heathfield phase 2 application site as being occupied within 5 years. Even if permission were granted and the 240 dwellings within the full part of the application were included, this would only contribute 0.33 years to the 5YHLS calculation.

10.1.5 Policy SS1 identifies a series of criteria which need to be considered for this policy to be met. A number of these criteria do not apply to this application – either they have already been delivered or addressed elsewhere (for example West Monkton cricket club and the first part of the relief road) or they do not relate to this part of the application (for example the provision of a country park within the green wedge between Monkton Heathfield and Priorswood/Nerrols).

10.1.6 There are several criteria which are relevant to this application and therefore are required to be met in order to satisfy the policy requirements of the Core Strategy. These are either addressed below or within subsequent sections of this report by material consideration topic. First, is the requirement for phased delivery of around 4,500 new homes at an overall average of 35-40 dwellings per hectare. The application site forms a significant part (Phase 2) of this allocation. Earlier phases at Monkton Heathfield also incorporate land at Hartnells Farm and Aginhills Farm which together provide 1,356 dwellings, most of which have been delivered. The applications submitted to date indicate a significant under-provision in housing numbers against the allocation. If granted, this application for 1,450 (of which 200 are in full detail) together with those granted to date would total 2,806. This is 1,694 houses less than the allocation with approximately 27.2 hectares yet to be subject to an application. Even with future applications on the remaining land parcels, this indicates an expected under delivery of housing on the allocation. Given this is a greenfield allocation it is particularly important that proposals make best use of land.

10.1.7 The issue of the amount of development coming forward on the Monkton Heathfield SS1 allocation site was considered at the meeting of SWT Executive on 15 September 2021. The report identified that the allocation will not deliver the 4500 originally envisaged, due to lower density development than was anticipated when the policy was adopted. This was at a time when national minimum density standards were in place. The report includes the consideration of the implications of this by the former TDBC Scrutiny Committee in January 2019. In order to address this likely shortfall in housing delivery at Monkton Heathfield, and delivery issues around employment land, TDBC resolved to release some of the employment land, south of Manor Farm, Langaller for residential use including affordable housing and the delivery of significant areas for green infrastructure. The September 2021 report goes on to identify land south of Manor Farm at Langaller as offering

opportunity to deliver additional housing within the SS1 Policy area, whilst securing the delivery of the employment land and that TDBC Scrutiny Committee resolved in January 2019 to support these principles. This previous consideration and Committee resolution on the amount of development in policy SS1 is relevant to the assessment of the quantum of development. No objection is raised to the number of dwellings proposed by this application.

- 10.1.8 There is a SS1 policy requirement for 25% of new homes to be affordable homes in line with policy CP4. This is addressed further within section 15 on housing.
- 10.1.9 Policy SS1 provides for a mixed-use district centre to support the development, specified as comprising a food store, convenience and comparison retail, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and offices together with multi-functional community facilities. Floorspace figures are provided within the policy. The response of the application to this requirement is considered within section 18.4.
- 10.1.10 Policy CP2 of the Core Strategy sets out the employment strategy for the District. This includes 36.5 hectares of general employment space within the wider Taunton urban area, and at Wellington. Policy SS1 requires 10 hectares to be reserved for employment purposes for longer term release around Walford Cross. The outline part of this application provides 4.83 hectares of land for strategic employment adjacent to existing employment at Walford Cross. This is considered further in section 18.2 below.
- 10.1.11 Across the whole development allocation area, the policy sets out the need for 3 new primary schools and a new secondary school. Section 18.1 considers this in more detail.
- 10.1.12 Policy SS1 states that the development should include a suitably located energy centre to provide locally generated electricity to the new development. This does not form part of the application proposal. An energy report has been submitted to support the application and covers the first phase (full application) of the development rather than the wider site area of the whole application. It is stated that further energy assessments will be submitted at reserved matters stage for the remainder of the development. This approach compartmentalises the site and does not consider whether there is opportunity for a site wide approach to energy generation via a range of technologies. There is no comprehensive assessment of suitability for a district heating network. Instead, combined heat and power use for the full application area of the site only is considered and discounted due to insufficient scale and inconsistent load requirements for residential development. The report acknowledges that combined heat and power could be suitable for some of the commercial elements, but that these are all in the outline part of the site, thereby to be addressed at a later stage. The energy report states that a previous update on the project removes the need for district heating. This is not correct. The update on policy SS1 considered at the meeting of former TDBC Scrutiny Committee on 15 January 2019, whilst acknowledging that the experience of other Local Authorities suggests that the provision of energy centres or so called district heating may not deliver the carbon reductions anticipated when the Core Strategy was adopted; states that it will be for

developers to demonstrate that such provision within the Policy area is not viable and, to ensure carbon emissions can be reduced in line with National Guidance as an alternative.

The energy statement discounts the use of a biomass boiler due to the need to have a district heating network, it does not say why this is not possible. District heating networks have successfully been used on similar developments (e.g. at Cranbrook in Devon) and given the climate emergency this should be considered in this instance. A holistic review of options and opportunities is lacking and the proposal fails to fully assess and address this requirement of policy SS1 across the application area. Further assessment of the proposal in terms of sustainability and climate change is included in section 16 of this report.

10.1.13 Policy SS1 contains criterion requiring a range of highway matters be addressed across the whole allocation area of which this application forms a significant part. These include:

- i) The provision of a park and ride site south of the A38 west of Walford Cross;
- ii) The implementation of a A3259 corridor strategy
- iii) A new western development spine to connect the A38 and the A3259 t south-west of Monkton Heathfield;
- iv) Improvements to the A38 to transform it into an urban street;
- v) A new eastern development spine to the south and parallel to the A38;
- vi) Infrastructure for bus rapid transit

10.1.14 As submitted, the application proposes land for a 600 parking space bus and ride site at Walford Cross, but the laying out and delivery of the facility itself does not form part of the application with no assurance that the site can be delivered or accessed. Accordingly, the application does not meet the requirements of this policy criterion. The location for this facility also requires further consideration in order to maximise its use and effectiveness. At present residents from the SS1 allocation are required to travel in the opposite direction to their destination to access the facility, reducing its attractiveness. The site proposed is also behind existing employment development at Walford Cross with no presence on or close association with the A38. The policy refers to the site as being to the west of Walford Cross and the policy key diagram shows this, indicating an area more closely related to the residential development.

10.1.15 The western development spine connecting the A38 and the A3259 to the south-west Monkton Heathfield referred to in the policy criterion has been delivered in connection with earlier development phases and is not a matter for this application. No off-site highway works are proposed through this application save those required in connection with access to the site. The extent to which the application assesses and addresses its off-site highway and transport impacts upon both the strategic and local highway network is considered in the highway section below (section 11).

10.1.16 The policy requires a new eastern development spine road to the south and parallel to the A38. This is proposed to be delivered at a late phase of the development (but it is not clear precisely when). The eastern relief road is

proposed to form a new eastern edge to most of the development in the application, thereby separating it from the 'green necklace' green infrastructure area. The need and appropriateness of providing a new eastern spine road in addition to the existing A38 (dual carriageway as it abuts the north of the main area of the application site) is questioned due to reinforcement of a car based and car dominated approach to the development rather than the prioritisation of active travel and public transport. The scheme has been planned around the eastern spine road, its presence and location predating decisions on the wider layout, inhibiting a low carbon approach, connectivity and permeability. The need for this new road is questioned within the Transport Assessment, but without resolution from a technical assessment perspective and this questioning is not reflective in the rest of the submission. Further assessment is required to determine the need for the relief road, and other highway interventions that may be required in its absence. Quality placemaking considerations strongly suggest that this eastern spine road should be revisited.

- 10.1.17 The application references bus service provision through the scheme, but does not sufficiently consider service provision, connections or prioritisation. No bus strategy has been promoted as part of the submission and it is therefore unclear how the site can be adequately served by public transport. This is considered further in section 12 below.
- 10.1.18 Policy SS1 also states that the development should deliver Strategic sustainable urban drainage system (SuDS) infrastructure. The Lead Local Flood Authority sums up the proposed approach as 'pipe to pond' and recommends a sustainable drainage assessment due to a variety of SuDS types and techniques not being included. Further information is also recommended for drainage proposals relating to the full application area. Although some additional information has been provided, the applicant has therefore not currently demonstrated the adequacy of the proposed approach to water management to the satisfaction of the Lead Local Flood Authority and therefore compliance with these policy requirements.
- 10.1.19 A key tenet of Policy SS1 is the requirement for a multi-purpose green necklace of landscape and open space surrounding the settlement providing allotments, outdoor recreation and wildlife habitat. The policy also requires the green necklace to fulfil i) woodland planting requirements in connection with lesser horseshoe bat activity from Hestercombe House Special Areas of Conservation (SAC) together; ii) the provision of functional off-site offset woodland habitat to compensate for habitat loss prior to the commencement of any development north of the A3259 and iii) a landscaping belt between the motorway and the development areas. The Design and Access Statement identifies the provision of 43.6ha of green infrastructure of which 30.87ha is to be public open space. 20.76ha of this is to be provided as part of the green necklace which is described as informal recreation, linear country park/semi-natural parkland. Indicative proposals for the green necklace are referred to as informal kickabout, woodland, wildflower meadows, allotments, sustainable urban drainage attenuation ponds, public footpaths for recreation, habitat creation and community orchards.
- 10.1.20 Although shown within the indicative layout plan, there is a general lack of information over what is to be provided, where and how much within the 'green

necklace' green infrastructure area. The application refers to this area as subject to further discussion and no land budget for the green infrastructure has been provided. This uncertainty is further added to due to the absence of an agreed phosphate budget and phosphate mitigation. The applicants are known to be considering the potential for on-site phosphate mitigation within the green necklace area thereby raising further questions over how the area will be utilised and what types of green infrastructure will be provided. The green necklace and its facilities/green infrastructure types is considered vital to quality, healthy, biodiverse and sustainable place making.

10.1.21 In advance of national mandatory requirements coming into force, existing development plan policies including SS1 do not explicitly require biodiversity net gain. However, the Council will seek to negotiate to secure a 10% net gain in biodiversity from development proposals where possible through a combination of existing policies, the NPPF, the declaration of an Ecological Emergency and clear intent from the Environment Act including the incoming upgraded Natural Environment and Rural Communities Act duty for local authorities to conserve and enhance biodiversity. The National Planning Policy Framework refers to providing net gains for biodiversity through planning decisions (paragraphs 174 and 180). The application does not currently follow this approach.

10.1.22 The submitted phasing parameter plan indicates the delivery of the 20.76 hectare green necklace public open space in three tranches. The first section of green necklace is proposed with phase 3 housing with the second and third phases of the green infrastructure aligned with the delivery of the final two phases of residential development. Accordingly, a significant portion of the residential development (phases 1 and 2 and potentially much of phase 3) would be delivered in advance of any meaningful part of the green necklace. This is considered to the detriment of both the health, wellbeing and amenity of the residents and creation of a high quality, sustainable place.

10.1.23 Formal sport provision in the form of sports pitches is not indicated within the green necklace area. Instead, there is reference to 6.3ha of dual use sports pitches on the school site. There is no indication of the detail of this provision at this stage of the application and this would be the subject of further discussion. However, it is clear that the principle of dual use of the formal sports provision is sought given the lack of accommodation within other areas of public open space. An objection has been received from Sport England based on the lack of separate, adequate sports provision with reference to the lack of a community sports hub (or financial provision to deliver one) to meet the needs of the future population and that dual use playing fields are not supported. The need to achieve active design principles is also highlighted in the consultation response.

10.1.24 Two senior football pitches with changing facilities and parking were secured via the S106 agreement as part of the earlier outline permission for the first phase on land to the south of the western relief road (new A38) under application 48/05/0072. However, although the trigger for the provision was prior to the occupation of the 500<sup>th</sup> dwelling, the pitches are yet to be delivered. It is considered important that the current application comprehensively plan for sports pitch provision. Dual use of facilities between a school and the community is generally seen as sub-optimal, due to the limitations it places on

the availability of the pitches to different users and pressure of use on the facilities and may also raise issues of security and safeguarding for a school site. There is therefore a clear preference in pitch planning for separate provision and this should be sought in this instance in order to meet the needs of the future population. Local and national pitch standards together with an understanding of local provision and deficits will inform the number and type of pitches required. There are therefore concerns raised over the current approach of the application to the provision of sports pitches, coupled with a lack of clarity over what is to be provided. This is also considered in section 18.4.

10.1.25 Finally, in terms of SS1, the policy sets specific requirements for the form and layout for the Monkton Heathfield allocation in terms of design and placemaking with specific reference to variety of character areas reflective of existing landscape character and natural features to create a distinctive and memorable place; an accessible district centre with a mix of facilities and uses; a connected street network which accommodates pedestrians, cyclists and vehicles and promotes a viable public transport system; well-designed public open spaces enclosed and overlooked by new development; a positive relationship between new housing and existing communities; a well-defined green edge to the urban area protecting views from Hestercombe House and the Quantock Hills. Design and placemaking matters are addressed in section 14 of this report.

10.1.26 Whilst the proposal would result in the delivery of significant numbers of housing, employment and community uses within an allocated site identified as a focus for development, the application has not demonstrated that it meets the requirements of policy SS1. These are highlighted above and further through this report.

## **10.2 Other Core Strategy Policies**

10.2.1 Core policies CP1 – CP8 set out strategic policies reflective of the plan's strategic objectives. They set out the strategic approach to mitigating and adapting to climate change (CP1); the allocation approach to meet economic forecast need (CP2); that the district centre at Monkton Heathfield is to provide a complementary secondary focus for main town centre uses, functioning as an important service centre to meet localised catchment needs (CP3); strategic housing policy to maintain the supply of housing over the plan period (CP4); the promotion of socially inclusive, cohesive communities with accessibility to opportunities, facilities and services and inclusive housing. CP6 emphasises reducing the need travel, improved accessibility, mitigation and adaptation to climate change. It emphasises accessibility by public transport, cycling and walking to key destinations, using smarter choices measures to achieve modal shift and manage parking to encourage sustainable travel modes. Ensuring infrastructure is in place at the right time to meet need and support growth is recognised in policy CP7. CP8 sets out a strategic policy for the environment and addresses key issues. Together these policies articulate the high-level approach to core plan objectives. Assessment of the application against these policies is included in the context of the material considerations that follow within this report.

10.2.2 Policy DM1 sets out general development management requirements through



wide ranging criteria that all proposals are expected to meet and is used alongside other more detailed policies. Accordingly, it is referred to across several of the material consideration below. Policy DM4 (Design) encourages a sense of place by addressing design at a range of spatial scales via the use of planning documents appropriate to each scale (see section 14). No masterplan or design code has been adopted for the Monkton Heathfield site. Policy DM5 is also relevant to the determination of this application and deals with the use of resource and sustainable design, requiring *'all development, including extensions and conversions, to incorporate sustainable design features to reduce their impact on the environment, mitigate and adapt to climate change, and particularly help deliver reduction in CO2 and other greenhouse gas emissions'*. This is considered in section 16.

### **10.3 Taunton Deane Site Allocations and Development Management Plan (SADMP) Policies**

10.3.1 Policy TC3 sets out expectations for local shopping including within the allocation district centre, including generating footfall and being of general public interest or service with active ground floor frontages. Accordingly, the more strategic role of the proposed district centre is recognised. There are concerns over the application's approach to the district centre which are addressed within section 18.3.

10.3.2 Community policies address recreational open space and community facilities. Policy C2 requires recreational open space arising from new development meets relevant standards and subject to viability demonstrate how they are responding to them. In this instance the formal recreation proposals incorporate 6.3ha of sports pitches to be located at the school site for dual use. This is considered further in sections 10.1.23, 10.1.24 and 18.4. Policy C5 relates to community facilities and seeks to ensure increased demand for community halls is met in line with standards. Material supporting the application identifies the need to provide additional facilities to serve as a community hall/hub within the development to meet need, recommending a 1,000 sq m facility within the district centre. The application indicates an intent to provide up to 2,000sq m including a 1,000 sq m community hall and 500 sq m health centre, Creche/nursery facilities are also referred to.

10.3.3 Policy A1 sets out car and cycle parking requirements which are normally in accordance with Appendix E standards. However, the policy also recognises that in order to promote sustainable travel and make efficient use of land, car parking need will also be considered against the impact on urban design, accessibility of the development, proximity to employment and services and, the type and mix of proposed dwellings. There is therefore the opportunity to comprehensively assess parking in the wider context of planning for movement and sustainable transport, thereby reducing the current car-led approach and designing the scheme to achieve modal shift to move active and sustainable travel. A reassessment of car parking would need to be accompanied by a comprehensive approach to public transport provision and walking/cycle route planning. A comprehensive approach to travel planning is the subject of Policy A2. Both are considered with the highway and transport at section 11.

- 10.3.4 Policies A3 and A5 set out the need to plan for cyclists and accessibility via walking or public transport to employment, convenience and comparison shopping, primary and secondary education, primary and secondary health care, leisure and essential facilities specifying maximum travel time by public transport and acceptable walking distances. Assessment within sections 11, 12 and 14 indicate a lack of comprehensive consideration of accessibility and connectivity both within and without the development, in terms of the relationship with earlier phase and to wider facilities and services in the area. There are no offsite pedestrian and cycle improvements promoted as part of the development proposals.
- 10.3.5 Policy I4 requires adequate water infrastructure with surface water disposal via SUDS (sustainable drainage systems). The Lead Local Flood Authority has commented and at section 17 it is noted to have requested further information on the proposed drainage within the detailed area of the application.
- 10.3.6 SADMAP contains a range of relevant environment related policies. Policy ENV1 seeks to conserve and enhance biodiversity through the protection of existing site trees and hedgerows. Such features need to be recognised and safeguarded as part of the layout and design process and make a valuable contribution to the sense of place, legibility and quality of the resultant scheme in addition to biodiversity benefits. Policy ENV2 also seeks tree planting in communal areas, along streets, between buildings and on highway verges. Whilst some of this requirement would be expected to be addressed via a detailed landscaping scheme that could be conditioned, there are also layout implications meaning compliance with this policy needs to be addressed in the layout and design at the application stage. Although tree planting is proposed within the development, it is primarily within open space areas rather than genuinely and comprehensively incorporated within the design of the scheme.
- 10.3.7 Policy ENV4 relates to archaeology. The application does not to date demonstrate compliance with this policy, as based on the work undertaken to date, the extent of archaeological impact arising from the development remains uncertain in the absence of the recommended trial trenching. This is assessed further in section 20.
- 10.3.8 Policy D7 requires a high standard of design quality and sense of place and is referred to in more detail in section 14. The consultation response of the Placemaking Officer is relevant and raises serious concerns over the quality of the design response set out within this application. Policy D9 is also relevant to design considerations in respect of highway planning. Many of the design concerns raised relate to highway planning matters: legibility, accessibility, permeability, walking and cycling provision. This too is addressed within subsequent report sections where deficiencies in the approach of the application are identified.
- 10.3.9 Policies D10 and D12 set out requirements for dwelling size and amenity space that the application will need to meet and in the context of this application is of greatest relevance to the detailed planning of the first phase which has been submitted in full. The housing and residential amenity section 15 relates.

## **10.4 Neighbourhood plans**

## Creech St Michael Neighbourhood Plan 2019

- 10.4.1 The majority of the application site (outline area) is located within the area covered by the Creech St Michael Neighbourhood Plan which was made in 2019. Section 4 of the Plan deals with the Monkton Heathfield urban extension and at 4.1.5 and 4.1.6 confirms that due to the requirement that the neighbourhood plan be in conformity with Somerset West and Taunton Council's Development Plan (including allocation policy SS1), the neighbourhood plan does not propose any specific policies for the Monkton Heathfield site.
- 10.4.2 Section 4 of the Plan makes reference to garden town principles and that Parish residents existing and future will have high expectations of the new development with reference to criterion within Core Strategy policy SS1 and the following statement 'Creech St Michael Parish calls on all interested parties to work collaboratively to deliver a high quality development for Monkton Heathfield that reflects the Garden Town Principles'.
- 10.4.3 Nevertheless, the plan contains a series of relevant general policies dealing with the walking and cycling network; effects of the highway network and highway safety; delivery of housing that will help meet the local need; a high standard of design quality that complements and enhance the local character and rural context of the area; demonstrate how the new community will be positively integrated with the existing community in the Parish.

## West Monkton and Cheddon Fitzpaine Neighbourhood plan 2017

- 10.4.4 The neighbourhood plan was made in 2017 and relates to the part of the site north of Monkton Heathfield Road between Blundell's Lane and Doster's Lane and the further parcel on the western corner with the A38. These parts of the site form the full application elements (phase 1) of the proposal. The plan sets out a vision to successfully accommodate the significant growth planning and to ensure high quality design with the creation of sustainable places with excellent community facilities for local people to enjoy. The plan further articulates housing, transport, employment, recreation and environment objectives. Relevant to this application are a range of policies relating to older persons accommodation; materials; refuse bin storage; local housing need; footpath and cycle network and connections; employment starter units and social care employment; the protection of dark skies; green spaces and wildlife areas with specific reference to mitigating the impact upon bat foraging areas north of Monkton Heathfield Road; flood attenuation; recreation and community facilities and improving bus services and bus infrastructure. Many of these policy objectives are picked up within other parts of the development plan and are considered in the relevant section of this report.
- 10.4.5 The neighbourhood Plan for West Monkton and Cheddon Fitzpaine is in the process of being updated, with a revised plan having recently been at examination. It is due to be considered at referendum on 22 September 2022. Due to its advanced stage, this revised plan is considered to be a material planning consideration. Whilst most changes are considered minor, there are several material modifications to the plan that are yet to be examined: A new policy H5 Building and Climate and Change has been added requiring building styles and materials that address the climate change emergency to be included

in all new builds and highly energy efficient building development proposals should demonstrate a net emission rate of zero or below when performance monitored or are certified by a quality regime. Measures to reduce carbon emissions are supported (with reference to Part L of the Building Regulations). Policy T5 is amended to include a timing requirement for the provision of walking and cycling routes on major development such that they are delivered before or soonest after first occupancy.

### **Relevant local guidance**

#### **10.3 Supplementary Planning Documents**

10.3.1 The Council adopted a Public Realm Design Guide for the Garden Town and a District Wide Design Guide as SPDs in December 2021. Both are relevant to the application and are material planning considerations. The assessment of the application against these documents is included in section 14.

#### **10.4 Other local guidance**

10.4.1 Following the declaration of a climate and ecological emergencies, Somerset Climate Emergency Strategy and the Somerset West and Taunton Carbon Neutrality and Climate Resilience (CNCR) Action Plan were produced. In addition Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (February 2021) is relevant and provides specific interim guidance on how the climate emergency is to be addressed through the planning system and the relevance of existing policies. It was updated in March 2022. Climate Positive Planning sets out that the Sustainability Checklist and Energy Statement will be the means by which the Council considers how policy requirements (the majority of which remain valid) are met by proposals. It is further accompanied by the Somerset Climate Emergency Strategy, the Somerset West and Taunton Carbon Neutrality and Climate Resilience (CNCR) Action Plan and the Net Zero Carbon Toolkit. An assessment of the approach of the application on these matters is contained within sections 10.1.12 and 16.

#### **10.5 Relevant national guidance**

10.5.1 A range of national design and placemaking guidance is considered relevant to the consideration of this application. These include (but are not limited to) the National Design Guide and National Model Design Code; Manual for Streets 1 and 2. In addition, technical guidance such as LTN1/20 sets out the standards expected of cycle infrastructure. These contribute to setting out the design process, standards required and all need to inform the development.

#### **10.6 Taunton Garden Town**

10.6.1 The Monkton Heathfield allocation under policy SS1 and this application site forms part of the Taunton Urban Area designated as a Garden Town by the Government in 2017. The Government's Garden Communities Prospectus refers to the setting of clear expectation for the quality of development, how this can be maintained ('such as by following Garden City Principles'), to see vibrant, mixed-use, communities where people can live work, and play for generations to come. It sets an expectation of exemplar large new development

with high quality placemaking, embedding a series of key qualities: clear identity, sustainable scale, well-designed places, great homes, strong local vision and engagement, transport, healthy places, green space, legacy and stewardship arrangements and future proofed.

- 10.6.2 Somerset West and Taunton Council adopted a Vision for Taunton as a Garden Town in 2019 and has gone on to develop a Taunton Design Charter, Design Checklist, Taunton Garden Town public realm design guide SPD and Districtwide Design guide SPD. All these together with the garden town designation are considered material planning considerations, collectively setting out the vision, approach and high standards expected of development.

### **Detailed considerations and assessment**

## **11. Strategic and Local Highway Network**

- 11.1 It is proposed to access the site directly from the existing A38. This road was historically the main route between Exeter and Bristol but now forms a secondary, but still important link between Taunton and Bridgwater via North Petherton. The A38 extends from the Creech Castle junction into Bathpool and has in the past 10 years been diverted around the new development at Monkton Heathfield- here it is a single carriageway road linked by several large roundabouts, which form estate roads into the Monkton Heathfield Phase 1 (MH1) development. It is also linked to Creech St Michael via Langaller Lane to the north-east of the bypassed road. The A38 converges with Monkton Heathfield Road, the latter previously being the A3259 which connected to the northern part of Taunton and to Minehead. At this point the A38 becomes a short section of dual carriageway to the area known as Walford Cross, which is the junction with the A361 Taunton to Wells and Shepton Mallet road.
- 11.2 Part of the strategic highway network and a critical national highway asset is the M5 motorway which forms the eastern boundary to the site. The closest access to the M5 is at Junction 25 to the south, achieved via the Creech Castle junction and the A358 Toneway via the Hankridge Retail Park. National Highways is the statutory body with responsibilities for the strategic road network and has commented in some detail on this application. The review of the transport assessment (TA) submitted with the application by National Highways concludes that there are a number of key omissions that need to be addressed before the impact on M5 Junction 25 can be fully understood and accepted. The specific transport matters that need to be addressed are identified in some detail within the response and relate to traffic modelling methodology, assumptions and sensitivity testing in respect of predicting travel through M5 junction 25. National Highways recommends that the application not be granted and has issued and updated a holding direction to that effect (the most recent issue of this being July 2022). This is intended to provide time for the applicant to provide necessary details relating to the proposed development to enable Highways England to fully understand the impact of the development on the safe and efficient operation of the M5 motorway and its assets, and thereby provide the Local Planning Authority with fully informed advice. First raised in January 2022, to date the outstanding highway issues have not been addressed and in the face of the National Highways holding objection, the application cannot currently be granted. In relation to Junction 25 of the M5, and lack of information, the proposal is considered contrary to

policies CP6 and DM1b (Taunton Deane Core Strategy) and the National Planning Policy Framework.

- 11.3 Several references to the local highway network are made in Policy SS1. This includes the implementation of the A3259 corridor strategy, improvements to the A38 to transform it into an urban street, a new eastern development spine to the south and parallel to the A38, a connected street network which accommodates pedestrians, cyclists and vehicles and promotes a viable public transport system. The concept plan to this policy in the core strategy does indicate a new relief road to the east, although it retains the existing A38 as a 'primary route'.
- 11.4 Policy A1 sets out car and cycle parking requirements which are normally in accordance with Appendix E standards. However, the policy also recognises that in order to promote sustainable travel and make efficient use of land, car parking need will also be considered against the impact on urban design, accessibility of the development, proximity to employment and services and, the type and mix of proposed dwellings. There is therefore the opportunity to comprehensively assess parking in the wider context of planning for movement and sustainable transport, thereby reducing the current car-led approach and designing the scheme to prioritise sustainable transport and achieve model shift to more active and sustainable travel including public transport. A reassessment of car parking would need to be accompanied by a comprehensive, priority approach to public transport provision and walking/cycle route planning. A comprehensive approach to travel planning is the subject of policy A2.
- 11.5 A transport assessment (TA) has been submitted with the application. It is stated that the intention is to consider the transport and access issues in order to comply with Policy SS1 of the Core Strategy, NPPF paragraph 111, and the results of pre-application engagement with key stakeholders and residents. This included the need to provide a bespoke assessment of the traffic impact of the proposals. This includes the need to consider the impact on the wider transport network, such as the A358 Toneway and M5 Junction 25, and to consider the impact of new roads such as the MH1 relief road and the recently constructed link at Aginhills between the A38 and the A3259.
- 11.6 As set out in the consultation response, the Highway Authority has significant concerns relating to the traffic model approach, and the reliance on a manual assignment model. The Highway Authority requires that scenarios developed within the existing Toneway Traffic Model are used to assess the potential impacts of the application scheme. Given the assessment approach, multiple scenarios may be required. Furthermore, the submission states a reliance on a "decide and provide" approach to the transport assessment. The Highway Authority does not consider the assessment to be in accordance with the published guidance and a range of possible outcomes have not been evaluated. It is therefore not possible to determine the range of transport interventions that may be required, nor their triggers. It is therefore not known whether further transport interventions are required on the A3259 corridor, A38 or other parts of the local highway network (policy SS1 relates).
- 11.7 The approach within the TA has been described as 'decide and provide' by the Highway Authority. They are critical of this approach as it lacks a number of

scenarios which might be expected to be included in such analysis. The Highway Authority states that the scenarios should include a range of trip generation assumptions, and by using a dynamic traffic model, this may also influence the distribution of traffic across the highway network. In addition, the proposal lacks a monitoring and evaluation plan which would identify how the development impacts match the assessment scenarios presented within the planning application. The possible impact of the Park and Ride facility has also not been modelled within the calculations.

- 11.8 The TA acknowledges that the highway proposals which have already been delivered as part of the MH1 allocation is based on an outdated approach to road investment. The further diversion of the A38 (the Eastern Relief Road) is questioned within this document, stating that 'it should not be the intention to construct this to afford unnecessary additional road capacity that will inevitable attract traffic to the area rather than manage it'. An alternative strategy which retains the existing A38 is put forward.
- 11.9 Despite these concerns stated in the TA, the submitted proposal is to provide a new 'Eastern Relief Road' connecting and enlarging the existing roundabout which goes to Creech St Michael with a new roundabout which would emerge to the southwest of Walford Cross. It is proposed then to downgrade the existing A38 between these points, and to install a bus gate to prevent through traffic on this road. The enlarged roundabout would also provide access into the site. However, without the presentation of a viable public transport strategy the proposal is contrary to policies D9 and SS1, as it does not explain the purpose of the bus gate or indicate the movement of traffic displaced by it.
- 11.10 The proposed Boulevard crosses the development from east to west and splits the development into two areas. The section at the design statement document shows a 7.3m wide carriageway which is very wide. To prioritize pedestrians and cyclists, the width should be narrowed to a minimum and add measures to calm the traffic.
- 11.11 The Highway Authority response also considers the two parcels for which full planning approval is sought and comments that the northern land parcel is dominated by an internal access road which is routed along the southern boundary of the site. The Highway Authority raises significant concerns relating to the junction spacing, with the main junction with Monkton Heathfield Road being immediately adjacent. The alignment also raises significant concerns regarding headlight overspill into adjacent highway carriageways. In summary, their view is that the positioning of the access junction to the site, and the subsequent impact on the internal highway arrangements raises highway safety concerns. In general, the proposed layouts appear to be highway dominated and there would appear to be significant opportunities to reduce the areas of formal adopted highway. This should include better use of private drives and shared space, and turning spaces can be designed to ensure that they do not dominate the urban form and surrounding landscape areas.
- 11.12 The Highway Authority also considers that the approach to parking on these full application areas does not work, with a lack of clarity over whether unallocated spaces are associated with dwellings or provided as visitor only spaces and there are significant parts of the site where no spaces are shown which requires correction. The internal dimensions of all garages should be at least 6m x 3m,

and the applicant should clarify that this is the case for all garages to be provided. It is unclear from the submission how electric vehicle charging will be accommodated at each of the residential dwellings, and this needs to be clarified by the applicant. There are a number of spaces which are remote from the curtilage of the dwellings, and the charging provision at these locations needs particular attention. The submitted Persimmon Homes parking layout shows a rear parking area for Units 30 to 37, with several of these being affordable dwellings. The proposed parking layout is unworkable (the spaces could not be accessed) and this part of the site would need to be comprehensively reviewed. The proposed layout includes highway links that are shown to connect through the second phase of the future development. There is a concern that depending on how the adjacent land parcels are developed, and phased, the highway routes could become important access roads to the school and the proposed district centre. Whilst the submitted Access and Movement plan shows a hierarchy of green streets and shared spaces, the characteristics of the route are not clear, and the shared spaces need to be clearly defined.

- 11.13 Policy CSM2 of the Creech St Michael NP requires all proposals include measures to ensure any effects of the highway network are acceptable and will not adversely affect highway safety and demonstrate compliance with the Parish Traffic Management Plan.
- 11.14 In respect of highway and transport matters, the application has been identified as providing insufficient information to fully understand the impact of the development on the strategic highway network; specifically, the safe and efficient operation of the M5 motorway and its assets; the transport assessment is not considered in accordance with published guidance and a range of possible outcomes have not been evaluated. It is therefore not possible to determine the impact of the development upon the local highway network, the range of transport interventions that may be required in order to address those transport impacts, their triggers for provision in relation to the phases of development and their delivery has not been secured. Conflict has been identified with policies CP6 and DM1b of the Taunton Deane Core Strategy and provisions within the National Planning Policy Framework section 9.

## **12 Sustainable Transport – Bus and Active Travel**

- 12.1 In addition to the Transport Assessment, a Travel Plan has been submitted with the application. This is due to a requirement within the Local Plan Policy A2 which states that all development proposals which require a significant amount of movement require one. Action points identified within the travel plan include the appointment of a travel plan co-ordinator for residential development; provision of cycle parking; promotion of the health benefits of walking and cycling; incorporating pedestrian links through the site; providing bus timetable information; construction of a toucan crossing, and segregating pedestrians and cycle provision.
- 12.2 Taunton presents a major opportunity for tackling transport related emissions through a range of means, including prioritising public transport and active travel. Developments on the perimeter of the town such as Monkton Heathfield also present opportunities for better integrating external communities with active travel links. Active travel forms a key part of the Somerset West and



Taunton Council's Carbon Neutrality and Climate Resilience Action Plan, with a series of actions dedicated to it. In addition to this, enabling active travel provides numerous co-benefits of action including in relation to health and wellbeing through increased activity levels and reduced air pollution and the creation of more integrated and viable communities, not segregated by barriers to active movement or the necessity to travel by car. Targeting carbon neutrality and active travel are key aspects of the Garden Town Vision.

- 12.3 Amongst other things, Climate Positive Planning includes commentary and guidance in relation to the relevance of existing planning policies including Policy SS1 of the Core Strategy (which allocates this site for development) and policies A3, A5 and D9 of the SADMP in relation to active travel linkages. These policies, together with CP6, SP2 of the Core Strategy promote reducing the need to travel, improved accessibility by public transport, walking and cycling as part of a coordinated approach to transport planning.
- 12.4 The consultation response from the Highway Authority also references the publication of the Somerset Bus Service Improvement Plan in 2021. This details the service and infrastructure improvements that will be made across the county to improve bus patronage. There are a number of targets, including mode shift from the car to the bus for commuter trips. No bus strategy has been promoted as part of the planning submission, there is no detail of bus routing, the enhancement of services nor how the different phases of the site can be appropriately served by public transport as the development is delivered over time. The application is not considered to comprehensively plan for public transport. In addition to the policies referred to above, policy CA1 of the West Monkton Neighbourhood Plan supports measures to improve bus services and bus infrastructure.
- 12.5 Policy A3 of the SADMP requires that new development should not conflict with, and where relevant should provide for: five criteria around provision of a cycling network. Policy A5 states that provision should be made for cycling "between residential development and non-residential facilities, or between a non-residential development and its catchment area, where these lie within 5km of the development".
- 12.6 Policy T1 seeks the development of a comprehensive and high-quality cycle and footpath network proving safe and convenient connections both within the neighbourhood planning area and to wider adjoining networks, particularly the urban extension and associated green space areas, existing and proposed schools and local centres. Concerns have already been identified under other policies over the approach and missed opportunities within the application over walking and cycling connections.
- 12.7 Policy CSM1 of the Creech St Michael NP requires that major developments enhance the safety, legibility and capability of the walking and cycling network and /or deliver a network of new dedicated walking and cycling connections; Policy CSM6 of this NP requires major residential development proposals to demonstrate how the new community will be positively integrated with the existing community in the Parish addressing high quality walking/cycling links and facilities, accessibly to existing residents and addressing the economic, environmental, social and cultural impact of the new community of the existing community.

- 12.8 Paragraph 104 of the NPPF promotes sustainable transport through walking, cycling and public transport together with wider transport aspects of high quality places with reference to patterns of movement, streets, parking and other transport considerations being integral to the design of schemes and contributing to that quality. Applications are specifically required to 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 (paragraph 112).
- 12.9 There is no comprehensive audit of the pedestrian and cycle routes to and from the site, and these are not reviewed in the context of the latest design requirements. There are no offsite pedestrian and cycle improvements promoted as part of the development proposals and neither is it considered that sufficient connections and prioritisation is given to walking and cycling within the proposed scheme. Given the policy requirements, suggested approach to the transport assessment the Taunton Local Cycling and Walking Infrastructure Plan (LTN1/20) 2021, plus the recent publication of Local Transport Note 1/20 Cycle Infrastructure Design which provides guidance to local authorities on delivering high quality, cycle infrastructure (Department for Transport) and the concept of a connected network being fundamental to transport planning for all modes, this is not considered to be acceptable.
- 12.10 The Highway Authority has also raised concerns relating to the proposed layout of the phase 1, full scheme, in particular the lack of prioritisation of pedestrian and cycle connectivity. Pedestrian and cycle routes are designed around the highway layout, rather than the key desire lines with the purpose of shared routes unclear as is how they connect to adjacent communities and future development parcels. These concerns are compounded by the lack of connectivity at the end of the proposed cul-de-sacs and private drives. There are areas within the design where the need for pedestrian and cycle connectivity has been ignored and where proposed is not in accord with design guidance in LTN1/20. Additionally, there are very few connections to the route as it passes through the site and many users would have to make long detours on the road to reach the connection. This needs to be addressed. Finally, the Highway Authority comments that the alignment towards the proposed Toucan crossing, and also on the other side of the carriageway, does not support a busy and direct cycle route. There are also concerns relating to the future phasing of the development, and how the proposed access routes would serve adjacent development plots.
- 12.11 The RTP1 research paper “Net Zero Transport” co-authored by Vectos (transport consultants for the applicant), amongst other consultancies, highlights the key role played by planning in reducing the need to travel through 15-minute neighbourhoods and ensuring active travel infrastructure connections are delivered as a genuinely connected network. These aspirations are picked up through Climate Positive Planning and the Districtwide Design Guide SPD. Transport for New Homes recently published their “Building Car Dependency” report. Within the report, they identify Monkton Heathfield phase 1 as a “cowpat” development referring to the fact that it is “a new area of housing dropped on fields built separate from the existing urban area, to which it is not

connected by continuous streets”. Their previous report “Garden Villages and Garden Towns: Visions and Reality” made numerous references to the Garden Town Vision around walking and cycling not being reflected on the ground, and instead ring-road development being the approach.

- 12.12 The site vision within the submitted Travel Plan talks of maximising local living to reduce the need to travel, creating a place where travel undertaken is in line with a sustainable travel hierarchy, and ensuring the development is connected beyond the local area. It describes using a “vision and validate” approach over the traditional “predict and provide” approach in order to avoid assessment of traffic impacts dictating design. However, the resulting proposals appear to fall significantly short in this regard. Instead, the proposals centre around an out-dated external ring-road, and an illegible internal development design which fails to integrate with the existing communities or provide the necessary within site and off-site connection improvements to live up to this vision.
- 12.13 The Travel Plan identifies several key local facilities and their distance from the site and suggests which facilities would be accessible within a 20-minute walk or cycle. However, this assessment fails to consider whether the routes for accessing these facilities are coherent, direct, safe, comfortable or attractive – the core design principles of LTN1/20 which provide accessibility for all. In many cases, existing routes will not meet these core design principles at present. In addition to this, the assessment fails to consider several wider key connections associated with development of the site. The travel plan is not considered to sufficiently support the application scheme and is contrary to Policy A2 of the SADMP and the NPPF.
- 12.14 The section of proposals most worked up relates to the parcels submitted in outline. These parcels relate most closely to the existing developed areas of Monkton Heathfield Phase 1. However, the proposals appear to rely upon the provision of a single toucan crossing of the A38, linking into the existing basic segregated foot/cycleway running along the western edge of the road, and utilising the green lane link up to the A3259. This fails to tie the new development areas into the existing communities, ignores clear desire lines and neglects to consider what the appropriate infrastructure design needs to be. The Access and Movement Parameter Plan suggests that a second pedestrian/cycle crossing point may be delivered on the A38 Bridgwater Rd south of the temporary/secondary access point to the outline parcel. This would improve performance against the desire line for some trips, to an extent, though not entirely, and as proposed, the A38 would continue to be a major barrier to movement and community integration. Whilst the Indicative Masterplan hints at traffic calming measures along the A38, there is no detail on these.
- 12.15 The submitted documentation appears to make no reference to the adopted Taunton Local Cycling and Walking Infrastructure Plan (LCWIP). The LCWIP identifies several core walking and cycling routes to be delivered across the town, including the “blue” route which extends from the edge of the Comeytrove development in the south-west, through the town centre, and on the Monkton Heathfield via the UK Hydrographic Office and Creech Castle.
- 12.16 One of the main aims of the LCWIP is to provide a comfortable cycling connection between the existing town, key employment sites areas and the surrounding garden communities, including Monkton Heathfield. By providing a

comfortable and high-quality cycling network, sustainable travel modes are promoted and the need to travel by car is reduced.

- 12.17 The A38, which splits Monkton Heathfield phases one and two, might cause a significant barrier for journeys from Monkton Heathfield, particularly for young people. The new development needs to ensure that cycle routes are safe and connected to the cycle network to encourage shifting in travel behaviour. A shared cycleway is shown within the boulevard, which is not good practice; pedestrians and cyclists should be separated for safety.
- 12.18 There is a significant concern that pedestrian and cycle routes are designed around the highway layout, rather than key design lines helping to inform how the site should respond to people moving through the space. The purpose of the shared routes which skirt the edge of the development is not clear; they also need to be connected to the ends of cul-de-sacs and private drives in order to increase connectivity.
- 12.19 It is noted that the sustainability assessment and climate emergency checklist submitted with the application reference the prioritisation of sustainable transport, connectivity and the park and ride facility. However, the park and ride facility is not delivered through the development- only the land offered and the proposed layout, lack of connectivity and incorporation of aspects such as the spine road and levels of parking provision lead to a car led and car dominated development approach with the segregation of phases within the schemes, separation from the green necklace and the lack of wider connections beyond the site.
- 12.20 The proposed application therefore falls considerably short of meeting its vision, local and national policy or wider ambitions on transport and movement matters. The applicant must fundamentally re-consider the internal design of their development and how it links with existing areas. Utilising a “vision and validate” or “decide and provide” approach, the applicant needs to demonstrate how the proposals will deliver the significant improvements to active travel infrastructure off-site for residents to access key destinations and enable surrounding communities to access destination facilities within the site.
- 12.21 The application therefore fails to achieve several key policy criteria related to sustainable transport, its role in placemaking and the aims of delivering a mixed, sustainable community that priorities public transport, walking and cycling, including policies SS1, SP2, CP6, CP7 of the Core Strategy, A3, A5 and D9 of the SADMP and provisions of the neighbourhood plans (policies CSM1 and CSM6 of the Creech St Michael Neighbourhood Plan) and T1 and CA1 for the Monkton Heathfield and Cheddon Fitzpaine Neighbourhood Plan) and the National Planning Policy Framework sections 9 and 12.

## **13. Natural Environment and green infrastructure**

### **13.1 Biodiversity Net Gain**

- 13.1.1 Biodiversity net gain (BNG) delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. BNG has been introduced in recent Government legislation, notably the 2020 Environment Bill. Whilst the final legislation has not been passed which requires

developments to achieve a minimum 10 per cent BNG, it is likely that this will be implemented in 2023, and therefore before construction is likely to begin. Paragraph 174 of the National Planning Policy Framework seeks to minimise impacts on and provide net gains for biodiversity with a clear approach in paragraph 180 that permission should be refused if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated or compensated for.

13.1.2. Policy CP1 of the Local Plan states that measures should be incorporated which promote and enhance the resilience of ecosystems and biodiversity within and beyond the site. Policy R2 seeks new green space and wildlife areas from major development to meet local needs / minimise impacts upon biodiversity, providing net gain wherever possible. Policy ENV1 seeks to conserve and enhance biodiversity through the protection of existing site trees and hedgerows. Such features need to be recognised and safeguarded as part of the layout and design process and make a valuable contribution to the sense of place, legibility and quality of the resultant scheme in addition to biodiversity benefits.

13.1.4 Whilst the application talks about increases in biodiversity, it is unclear how or where these gains will take place, and no baseline assessment has been made in order to establish the level of improvement needed. Some biodiversity will be removed by the proposal, for example hedgerows will be punctuated and areas of farmland removed and replaced by tarmac and concrete, without a comprehensive plan which shows increases in biodiversity, and therefore the proposal fails to achieve the policy requirements stated in Taunton Deane Core Strategy policies CP1 and ENV1 in this regard.

## **13.2 Impact on landscape character and arboriculture**

13.2.1 Policy ENV1 seeks to conserve and enhance biodiversity through the protection of existing site trees and hedgerows. Such features need to be recognised and safeguarded as part of the layout and design process and make a valuable contribution to the sense of place, legibility and quality of the resultant scheme in addition to biodiversity benefits.

13.2.2 The site is part of local Character Area 1C of the Landscape Character Assessment and is described as Creech Farmed and Settled Low Vale. According to the document there is no significant woodland cover although there are small copses and larger groups of hedgerow trees in the area. The dominant trees of the area are ash, oak, poplar and willow. The following are the main points that need to be considered in relation to the existing landscape character:

- A tract of pylons runs across the western half of the area, dominating views
- With an elevation of 10m – 45m AOD, this is a medium scale landscape defined by a flat to gently undulating topography
- The M5 cuts through the area and, in conjunction with the A38, generates considerable traffic noise across much of the landscape.
- Views across to the prominent wooded landscapes of the Blackdown Hills AONB and to the Enclosed Combes of the Quantock Hills AONB. Views are also possible to the North Curry Ridge.

- 13.2.3 The proposal is to plant a significant amount of green infrastructure to the east of the eastern relief road, and further buffers of woodland planting and shrubs around the boundaries. Detailed proposals have not been submitted, but it is likely that views from the landscapes of the AONBs into the site will be limited. There is some concern that the topography of the site will mean that the employment area and park and ride sites, which are located east of the main area of green infrastructure, will be visible from the residential areas and outside of the site, although this is not a matter that can be determined at the outline stage.
- 13.2.4 A consultation response has also been received from the Council's Arboricultural Officer which addresses the outline and full parts of the application in turn. The most significant trees are protected by a Tree Preservation Order. The Arboricultural Officer comments that the indicative layout seems to take these into account with few losses. Although a section of woodland needs to be removed for the access road to the south, he considers this could be mitigated by inclusion of more woodland copse planting in the 'green necklace'. He considers the lower category tree removals are acceptable. He recommends that the route of the eastern relief road be amended to avoid a category A tree and that the layout be designed to reduce future problems due to proximity to trees, referencing the proximity of the sports pitches to two protected trees. A detailed Arboricultural Method Statement will be required to show how the retained trees and hedgerows will be protected, including details of any tree management works. This can be the subject of a condition. Concern is expressed in the consultation response over the extent of hedgerow removal due to their landscape, historic, cultural and wildlife value, many dating back to pre-Enclosures field systems. They have great value for wildlife and biodiversity, and if currently in poor condition they could be improved with better management and infill-planting where necessary. More efforts are requested to retain the majority of these hedgerows, within public space
- 13.2.5 In respect of the full application area of the site, the Officer considers that whilst unfortunate, the loss of a significant section of hedgerow can be compensated by new planting and so is acceptable, subject to ecological appraisal. The TPO trees along the hedgerow to the southeast have been given a reasonable amount of space, although there are slight incursions into their root protection areas. A detailed Arboricultural Method Statement will be required to explain how the retained trees and hedgerows will be protected during the construction process, and how these areas of conflict are resolved using 'no-dig cellular confinement' systems. The turning areas and through-road are shown close to the root protection areas. Any proposed level changes, excavation or embankments that realistically may affect these areas should be foreseen and shown clearly on plans. The scheme should aim to retain and protect as much of the current roadside hedgerow and trees as possible, as much of this is well-established planting. Although a number of new trees are shown scattered throughout the site plan, these will inevitably be small species due to their location in close proximity to houses, car parking or in small gardens, where trees are likely to require regular pruning. He would like to see some larger specimen trees incorporated within public spaces. These matters are capable of being addressed via condition and subject to these being added, the proposal is considered acceptable in relation to policy ENV1.

### **13.3 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site, and phosphate solution, and protected species including bats.**

13.3.1 As stated in the Habitats Regulations Assessment section, the application site is within the fluvial catchment of the Somerset Levels and Moors Ramsar Site. The Somerset Levels and Moors is also designated as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981 (as amended). Relevant to the phosphates issue, paragraph 182 of the NPPF makes it clear that the presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.

13.3.2 The proposed development will result in an additional phosphate output in that the wastewater from it will add to the phosphate levels within the Ramsar Site. The pathway is via the Taunton 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.

13.3.3 The ecology and biodiversity section of the Environmental Statement acknowledges that the delivery of phosphate neutrality is required. There is no agreed phosphates budget and the application has not indicated how it expects to achieve phosphate neutrality via a suitable solution. Without this information there is no certainty that the integrity of the international site will not be affected and planning permission for the application cannot be granted.

13.3.4 The designated site is in an unfavourable condition and at risk due to high levels of phosphorus. If a development is identified as likely to add additional phosphorus to the catchment, planning permission should not be granted until it has been demonstrated through an agreed phosphorus budget that the proposals can achieve phosphorus neutrality through the implementation of appropriate permanent offsetting measures. There is no certainty that the integrity of the international site will not be affected, and the Local Planning Authority is unable to conclude beyond all reasonable scientific doubt that the proposed development would not have an adverse effect on the integrity of the Ramsar site. It is therefore not possible for the Local Planning Authority to conclude a favourable Habitat Regulations Assessment and fulfil its statutory duty under Regulation 63 the Conservation of Habitats and Species Regulations 2017. As such the proposal is contrary to Policies CP8 (Environment), SS1 and DM1c (General requirements) of the Taunton Deane Core Strategy and paragraphs 180-182 of the National Planning Policy Framework.

13.3.5 In relation to protected species, the site lies within the consultation zone for the Hestercombe House SAC, which has special status regarding the presence of lesser horseshoe bats. The land north of the A381 lies within Band B of the Bat Consultation Zone for the Hestercombe House SAC, whereas the land south of the A381 lies within Band C. The ecology chapter of the Environmental Statement has recognised the need for the delivery of a minimum of equivalent of 5.24ha of optimal lesser horseshoe bat habitat, together with detailed lighting

specifications to maintain functional commuting and foraging habitats across the site. At time of writing this report, no advice has been received from the Somerset County Ecologist, nor does the consultation response from Natural England refer to the Hestercombe SAC, in the context of the application. The Council as competent authority therefore cannot formally conclude at this time on the significance of the effect, nor the effectiveness of the proposed mitigation. There is a likelihood that some of the compensatory habitat will overlap with land proposed for phosphate mitigation. Any implications of this are currently unknown.

13.3.6 Overall, insufficient information has been submitted to satisfy the Local Planning Authority that the ecology impacts from the development have been sufficiently considered and, as such, satisfactory mitigation measures have not been provided, in line with Taunton Deane Core Strategy 2011 -2028: Policies CP8, SS1 and DM1c.

## **14 Design and placemaking**

14.1 Policies DM4 of the Taunton Deane Core Strategy and D7 of the Taunton Deane SADMP are the core development plan policies for the area which aim to produce high quality design in the District. Policy DM4 encourages a sense of place by addressing design at a range of spatial scales via the use of planning documents appropriate to each scale. No masterplan or design code has been adopted for the Monkton Heathfield site. Whilst the Council engaged consultants to develop a framework plan, concept plan and design principles for phase 2 to which this application relates, SWT Executive on 15 September 2021 resolved to not proceed to adopt them as a material planning consideration in the determination of planning proposals. Accordingly, they are considered to carry no decision-making weight. At that meeting it was considered that adopting the draft Phase 2 Concept Plan and draft Design Principles document could hinder the development management planning application process and may prejudice the quality and outcomes the scheme may otherwise be held to deliver. Many of the newer pieces of policy/guidance such as the Garden Town documents, design charter and checklist, and declaration of a climate emergency had overtaken the then emerging masterplan in terms of design approach and setting out expectations of a higher standard. Policy DM 4 refers to the use of design policies in the SADMP of which D7 is relevant.

14.2 Policy D7 requires a high standard of design quality and sense of place by:

- *A. Creating places with locally inspired or otherwise distinctive characteristics and materials;*
- *B. Reflecting the site and its context, including existing topography, landscape features and the historic environment;*
- *C. Integrating into their surroundings through the reinforcement of existing connections and the creation of new ones, and creating legible, connected street networks; and*
- *D. Ensuring that buildings define and enhance the streets and spaces, and that buildings turn street corners well.*

Supporting text with Policy D7 also encourages the use of design panels when assessing proposals.



14.3 Policy SS1 of the Taunton Deane Core Strategy provides particular principles that the design for the Monkton Heathfield urban extension should meet. Policy SS1 states:

*The development form and layout for Monkton Heathfield should provide;*

- *A variety of character areas which reflect the existing landscape character and the opportunities and constraints provided by natural features to create a place that is distinctive and memorable;*
- *An accessible district centre with a mix of uses and facilities;*
- *A connected street network which accommodates pedestrians, cyclists and vehicles and promotes a viable public transport system;*
- *Well designed public open spaces which are enclosed and overlooked by new development;*
- *A positive relationship between new housing and existing communities; and*
- *A well defined green edge to the urban area that protects views from Hestercombe House and the Quantock Hills.*

*The preparation and adoption of SPD will be required to further guide development, incorporating a masterplan and design codes to ensure a coordinated approach to the delivery of this site.*

14.4 The Council has an adopted Districtwide Design Guide SPD and a Taunton Garden Town Public Realm Design Guide SPD which are also material planning considerations for the consideration of this planning application. The Districtwide Design Guide SPD (December 2021) illustrates how the Council's aspirations for maintaining and improving the quality of design can be achieved. It highlights the key principle of integrating placemaking with sustainability and explains the recommended design process, learning from context and distinctiveness, site structuring, designing house types which make streets and places, streets places and parking and designing towards zero carbon design and construction. The aims of the Design Guide complement the aims of the National Design Guide within the local context. In achieving quality design, the Design Guide particularly highlights the importance of new developments improving the quality of life through achieving the following outcomes:

- Contributing to a sense of place – appropriate quantum, scale, form, layout, landscape; responds to a site and context cues sensitively and beautifully; achieves active frontages.
- Neighbourly – fosters conviviality; respects privacy; boundaries; contexts and habitats.
- Zero/low carbon – maximum use of renewables; super insulated buildings; zero/low emissions.
- Healthy – low toxin materials; maximum natural daylight and ventilation; food growing; outdoor amenity space.
- Efficient use of the site – natural drainage; good layout; achieving biodiversity.
- Resilient – long life; low maintenance materials; robust details.
- Adaptable – to changes in age and abilities; lifestyles; home working.
- Spacious – appropriate internal storage space, including bikes, recycling

and activities.

- Safe and secure – well defined ‘fronts and backs’; natural surveillance.
- Well connected – easy walkable links to local facilities, play and public spaces; mixed uses and public transport; digitally connected.

14.5 The Taunton Garden Town Public Realm Design Guide SPD (December 2021) illustrates how the Council wishes to raise the standard of the public realm and streetworks consistently across Taunton Garden Town. The objective is to create ‘Healthy & Well, Quiet & Slow and Green & Clean’ streets, particularly having a people first approach and encouraging active travel. The design guide sets area standards across the town for paving, signage, street furniture, street planting, lighting and explains its application to different places such as gateways and neighbourhood centres.

14.6 Since being designated as a Garden Town in 2017, the Council has also approved The Vision for Taunton Garden Town (July 2019). The Vision Statement states *‘Taunton, the County Town of Somerset, will be flourishing, distinctive, and healthy – and the country’s benchmark Garden Town. We will be proud to live and work in a place where the outstanding natural environment, diverse and thriving economy and inspiring cultural offer, contribute to an exceptional quality of life and well-being’*.

The Vision has four main themes:

1. Growing our town Greener - quality of our environment: Give our town a green makeover, joining up our green spaces, waterways, parks and play spaces, planting more street trees and woodlands and managing our water more imaginatively with wetlands and rain gardens to improve it for recreation, tourism and wildlife.
2. Branching Out – quality of our movement: We will integrate our transport network so that it serves Taunton with much improved bus and appropriate vehicle links to our main destinations and make much better prioritised provision for walkers and cyclists encouraging healthier and more sustainable journey choices as attractive alternatives to travelling by car.
3. Growing Quality Places – quality of our places and neighbourhoods: We will deliver an outstanding built environment focused on places and spaces with high quality neighbourhoods, green streets and public spaces and with homes and buildings that are distinctly local in appearance. Our houses, offices, employment areas, public services and road infrastructure will embrace innovation, will be energy efficient and will exploit the latest sustainable technologies.
4. New Shoots and Blossom – quality of opportunity: We will responsibly nourish partnership, prosperity and growth in social value, through our strengths in knowledge, education, culture and business. We will germinate and grow sustainable arts and cultural venues as hubs that foster excellence in the region. We will pursue low carbon and digital infrastructure to make a town that connects businesses and markets well, drawing on our University Centre and growth industries in digital, land, marine informatics, health and nuclear.

14.7 Of particular relevance to this planning application are key aspects of Themes 1, 2 and 3:

Key design aspects from Theme 1 relevant to this planning application are:

- i. Locating local parks on the door step to promote opportunities for the local community to socialise, play, grow food, and support the localised management of stormwater and local ecosystems;
- ii. The design of each new neighbourhood, its streets, parks and buildings should consider how water can be managed intelligently to minimise flooding, facilitate irrigation, and promote habitats resilient to flooding and climate change;
- iii. Punctuating routes with green features. Adding to green links both small street side events like copses of street trees or rain gardens, and new green facilities like pocket parks or 'wassail' gardens with clumps of Somerset apple trees, where new neighbourhoods are formed.

Key design aspects from Theme 2 relevant to this planning application are:

- i. Prioritisation to the early delivery, integrated design and sustainable maintenance of Taunton's walking and cycling networks to ensure they provide door to door connectivity, reducing the need to travel by car and improving everybody's health and well-being.
- ii. Making Taunton more legible with major routes and junctions/nodes within the town being given a distinctive character.
- iii. Enlightened highway design prioritising pedestrians and cyclists and raising quality by making streets into places and integrating parking elegantly and providing edge streets that positively relate buildings and landscape and promoting activity and healthy exercise around the periphery.

Key design aspects from Theme 3 relevant to this planning application are those key principles for creating new garden neighbourhoods:

- i. Clear identity - A distinctive local identity as a new garden community, including at its heart an attractive and functioning centre and public realm. Landmarks, key groupings and character areas are an important element of identity and legibility.
- ii. Well-designed places - with vibrant mixed-use communities that support a range of local employment types and premises, retail opportunities, recreational and community facilities – within 'walkable neighbourhoods' that follow good urban design principles and include greater greenspaces and trees.
- iii. Great homes Offering a wide range of high quality, distinctive homes. This includes affordable housing and a mix of tenures for all stages of life. Legacy and stewardship arrangements: should be in place for the care of community assets, infrastructure and public realm, for the benefit of the whole community.
- iv. Future proofed - Designed to be resilient places that allow for changing demographics, future growth, and the impacts of climate change including food risk and water availability, with durable landscape and building design planned for generations to come. This should include anticipation of the opportunities presented by technological change such as driverless cars and renewable energy measures.

It should also be noted that this theme advocates the greater and more effective use of national 'design quality' benchmarks and processes. It also states that design criteria and standards such as 'Building for Life 12' and 'Lifetime Homes' should be systematically encouraged and pursued through planning policy and development management processes for all new development. In addition, that National Guidance for highway design in the form of 'Manual for Streets 1 + 2' should be comprehensively applied and implemented. The use of Design Review is also emphasised.

14.8 Following the Taunton Garden Town Vision, the Council also approved the Taunton Garden Town Charter and Checklist (October 2019). This document sets the Council's expectations in terms of design of key sites within the Garden Town and provides a framework against which prospective developers, communities and the Council as planning authority will assess relevant planning applications. The checklist is largely based on the Building for Life 12 framework, which is enhanced in scope to include a new section which covers the 'Climate and Planet Positive' topics. The four main themes of the Checklist are set out below together with key questions for assessing the design quality of a development:

- Integrating into the Neighbourhood
  - Connections - Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones whilst also respecting existing buildings and land uses along the boundaries of the development site?
  - Facilities and Services - Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?
  - Public transport - Does the scheme have good access to public transport to help reduce car dependency?
  - Meeting local housing requirements - Does the development have a mix of housing types and tenures that suit local requirements?
- Creating a Place
  - Character - Does the scheme create a place with a locally-inspired or otherwise distinctive character?
  - Working with the Site and its Context Does the scheme take advantage of existing topography, landscape features (including water courses), trees and plants, wildlife habitats, existing buildings, site orientation and microclimate?
  - Creating well-defined Streets and Spaces Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?
  - Easy to find your way around Is the scheme designed to make it easy to find your way around?
- Street and Home
  - Streets for All - Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?
  - Car parking Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?
  - Public and Private Spaces - Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

- External Storage and Amenity Space - Is there adequate external storage space for bins and recycling as well as vehicles and cycles?
- Climate and Planet Positive
- Building with Nature - Have the Wellbeing Standards, Water Standards and Wildlife Standards been met?
- Energy Conservation & Carbon Reduction - Is energy demand minimised across the development? Does the development achieve a carbon reduction improvement of at least 19% over Part L of the Building Regulations 2013? Is energy demand minimised within the buildings?
- Renewable Energy - Are opportunities for site-wide energy solutions being effectively harnessed? Does the development maximise opportunities to meet energy demands from renewable or low carbon sources?
- Resources & Resilience - Is there evidence of recycled/locally-sourced materials being used? Can rainwater be actively conserved? Has whole life-cycle material performance influenced the specification? Are systems in place to minimise landfill waste during construction?

Together, these policies, Supplementary Planning Guidance and other design guidance form a comprehensive approach to the delivery of high quality, well designed places that apply national design guidance at the more local level.

14.9 The National Planning Policy Framework has a presumption in favour of sustainable development and specifically refers to the importance of good design and significantly, that development that is not well designed should be refused. Key paragraphs in respect of design are:

*126 – ‘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’.*

*130 - 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;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

*134 – ‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on*

*design52, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

*a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*

*b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings’.*

14.10 The National Design Guide and National Model Design Code are also relevant to the consideration of this application. The National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. The national design guide identifies 10 characteristics of a well-designed place which help to create character, nurture and sustain a sense of community and work to positively address climate issues.

The ten characteristics are:

- Context – enhances the surroundings.
- Identity – attractive and distinctive.
- Built form – a coherent pattern of development.
- Movement – accessible and easy to move around.
- Nature – enhanced and optimised.
- Public spaces – safe, social and inclusive.
- Uses – mixed and integrated.
- Homes and buildings – functional, healthy and sustainable.
- Resources – efficient and resilient.
- Lifespan – made to last.

14.11 The National Model Design Code provides detailed guidance on the production of design codes, guides and policies to promote successful design. The National Model Design Code sets a baseline standard of quality and practice which local planning authorities are expected to take into account when developing local design codes and guides and when determining planning applications, including;

- How the design of new development should enhance the health and wellbeing of local communities and create safe, inclusive, accessible and active environments;
- How landscape, green infrastructure and biodiversity should be approached including the importance of streets being tree-lined;
- The environmental performance of place and buildings ensuring they contribute to net zero targets;
- The layout of new development, including infrastructure and street pattern;
- The factors to be considered when determining whether façades of buildings are of sufficiently high quality and;
- That developments should take account of local vernacular, character, heritage, architecture and materials

14.12 It is to be noted that the applicant has declined to take the proposal to the Council’s independent Quality Review Panel. Although at earlier stages the proposals were taken to design review (2016, 2018 and March 2020), there have been relevant changes to national and local circumstances and guidance

since. For example, the adoption of the Council's Garden Town Public Realm Design Guide and District-wide Design Guide SPDs, the National Model Design Guide and Design Code, the declaration of the climate and ecological emergencies and associated strategies/guidance, changes to the National Planning Policy Framework to reflect design aspirations, the implications of the pandemic on placemaking and transport.

14.13 In assessing the application in design and placemaking matters, the consultation response of the Placemaking Team Manager is relevant. Her comments relate to issues of context and distinctiveness, identity, built form, movement, use, and the district centre. In respect of the detail of the proposed development for Phase 1 she also raises issues of identity, built form, movement and parking, street trees, sustainable urban drainage and sustainability. Her comments and the assessment of these are considered in turn.

#### 14.14 Context and Distinctiveness

14.14.1 The characterisation work set out in the application Design and Access Statement, considers settlement form, figure ground diagrams of street patterns and layouts, house types etc. However there appears little resemblance between these character generators as shown in the local context and the proposed development. This characterisation work should be understood and be the starting point for informing the form and layout of the development. None of the precedents shown (apart from that shown for Monkton Heathfield Phase 1) are dominated by an outer spine road, an inward looking layout dominated by cul-de-sacs and a neighbourhood centre comprising large unconnected blocks. This is contrary to the local and national policy and guidance set out above which emphasises the need for the siting and design of a development to relate and be influenced by its context, history and character of an area.

14.14.2 The need for detailed context and site appraisal work is shown in the SWT Design Guide SPD as a key part of the design process. This is also emphasised in the National Design Guide and the National Model Design Code (NMDC). The level of appraisal work shown as carried out for this development proposal in the Design and Access Statement, falls well short of the comprehensive nature of context study work and site study work as set out as necessary in the NMDC. The NMDC states 'It is necessary to undertake a context study of the area surrounding the site and the wider area for a full understanding of the place in order to respond positively to its distinctive features.' The NMDC goes on to list the topics that a Context Study and Site Study should appraise.

#### 14.15 Identity

14.15.1 The masterplan layout is not considered to engender a sense of place or legibility to create a quality development. There should be a series of area types showing different characteristics - The NMDC states that these area types need to be based on a) an analysis of the existing character of these areas and b) a visioning exercise.

14.15.2 The NMDC states that masterplans should create a strong sense of place and identity through defining:

- Well proportioned streets – the width of the street and the height of the

- buildings relate to its place in the street hierarchy
- Marking corners – using architectural features for emphasis on corners
- Neighbourhood character – using colour, materials or details to create a distinctive character for different neighbourhoods
- Street design – creating a unified pallet of materials and street furniture to be used in different area types
- Vista ends – using taller buildings and architectural expression on buildings that close vistas along a street or square
- Public art – encouraging the use of public art in the design of buildings and spaces as well as free standing pieces
- Planting – diversity of street tree

It is not considered that the application submission sufficiently has regard to these aspects, furthermore, there does not appear to be a clear wayfinding strategy for aiding legibility.

#### 14.16 Built Form

14.16.1 The built form does not have a compact form of development. Density is one indicator for how compact a development or place will be and how intensively it will be developed. The density ranges across the scheme are monotonous and would create a mono-form of place. Higher density should be associated with the central spine road and district centre in order to create a more urban form and a critical mass of population to support the bus route. Although some density differentiation is indicated, particularly in the area of the district centre, the majority of the site is of broadly uniform density that is not considered to aid the structuring of a complete, compact place that aids living locally and the supporting of facilities and services vital to sustainable placemaking and community.

14.16.2 Buildings along the spine road should also be a higher storey height to create better enclosure to the street and more of a high street urban character and reinforce the legibility of the route. Building set-backs from the spine road should be minimal and front on plot parking should be avoided.

#### 14.17 Movement

14.17.1 A well-designed place should be accessible and easy to move around with a) a connected network for all modes of transport; b) active travel and c) well-considered parking, servicing, and utilities infrastructure for all modes and users. In contrast, the overall design of the proposed development is dominated by an outer distributor road with roundabouts with few access points and crossings which will create a car-based environment and effectively one large cu-de-sac. The self-contained nature of the urban extension is reinforced by a lack of permeability in the road network. The whole site should have a permeable network of streets which are better connected in order to encourage movement. Perimeter blocks should be used on a hierarchy of streets. Cul-de-sacs should be avoided, whereas currently these dominate the layout.

14.17.2 There is considered to be a lack of connectivity between Phases 1 and 2 of this development. The development is also severed from the green necklace by the proposed eastern relief road and has few crossing points. This will result



in a segregated scheme with areas of the site compartmentalised from each other to the detriment of sustainable travel and community building.

14.17.3 There are also placemaking concerns regarding the nature of the highway design, that it would not sufficiently control traffic speed and would encourage rather than reduce movements by vehicles in preference to other, more sustainable modes. Road junctions currently have large, splayed radii and should be much tighter with smaller radii to slow vehicular speeds and reinforce that the place is for people and is a neighbourhood. The highway layout proposed includes several large roundabouts which emphasise a car-led approach to placemaking, have a high land take and detract from the creation of a high quality place that is locally distinctive. The road widths are extensive with a 7.3m spine road carriageway, where 6m would be adequate. Routes should conform to Manual for Streets including natural traffic calming features including variable street widths, change in surface materials and parallel on street parking.

14.17.4 Walking and cycling as active travel is not prioritised in the current proposals. This is hindered by lack of connections outside of the site and a permeable clear and direct pedestrian and cycle network of routes to key locations within the development.

#### 14.18 Uses

14.18.1 Sustainable places need a mix of uses that support everyday activities, including to live, work and play. The layout has a zoned approach to land uses with employment uses largely segregated rather than integrated into the district centre; this has the potential to undermine the viability of the centre rather than reinforce vitality. It should be strongly encouraged that as much employment uses (non-industrial) are located within the district centre, this should include offices, studios and workshops as well as live work accommodation.

14.18.2 The park and ride site is located behind existing employment users at Walford Cross to the north east of the site. It is isolated from the wider development that it is intended to serve and has not been designed to achieve any natural surveillance. It is not considered to relate well to the development and accordingly its function, use and future effectiveness at delivering modal shift with a higher proportion of movements by public transport is compromised. A key issue is also that the application does not provide the park and ride facility, but rather would secure only the land for its provision. This is dealt with elsewhere within this report.

#### 14.19 District Centre

14.19.1 The placement of the district centre is not considered to have been comprehensively addressed within the wider framework layout of the site and the overall allocation area which it is intended to serve. Placemaking Team Manager considers it randomly planned with no sense of place or focus as currently proposed. She considers that the gateway to the district centre should be accessed via a normal junction, not a roundabout as this approach reinforces

a car focussed, more suburban approach to this key community facility, with insufficient regard to connectivity and placement with regard to the phases of the allocation to the east which have already been delivered. It is currently separated from this earlier residential area by the busy A38, with few crossing points proposed. The design concept for the district centre is not considered to align with a traditional townscape approach where centres are based on either a High Street or Market Square. The position of the buildings in the centre are ad hoc and as currently proposed would not provide the level of enclosure important to the creation of a successful place.

14.19.2 The layout of the district centre shown suggests large buildings with large areas of parking. A finer grain of buildings with narrower frontages would better promote lively streets, enclosure to the streets and mixed use buildings. Wider pavement should also allow for seating and activities that will support vibrancy such as pop-up markets.

14.19.3 The school is separated from the district centre. It is considered that a closer, more comprehensively approached relationship between these core placemaking uses would reinforce the central public realm via use of the school and the relationship to the community use of the space. This would also assist with shared trips and school drop offs/pick ups, again adding to vitality and the creation of a successful place at the heart of the community.

14.19.4 The Placemaking Team Manager is of the view that significant further design consideration is needed about the location and design of the district centre and central community space. It is unclear whether the full range of local facilities that should be accessible in all neighbourhoods could be accommodated (community uses, local shops, pubs/cafes, medical facilities, places of worship homeworking hubs) and how the community space would function. At present the proposals for the district centre are therefore not sufficiently resolved and if granted, would be to the detriment of its effective function as critical to placemaking and the community.

#### 14.20 Detailed Proposed Development for Phase 1

14.20.1 There are a number of placemaking and sustainability concerns resulting in the view that as currently proposed, the detailed scheme for this area will result in a poor quality environment. These are set out below:

#### 14.21 Identity

14.21.1 The Placemaking Team Manager considers that as proposed, the layout is lacking variety, is monotonous and would not create a sense of place. Insufficient regard has been had to local character, vernacular and the local context of the site with the result that the scheme does not reflect local characteristics, appears 'anywhere development' and is a continuation of the approach taken in the first phase of Monkton Heathfield phase 1 development. Permissions for this earlier phase predated designation of the Garden Town, the production of detailed design guidance and recent updates to national guidance. The quality to be achieved to meet these requirements is not

reflected in the detailed scheme as submitted. The proposed layout is considered poor as it does not create a legible, structured layout through the use of linked buildings, groupings around focal spaces or key buildings. Far greater structuring is required in the layout to show primary frontages, key corners and terminating vistas. Continuity in the built form should be created using frontage buildings that create curvature. This should be created using house types which make streets and places rather than standard, individual house types that do not effectively link together – see Districtwide Design Guide section 4.3. The layout is also not tenure blind and this is unacceptable. Affordable housing is readily distinguishable and dominated by large banks of frontage parking and terraced building forms.

#### 14.22 Built Form

14.22.1 The house types reflect standard national house types and do not relate to the local Somerset vernacular. A character study of traditional local building types, associated architectural detailing, materials and boundary treatment is required as advocated in the National Model Design Code and Districtwide Design Guide SPD. The use of standard, anywhere house types does not address the need for local distinctiveness and the creation of quality new neighbourhoods in the Garden Town. The Taunton Garden Town Charter and Checklist approved by Full Council 3 December 2019 sets out the Council's expectations in terms of design of key sites within the Garden Town and provides a framework against which prospective developers, communities and the Council as planning authority will assess relevant planning applications. Under section 5 – Character, it states that 'Anonymous national house types and standard palette of materials are not supported'.

14.22.2 The proposed broad uniformity of building storey heights would further add to the lack of variety and monotonous form of the proposed development. Consideration should be given to the use of character areas to better define different areas of the site. A greater range of densities would help with legibility and reinforcing principal routes as well as supporting the provision of a local bus route along the spine road. Overall, the built form of this neighbourhood character does not create a distinctive character for this neighbourhood or create a coherent pattern of development. The building form would not be distinctive and legible and the individual house types would not fit together to create quality townscape or streetscape. The built form would not achieve the balance between variety, (creating a range of different house types, scales, materials and density creating a sense of character and aesthetic satisfaction) and unity, (providing structure and hierarchy of streets, spaces, building forms, creating a sense of coherence and legibility). The proposed built form is lacking as it does not add curvature to the built form, corner turning buildings which use architectural features for emphasis on corners or vista ends that use taller buildings and architectural expression on buildings that close vistas along a street or square.

#### 14.23 Movement and Parking

14.23.1 The layout is considered to be highways led, over engineered and suburban. This will result in a car dominated environment and will encourage car-based movements. From a placemaking perspective it is not considered to accord with Manual for Streets in that the layout is dominated by cul-de-sacs rather than a network of permeable streets. Road width is considered excessive, is not used as a design tool to control speed or contribute to a high quality, local character of place. There is no evidence of trying to create entry places, nodes or focal spaces through the creation of squares or provide natural traffic calming through the use of pinch points, change in surfacing materials or parallel on street parking. The road junctions are overly wide and corner radii need to be significantly tightened to reduce speed. Overall, the layout lacks permeability and the use of perimeter blocks to create connectivity using a hierarchy of movement. Desire lines for pedestrian and cycle movement are unclear. – see Districtwide Design Guide section 4.4 for guidance on creating streets and places. The streets are not well proportioned and the width of the street and the height of the buildings do not relate to its place in the street hierarchy.

14.23.2 The parking space ratio seems excessive and way over that required in the Local Plan and Districtwide Design Guide. This needs to be significantly reduced since at the current time the public realm and streetscenes would be dominated by parked cars – see Districtwide Design Guide SPD section 4.4. Parking provision is also too dominant in the street scenes and there is an excessive amount of parking to the front of plots, rather than to the side of units of parallel parking. Terminating street views with large double garages is also unacceptable in the townscape as it lacks visual interest and creates poor street enclosure. – see Districtwide Design Guide section 4.4.

#### 14.24 Street Trees and Sustainable Urban Drainage

14.24.1 The attenuation ponds shown in the development are large and are the focus for the development's approach to water management. More emphasis should be given to a range of other SUDS techniques that can reinforce character, successful placemaking and fulfil multiple functions. The integration of rain gardens may reduce the need for large, over engineered swales.

14.24.2 Policy ENV2 requires new streets to be tree-lined in order to contribute to character and quality of urban environment as well as helping to mitigate for climate change. The National Planning policy framework also requires tree lined streets. Little consideration has currently been given to this requirement, nor the contribution that street trees can give to the creation of attractive places. There does not appear to be any provision for EV charging, including on street charging.

#### 14.25 Climate emergency

14.25.1 The approach of the application to sustainable placemaking and working towards carbon neutrality is not clear or comprehensive and does not currently meet the latest requirements of the Building Regulations. This is considered in more detail in section 16. At present the sustainability measures are unclear, seeming to take a fabric first approach. None of the houses have PV's, there

does not appear to be recycling storage and electric vehicle charging points are not shown (including on street charging). Bicycle storage is not integrated into house designs (in particular to the front of houses to encourage the use of cycling as the preferred mode of travel), sedum roof or slate PV's could also be considered. These are shown as requirements for Garden Town developments both in the approved Garden Town Vision and the Districtwide Design Guide SPD.

- 14.26 These considerations raise serious concerns over the quality of the design response set out within this application and the poor quality environment that would be created. The bar for development in terms of design quality is high with a clear steer that development not meeting these requirements should be refused (NPPF). Paragraphs 130 and 131 of the NPPF also set out requirements for development which are echoed within aspects of the National Design Guide and National Model Design Code. These require consideration of function and quality over the lifetime of the development; visual attractiveness, sympathetic and local character and history, establishing a strong sense of place and optimising the potential of the site to accommodate appropriate development and support local facilities and transport networks and create safe, inclusive and accessible places promoting health and well-being, with a high standard of amenity.
- 14.27 If granted the development would result in a place that is not well designed. It is considered to be an unsustainable, car and road dominated, uncoordinated and unconnected, dormitory development that is not attractive, locally distinctive, healthy or with a sense of place. In addition, it is considered not well designed in that:
- i. The development will not function comprehensively as a sustainable neighbourhood, that is complete, connected and a comprehensive place allowing for living locally.
  - ii. The development has been designed around the provision of an eastern relief road and associated roundabouts. The car-based, approach to placemaking results in road, car and parking domination that does not prioritise active travel and public transport. It has poor connectivity to the surrounding area and results in an unconnected place.
  - iii. As proposed, the development does not reduce need to travel, deliver a walkable neighbourhood, nor achieve health and well-being objectives associated with the prioritisation of active travel and living locally.
  - iv. Within the site the development lacks integration and permeability with a poor network of connected streets designed primarily for cars, that do not integrate the walking and cycling network, nor make streets into places. As designed, there is segregation between uses and parts of the site.
  - v. As proposed, the district centre is not considered to result in a coherent, attractive, vibrant, mixed use centre functioning as a high quality place at the heart of the community.
  - vi. Density is considered too uniform and not sufficiently structured to support the use and vitality of public transport or facilities and services within the

site.

- vii. The development is located in Taunton Garden Town. It has not been designed as a new garden neighbourhood that meets the quality of design expected within a designated Garden Town and is not in accordance with the Vision for the Garden Town or Garden Town Principles.

Additionally, in respect of the full application proposals:

- i. The development's streets and places lack legibility, attractive and distinctive character and clear identity. There is poor use of street hierarchy and domination by cars.
- ii. The proposed dwellings do not deliver adaptable, flexible lifetime homes.
- iii. The proposed buildings do not define and enhance the streets and spaces, nor turn corners well.

Accordingly, the application is considered contrary to development plan policies CP5, CP6, SP2, SS1, DM1, DM4 (Taunton Deane Core Strategy); A1, A3, A5, D7 and D9 (Taunton Deane Site Allocations and Development Management Plan); CSM1, CSM4 and CSM6 (Creech St Michael Neighbourhood Plan) ; Policy T1 (West Monkton and Cheddon Fitzpaine Neighbourhood Plan); is contrary to the Districtwide Design Guide SPD, Garden Town Public Realm Design Guide SPD and the Vision for Taunton Garden Town. It is also considered contrary to the National Planning Policy Framework paragraph 125 and sections 2, 8, 9 and 12 and national design guidance including the National Design Guide and National Model Design Code.

## **15. Housing and residential amenity**

- 15.1 Policies SS1 and CP4 of the Core Strategy require 25% of new homes to be affordable. Within the 240 full part of the application, 25% affordable homes are proposed split 60% affordable rent / 40% intermediate (shared). However, whilst the outline application is for up to 1210 dwellings, the application expresses a target of 25% affordable dwellings, subject to viability. No viability assessment has to date been submitted to support the application and accordingly the percentage of affordable housing being provided in this part of the application is not currently able to be confirmed. In the absence of this, 25% affordable housing compliance is therefore not currently demonstrated over the greater part of the site.
- 15.2 The consultation response from the Lead Specialist Place on affordable housing makes specific reference to policy CP4 and the Affordable Housing Supplementary Planning Document and sets out the required tenure mix as 25% First Homes, 60% social rent and 15% intermediate housing in the form of shared ownership together with i) the type and size of affordable housing units required and ii) 10% affordable to be fully adapted disabled units in accordance with Part M4, Category 3: Wheelchair user dwellings of the Building Regulations 2010. In addition, the Ministerial Statement of 24th May 2021 and Planning Practice Guidance now requires 25% of affordable housing to be secured as First Homes and this is not currently included within the application. Within the full area of the application, the proposed affordable dwellings are grouped in certain areas of the layout rather than achieving a more genuine mix through

the scheme. The application as presented does not comply with these affordable housing requirements under policies SS1, CP4, the Ministerial Statement of 24th May 2021 or Planning Practice Guidance 2021.

- 15.3 Turning to dwelling size and amenity space, requirements for these are set out in policies D10 and D12. The part of the application submitted in detail (phase 1) may be assessed against these policy requirements as it includes details of this for each dwelling. In general, the proposed plans are considered to meet the minimum requirements on space standards for internal size and amenity space. Houses and their gardens, as shown in the submitted layout plan, are located sufficiently distant from existing housing to not impact on existing properties. Houses are laid out with rear gardens facing each other, separated by close boarded fencing, exceeding back-to-back distances between habitable rooms at first floor level. Accordingly, it is not considered that there is an objection in terms of the residential amenity of the detailed scheme.

## **16. Climate Change including energy centre**

- 16.1 Existing planning policies of relevance include Policy SS1 of the Core Strategy (which allocates this site for development), together with DM5 and policies A3, A5 and D9 of the SADMP in relation to active travel linkages.
- 16.2 Policy DM5 is relevant to the determination of this application and deals with the use of resource and sustainable design, requiring *'all development, including extensions and conversions, to incorporate sustainable design features to reduce their impact on the environment, mitigate and adapt to climate change, and particularly help deliver reduction in CO2 and other greenhouse gas emissions'*.
- 16.3 There is extensive reference within the National Planning Policy Framework to climate change and sustainability issues, key being paragraphs 7 (achieving sustainable development being a core purpose of the planning system), 8 (the economic, social and environmental objectives of sustainable development) and 152 (that the planning system should support the transition to a low carbon future...shaping places in ways to 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. Specific reference is made to expecting new development to comply with any development plan policies on local requirements for decentralise energy supply unless the applicant can demonstrate that this is not feasible or viable.
- 16.4 The Council has declared a Climate Emergency and expresses commitment to working towards carbon neutrality by 2030. This is a material planning consideration. The Somerset Climate Emergency Strategy and the Council's own Carbon Neutrality and Climate Resilience (CNCR) Action Plan set a clear context of carbon emissions in the county and district, with transport being the main source, significantly in excess of the national average. Taunton is a major urban area and as such, development at Taunton presents a major opportunity for tackling transport related emissions through a range of means, including active travel. Developments on the perimeter of the town such as Monkton

Heathfield also present opportunities for better integrating external communities with active travel links. Active travel forms a key part of the CNCR Action Plan, with a series of actions dedicated to it. In addition to this, enabling active travel provides numerous co-benefits of action including in relation to health and wellbeing through increased activity levels and reduced air pollution and the creation of more integrated and viable communities, not segregated by barriers to active movement or the necessity to travel by car. Targeting carbon neutrality and active travel are key aspects of the Garden Town Vision.

- 16.5 Climate Positive Planning (the Council's interim guidance on planning for the climate and ecological emergency) sets out that the Sustainability Checklist and Energy Statement required by policy DM5 will be the means by which the Council considers how policy requirements (the majority of which remain valid) are met by proposals and includes commentary and guidance in relation to the relevance of existing planning policies.
- 16.6 The scale of the development within the application is such that if granted, most homes would be delivered after 2025 and therefore will need to meet the Future Homes Standard. Although this standard is yet to be precisely defined, it is likely to lead to a reduction in carbon emissions significantly in excess of both Part L 2013 and 2021, and involve a no gas approach. The applicants should therefore be planning to meet these requirements now.
- 16.7 The application is supported by energy and sustainability statements together with a sustainability checklist. A detailed energy strategy has been submitted for the full application (phase 1) area only. As submitted, the application seeks a 20% reduction in emissions compared to Building Regulations Part L 2013 utilising passive design, building fabric, 'high efficiency gas boilers', with roof mounted photovoltaic array recommended within the energy statement. The energy statement rules out a number of measures which have been introduced on other schemes. It is of note that Building Regulations Part L 2013 is referenced. Parts L, F, O and S have recently been updated. As a result, the changes:
- amount to an improvement reduction over Part L 2013 of 31% for residential and 27% for non-residential;
  - provide a new way of measuring energy efficiency and regulating on-site electricity generation systems;
  - introduce regulation on overheating mitigation;
  - make provision about ventilation standards when work to which Part L (conservation of fuel and power) applies;
  - require electric vehicle charge points or cabling for charge points to be installed in new residential, non-residential and mixed-use buildings, certain buildings undergoing a material change of use, or undergoing major renovation work.
- 16.8 Within Climate Positive Planning, it is established that the Council will limit its requirements in relation to new dwellings to requiring the energy performance of dwellings to achieve a 20% carbon reduction improvement over Part L of the 2013 Building Regulations (equivalent to Code Level 4), and seek to uplift this requirement further through the Local Plan Review. However, once in force (after June 2022), compliance with Part L 2021 will supersede the specific carbon reduction requirements of policy DM5. Part L 2021 therefore applies to



this development necessitating a review of the approach to reducing carbon. As it stands, fabric thermal properties, air tightness and thermal bridging within the energy statement submitted with the application do not universally meet the base standard illustrative of policy compliance set out in the 2021 District wide design guide, (which Part L 2021 would require exceedance of) and utilise gas boilers (which the Government has indicated an intention to phase out by 2025, and which compliance with the Future Homes Standard is likely to require avoidance of). Furthermore, Climate Positive Planning explains how whilst references to the Code for Sustainable Homes are out of date, the vast majority of policy DM5 requirements remain valid. Climate Positive Planning provides useful guidance on the applicability of the various component parts of DM5 and other adopted policies. The Districtwide Design Guide SPD together with the SWT Net Zero Carbon Toolkit provide further guidance on how these policy requirements can be implemented as well as setting out aspirational standards for developments to respond to. Whilst there is no direct policy requirement for zero carbon development here, there is an expectation through policies DM5 and D7 for high quality, energy efficient, low carbon development. The Districtwide Design Guide SPD sets out a series of aspirational standards and applications are expected to respond to these, setting out how they compare with these standards. The application site has also not been considered comprehensively in respect of climate change mitigation with only the full application phase 1 development being considered for combined heat and power. Policy SS1 requires provision of a suitably located energy centre to provide locally generated electricity to the new development- this policy requirement is not comprehensively addressed. Climate Positive Planning explains that “as part of meeting this requirement, development here should identify potential opportunities to generate renewable energy and harness site-wide energy opportunities to uplift carbon reduction beyond the minimum levels required by policy DM5.” A holistic review of options and opportunities is lacking. Therefore, this policy requirement cannot be said to have been effectively responded to.

- 16.9 The application includes a Sustainability Statement and an Energy Statement. Measures proposed within the Sustainability Statement include the minimising of construction waste, using a site waste management plan, segregation of recycling, including home composting, use of materials which have a lesser environmental impact, including sustainable timber, limiting water to a no more than 100 litres per person per day, provision of allotments, and setting aside land for green infrastructure. However, commitments made are high level and not supported by detailed information of how they will be met (e.g. inventory of the provenance of materials to be used). More detail would be expected on this for the detailed design aspects of the proposal, with higher level commitments informing conditions for submission of information at a later date for the outline aspects.
- 16.10 The Energy Statement proposes a reduction of CO2 emissions by 20% over Building Regulations Part L (2013). It states that this would be achieved by passive orientation of dwellings, high insulation values, natural ventilation, use of low energy fittings, and installation of Solar PV on roofs. However, it has ruled out several measures which have been introduced on other schemes. This includes ground and air source heat pumps, biomass heating, solar thermal, a CHP system and micro wind turbines. Critically the Statement says that gas fired boilers will be required within the development. As stated above, the scale

of development and development time involved here mean that the vast majority of buildings on the site will need to meet the Future Homes Standard. It is not clear how the need to meet this future standard has been considered.

- 16.11 Whilst it is acknowledged that the proposed energy efficiency measures to be installed within the individual buildings and the installation of Solar PV will result in a reduction on Part L 2013, the proposals within the Energy and Sustainability Statements will not meet the new Part L 2021, are not futureproofed to meet the Future Homes Standard and the energy strategy for the site as a whole has not been holistically thought through. Policy SS1, specifically refers to the need for a 'suitably located energy centre to provide locally generated electricity to the new development'. Taking a holistically considered site-wide approach may present an opportunity to achieve improved carbon emissions reductions at a lower cost, and with greater benefits, than taking a unit-by unit approach, but the application has failed to consider this. The proposal has failed to demonstrate that it will sufficiently incorporate sustainable design features to reduce its impact on the environment, mitigate and adapt to climate change, and particularly help deliver reduction in CO<sub>2</sub> and other greenhouse gas emissions. It fails to demonstrate that it will result in a development which minimises the use of energy, or to holistically consider the energy strategy for the site as a whole, or how the development can realistically meet current or future national standards likely to apply within the development's lifetime. The Council's Climate and Ecological Emergency is an important material consideration relevant to the determination of this planning application and the proposal fails to demonstrate how it sufficiently and effectively responds to this. The proposal is therefore considered to be contrary to policies SS1, CP1 and DM5 of the Core Strategy and provisions within the Districtwide Design Guide SPD, and the National Planning Policy Framework.

## **17. Sustainable Drainage and flood risk**

- 17.1 Policy I4 of the Local Plan requires adequate water infrastructure with surface water disposal via SUDS (sustainable urban drainage systems) and Policy R3 of the WMCFNP seeks flood attenuation measures with specific reference to flood reduction features.
- 17.2 The scheme drainage strategy relies on attenuation ponds within each catchment area with the proposed approach able to be summed up as 'pipe to pond'. The Lead Local Flood Authority (LLFA) in its initial consultation response recommended the submission of a sustainable drainage assessment due to a variety of SUDS not being included and commented on the potential for further sustainable drainage features such as tree pits as part of below ground attenuation, bioretention areas, permeable paving and swales, which would result in multiple benefits such as amenity, biodiversity and water quality. It would be preferable for the scheme to integrate a sustainable drainage system within the street layout and design a system that mimics natural drainage and encourages passive infiltration and attenuation. The applicants have indicated an intent to utilise SUDS drainage features such as rain gardens, permeable paving and bioretention areas in addition to pipes, basins and swales. Consideration of the potential cumulative impact of the multiple developments in the area with this application is also sought to ensure that any surface water drainage and potential flood risks are adequately evaluated.

- 17.3 The LLFA has commented on the application requesting further information on both the outline and full elements. In respect of the outline area, the LLFA has recently updated their advice such that full details of the proposed pipe network can now follow at the detailed design stage in response to the use of a suitably worded condition requiring the submission of the detailed design of the drainage strategy and including demonstration that the system does not surcharge up to the 1 in 2 year event and that there is no flooding up to the 1 in 30 year event. The LLFA confirms no further comment of the outline element of the application. However, it is the expectation of the Local Planning Authority that the detailed design consider and respond to a wider placemaking approach as referred to above.
- 17.4 In respect of the full part of the application, in June 2022 the LLFA requested plans of a proposed surface water drainage strategy, including indicative levels of all drainage features, consistent with those used in the network calculations; a plan detailing overland flow paths in exceedance events (greater than the 1 in 100 year return period plus climate change) and details of the party responsible for the maintenance of all drainage features within the communal areas. It is understood that this information is in the process of being prepared, but to date has not been submitted. Although it is likely that this information will be forthcoming, at present in its absence the application has not currently demonstrated the adequacy of the proposed approach to water management and therefore compliance with requirements within policies CP1, SS1 and I4 of the Taunton Deane Core Strategy.
- 17.5 The majority of the application site is located in flood zone 1, at low risk of flooding with the exception of the section along Dyer's Brook. Comments have been received from the Environment Agency in relation to flood risk. Provided the Local Planning Authority is satisfied the requirements of the Sequential Test under the National Planning Policy Framework are met, the Environment Agency now withdraws its earlier objection in principle, to the proposed development. This is subject to the inclusion of conditions relating to the development being carried out in accordance with the submitted phase 2 flood risk assessment and its mitigation measures; particularly that all houses and drainage features be located outside of areas of higher flood risk (zones 2 and 3) and that the mitigation measures be fully implemented prior to occupation and subsequently in accordance with timing /phasing arrangements. Further conditions are also sought in respect of contamination during the construction phase with remediation requirements, that any oil or chemical storage facilities be sited in bunded areas and that there be no discharge of foul or contamination drainage to groundwater or surface water. In the event planning permission were to be granted, these conditions would be required to appropriately address flood risk arising from the development.
- 17.6 In respect of the sequential test, as an allocated site, the location of development has been the subject of strategic flood risk assessment (in 2007 and 2011 and informing the Core Strategy) at plan making stage which considered a sequential approach. In such circumstances it is not then required at planning application stage.
- 17.7 With the application of conditions as recommended by the Environment Agency, the approach to mitigating flood risk is considered to comply with the requirements of policies CP1f and CP8 Taunton Deane Core Strategy and

policy I4 Taunton Deane SADMP.

## **18. Infrastructure**

### **18.1 School and education requirements**

18.1.1 Across the whole development allocation area, policy SS1 sets out the need for 3 new primary schools and a new secondary school. To date a new primary school and nursery have been delivered on Bridgwater Road (West Monkton CEVE Primary School and Little Herons Nursery). The current application proposes land for a through school incorporating early years, primary and secondary education provision. The principal of the proposed education provision on site is accepted and the delivery of the through school will make a significant contribution towards education needs arising from the development. It is to be noted that the Education Authority response of 1st February 2022 sets out per dwelling financial contributions required to support early years, primary, secondary and special education needs arising from the development. These are currently unsecured.

18.1.2. Indicated to be provided in phases 1 and 2, the school proposals will require further discussion with the Education Authority over the delivery body and delivery mechanism. Therefore, at present there remain both unsecured financial contributions and delivery details for both the land and construction of the school. These would be capable of being resolved through S106 agreement discussions, but due to other application issues have not to date taken place but would be required in order to safeguard the provision of this important on-site infrastructure and in order to meet the education's needs arising from the development in accordance with policies SS1 and CP7.

18.1.3 The school site is proposed to be located south of the A38 with a relatively narrow buffer between it and that road. The proximity to the A38 busy road might cause a high level of air and noise pollution unless addressed via treatment of the A38 corridor, and reserved matters school siting and design details, neither of which form part of the application proposal. As sited, the school divides two residential areas to its east and west, thereby reducing connectivity between different areas of the proposed neighbourhood and creating longer and less convenient east/west walking/cycling routes. Improving east-west connectivity in relation to the proposed school would be of benefit. Routes to the school should be safe and convenient for children. There is concern that the proposed boulevard may create a physical barrier for children and an unsafe route to school for those who will live to its south. Connections and linkages in relation to school routes need further consideration. Locating a public square between the school and the district centre may help to mitigate traffic, create a safer crossing to the school and benefit wider placemaking. Further details are therefore required to show how the school will connect to residential areas and provide safety and security for students.

### **18.2 Employment Allocation**

18.2.1 Policy CP2 of the Core Strategy sets out the employment strategy for the District. This includes 36.5 hectares of general employment space within the wider Taunton urban area, and at Wellington. Policy SS1 requires 10 hectares to be reserved for employment purposes for longer term release around Walford

Cross. The outline part of this application provides 4.83 hectares of land (12,000 sq m) for strategic employment adjacent to existing employment at Walford Cross. A further 1,000 sq m office floorspace is proposed within the district centre. The provision of 4.83 hectares of strategic employment land is an under provision of the amount required as stated within Policy SS1. However, there are other areas of land at Walford Cross which are shown within the allocation within the Core Strategy, but do not form part of this application and includes existing employment land. In addition, there is an area of land north of the A38 and east of the junction with Monkton Heathfield Road which has not yet come forward. This area could in theory form a further area of employment. It is therefore concluded that given the other employment land within the allocation, the provision of 4.83 hectares of employment land in this application is not at odds with this requirement of Policy SS1.

18.2.2 The proposed mix of employment uses is not specified. The employment sector is changing rapidly post-Covid, with changes to office working patterns and online retail provision in particularly driving the need for increased distribution warehouses in preference to new purpose-built office blocks, however the Economic Development Needs Assessment (Hardisty Jones Associates, May 2021) concluded that there remains a need for further office, industrial and warehousing between 2020 and 2040 although this need is not compared with land availability/supply which will be part of the Local Plan process at the appropriate time. Coupled with the extension to Permitted Development Rights; the changes to the Use Classes Order; Brexit and now, since the 2021 report was published, the war in Ukraine; cost of living crisis; and inflation rises make employment forecasting even more uncertain. It is therefore important that flexibility is built into the proposed employment area uses, with a need to submit up-to-date employment trend data with any subsequent application.

18.2.3 The Council will be reviewing its employment sites through the Local Plan review process considering them for their sustainability, appropriateness, deliverability, attractiveness as employment sites, infrastructure requirements and other local benefits that could be delivered. The Council will also consider where employment development and allocations should be retained for placemaking reasons to deliver sustainable communities including the new communities that deliver Taunton's Garden Town of which Monkton Heathfield is one.

18.2.4 There is under delivery of employment floorspace across the other parts of the allocation which lie outside this application area. This increases the significance of the employment aspect of this application in terms of sustainable placemaking, particularly in terms of the need to create a mixed-use development incorporating a range of employment opportunities in proximity to homes, thereby reducing the need to travel or rely upon private vehicle movements. The employment area on the east side of the development, adjacent to the M5 is far from the neighbourhood with the risk that its design is based on (and promotes) car dependence unless convenient quality connectivity and access for pedestrians, cyclists and public transport is provided. This is considered elsewhere in this report. Maximising opportunities for types of employment generating floorspace within upper floors of the district centre can also make a denser, more liveable and vibrant neighbourhood centre and increase the sustainability of the development. This is considered further in the placemaking and district centre sections.

## 18.4 District Centre

18.4.1 Policy SS1 provides for a mixed-use district centre to support the development, specified as comprising a food store, convenience and comparison retail, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and offices together with multi-functional community facilities and residential accommodation for the elderly. Floorspace figures are provided within the policy. These are set out below, together with the floorspace figures proposed within this application:

DISTRICT CENTRE	Core Strategy SS1	Current application:
		Design & access statement
Food store	4,400m2 (gross)	Up to 2,500 sq m
Convenience & comparison retail, financial & professional services, restaurants & cafes, drinking establishments, hot food takeaways	8,000m2 (gross)	
Offices	1,000m2 (gross)	Up to 1,000 sq m
Multi-functional community facilities (including places of worship, community hall, health facilities, care and residential accommodation for the elderly)		Up to 2,000sq m (1,000 sq m community hall, 500 sq m health centre, Creche/day nursery, 100 apartments- occupation not limited to the elderly)

Retail and economic need reports have been submitted to support the application and specify 2,853 m2 gross floorspace, derived as follows: convenience goods retail 685m2 gross, comparison goods retail 1,239m2 gross, food and drink floorspace 562m2 gross and retails sales/financial and professional services 373m2. As set out in the Design and Access Statement, provision for these uses is proposed as up to 2,000 sq m.

18.4.2 Policy TC3 of the SADMP sets out expectations for local shopping including within the allocation district centre, including generating footfall and being of general public interest or service with active ground floor frontages. Accordingly, the more strategic role of the proposed district centre is recognised. Policy C5 SADMAP relates to community facilities and seeks to ensure increased demand for community halls is met in line with standards. Material supporting the application identifies the need to provide additional facilities to serve as a community hall/hub within the development to meet need, recommending a 1,000 sq m facility within the district centre. The application indicates an intent to provide up to 1,500 m2 community hub/hall with

crèche/nursery/day centre. The Community Halls Strategy (2015-2020) defines a policy for the provision of community halls, which informed Policy C5 of the Taunton Deane Adopted Site Allocations and Development Management Plan (2016) and the standards in Appendix D. For developments of over 2,150 people this requires the one main hall, two meeting rooms or activity room, storage, toilets and a kitchen. Assuming an average household size of 2.22, the proposed 1,450 dwelling development would result in an additional population of 3,220 people. The details within the Design and Access Statement broadly align with the list of facilities within the community hall/hub with additional mention of the main hall acting as a church sanctuary and the provision of a 115 sqm library.

18.4.3 In assessing the district centre proposals within the application, it is important to place it in the wider context of the allocation as a whole, which it is proposed to serve. Retail floorspace within the phase 1 local centre at Furs Close off Bridgwater Road is currently undelivered with either empty ground floor units or vacant site awaiting delivery. In contrast the residential development in phase 1 with which it is associated has come forward and is occupied. Although there is a live planning application for a local centre at Nerrols, this is at some distance from this site and intended to serve that development. Existing facilities in proximity to the site that the district centre is intended to address are limited. Brittons Ash Community Centre was provided in connection with earlier phases of development, but further community hall / hub is required in connection with the current application. Whilst planning permission has been granted at the former car showroom site on Bridgwater Road for a convenience store, children's nursery and pharmacy (application 48/21/0054), this has not yet been delivered.

18.4.4 The application seeks to provide a significantly scaled down district centre within phase 2. Bespoke assessments by way of retail, social and community infrastructure studies have been submitted to support the proposal and seek to justify the approach to the district centre against the predicted needs of the Monkton Heathfield allocation and the estimated additional 3,220 residents arising from this application. However, there is little evidence that these predictions have been undertaken in the context of reducing the need to travel in order to reduce carbon and the latest thinking in place making around 15/20-minute neighbourhoods which results in planning for compact, complete places that enable living locally. The role and function of the district centre on this site in relation to sustainable and quality placemaking for this phase and the adjacent area of earlier development to the west is therefore even more critical and there is considerable concern that this would be compromised by the scaled down proposal within the application. Although there is reference to phase 1 provision (yet to be delivered) and an application for a local centre at Nerrols, the current proposal does not take a wider allocation, coordinated approach to such facilities and floorspace required, nor the relationship between them. The phasing proposals submitted with the application also indicate that the district centre is to be provided in stages across phases 1 to 6. This would see much of the district centre provided towards the latter part of the development when many of the housing phases are complete. It also indicates the last area of the district centre is the closest to existing development (part of Phase 1 of the overall allocation area) to the west. The A38 also separates this Phase 1 development from the current application site and its district centre. Acting as a significant physical barrier for pedestrians

and cyclists, the scheme does not sufficiently address the need for safe and convenient crossing over the A38 to enable access to the district centre from earlier development phases to the east. There is therefore also concern over adequacy of the district centre proposal as set out within the application which is intended to serve the whole allocation area, with the earlier phases nearing completion. Further consideration is required in order to plan comprehensively for the district centre in terms of floorspace, uses, phasing, relationship with earlier phase 1 development and the needs of the allocation as a whole. The proposal therefore fails this aspect of Policy SS1.

18.4.5 The NPPF at paragraph 92 sets out the aim to achieve healthy, inclusive and safe places with strong neighbourhood centres, with positive planning for local services and community facilities is reference in paragraph 93.

18.4.6 The application's approach to the district centre is therefore considered contrary to policies SS1, CP3 and SP2 of Taunton Deane Core Strategy and policies C5 and TC3 Taunton Deane Site Allocations and Development Management Plan.

18.4.7 Policy R4 of the West Monkton NP requires new major development to provide recreation and/or community facilities to meet demonstrated local needs. Located in the part of the application site outside of this neighbourhood plan area, concern has been expressed under other policies over the proposed district centre facilities, lack of certainty over facilities to be provided within the green necklace and the approach to sports pitch provision. It is noted that the neighbourhood plan includes proposals on land south of phase 1 of Monkton Heathfield for two new football pitches and a club house. These are in connection with the earlier phase of development.

## **18.5 Recreational Open Space**

18.5.1 Policy C2 requires recreational open space arising from new development to meets relevant standards and subject to viability demonstrate how they are responding to them. The approach of the application to formal sports pitch provision is for delivery on site but combining use between the proposed through school and the community 6.3ha of sports pitches are proposed at the school site. There is no indication in the submission of the number and type of pitches to be provided. This would be the subject of further discussion taking into account the relevant local and national standards. No provision towards sports built facilities is currently proposed.

18.5.2 The Sport England consultation response applies and identifies conflict with this policy in sports facility provision, with a lack of adequate planning and provision, particularly in respect of formal sports pitches (on site) and/or lack of additional capacity provision off site. Sport England comments as follows:

*'We are surprised to note in a development of this scale no land allocated within the layout for a community sports hub including multiple playing pitches for various sports to meet the needs of the future population. The dual use of playing pitches for education and community use will provide a high level of risk and significant challenge for community use as the schools priority will be to protect any use for education purposes. e.g. community sports teams being denied access in unfavourable weather. We do not support the provision of dual*



*use playing fields in this development'.*

- 18.5.3 A particular demand in relation to mini soccer and youth football is identified in the response, together with constrained capacity for rugby at the Taunton RFC and regarding cricket (West Monkton Cricket Club), the need for artificial grass practice nets and an artificial pitch. There is also a need to enhance the existing off site artificial grass pitch at Heathfield School for hockey and under-provision locally of tennis. These are all referenced in the Sport England consultation response as are the need to consider opportunity for other physical activity for an indoor multi-purpose space and wider principles of active design in placemaking. Accordingly, the approach to and quantum of on and off site sport and recreation provision is not sufficiently considered and as the application stands, the needs arising from the development are not fully addressed. This is contrary to policies SS1 of the Core Strategy and Policies C2 and C5 of the Adopted Site Allocations and Development Management Plan.
- 18.5.4 West Monkton and Cheddon Fitzpaine Neighbourhood Plan contains Recreation and Environment Policy R4: Recreation and Community Facilities which requires that new major residential development include recreation and community facilities to cater for the demonstrable local need and sets out a range of what such facilities could include. As this neighbourhood plan does not apply to the majority of the application site, this assessment places greater reliance on policies within other parts of the development plan.

## **18.6 Phasing**

- 18.6.1 The application has been submitted with one residential parcel (phase 1) in detail, with the remaining parcels, commercial areas and landscaping in outline. A phasing parameter plan has been submitted as part of the Design and Access Statement, showing up to 5 additional phases, not including the landscaping, park and ride which is stated as being 'subject to further discussion'. The phasing shown is broadly from west to east across the site, starting in the west.
- 18.6.2 Following the delivery of the phase 1 housing, the school site is proposed to come forward between residential phases 1 and 2, as will the first part of the district centre, furthest to the north. Phase 2 residential is proposed next in sequence and is before any of the green necklace green infrastructure is to be provided. The first of three phases of the green necklace are proposed at phase 3 of the residential development with the second part of the district centre at residential phase 3/ phase 4. The remaining areas of the green necklace are to be delivered with residential phases 4 and 6. The final phase of the district centre is proposed at phase 5 / phase 6 of the residential areas.
- 18.6.3 The phases described above have the net effect that much of the residential development will be delivered in advance of significant delivery of the facilities and strategic scale green space. The phasing does not recognise the wider role of site facilities across the whole allocation and that early allocation phases and either complete, or nearly complete. There is also considerable uncertainty over the park and ride site for which no phasing is indicated. Although the detail of phasing will need to be agreed as part of a Section 106 agreement, as currently set out the provision of community facilities and strategic open space in relation to the residential phases is not considered acceptable and if granted, would mean that the facilities that the residents of earlier phases and parts of the wider

site depend upon will not be available until late in the development contrary to policy CP7 of the Core Strategy and to the detriment of high quality, sustainable placemaking.

## 19. Heritage impact

19.1 A Historic Environment Assessment identifies that there are currently no built designated heritage assets within the application area that would be directly impacted upon by the development. Within the vicinity of the application area there are several listed buildings to which the proposed development (outline/full application elements) would have a direct or indirect impact on their setting, these assets are identified in the supporting information as being.

- Grade II\* Listed Walford House and associated Grade II Listed outbuilding at Walford Court – Outline proposal
- Grade II Listed Monkton Elm – Full part of application
- Grade II Listed Langaller House and associated Grade II Listed Langaller Cottage and Outbuilding adjoining Northwest – Outline proposal
- Grade II Listed the Manor House – Outline proposal
- Grade II Listed Manor Farmhouse – Outline proposal
- Grade II Listed Heathfield Farmhouse; and – Outline proposal
- Grade II Listed Blundell’s Farmhouse. – Outline proposal

19.2 In this respect an assessment of these identified heritage assets was undertaken by AC in accordance with *Historic England’s Historic Environment Good Practice Advice set out in Planning Note 3*, which is a staged approach ranging from Step 1 – Step 5. Having reviewed this assessment, the Council’s Conservation officer has commented that the heritage assessment does not undertake all the required steps of the staged approach to the setting of the heritage assets, concluding that the steps relating to.

Step 3 - ‘assessing the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it’ and

Step 4 - ‘explore ways to maximise enhancement and avoid or minimise harm to the impact of the proposed development upon the setting and significance’ would need to be considered at the design and layout stage.

19.3 The Conservation Officer considers that the approach in not undertaking Steps 3 and 4 at this time is considered acceptable in relation to the outline proposals only. The submitted application includes in full, the design and layout of the development within the immediate setting of Monkton Elm a Grade II heritage asset.

19.4 In this respect the submitted assessment conclusion on the impact on the setting as resulting in ‘*negligible adverse change*’ is considered misleading as it has not considered Steps 3 and 4 of the adopted setting guidance and therefore has not fully addressed the potential harm of the proposed design and layout as presented through the full part of the application, would have on the on the setting and its contribution to the significance of Monkton Elm. **Negligible adverse change** equates a ‘change in significance of the resource is barely perceptible.’

19.5 The context in which Monkton Elm is experienced is ‘agricultural landscape’,

the open and rural character of which provides historic setting that enables the heritage asset to be interpreted as a rural dwelling. The Conservation Officer advises that whilst this has been subject to some erosion through road improvements and street lighting, the inherent character and appearance of this historic setting remains a prominent feature that terminates the built envelope of Monkton Heathfield to the north and south of the listed building, providing a gateway to the village when approached from the north-east. Any proposal for development to the north and south of the listed building would result in a level of harm to this open agricultural landscape. Whilst she does not consider this to make the principle of development unacceptable, however the considered layout, scale, use of materials and design should enhance or better reveal the identified significance or at a minimum preserve the character and appearance of the surrounding area (paragraph 206 National Planning Policy Framework).

- 19.6 The design details of the full application area propose a suburban layout (including boundary treatment), built scale ranging from 1 – 2.5 storey and standard residential design. The Conservation Officer considers this approach to introduce a prominent and conspicuous urban environment that would visually compete with and distract from the rural context of the setting and in turn significance of Monkton Elm as a heritage asset. She recommends that more consideration is given to the local vernacular character in terms of layout, building type and architectural detailing in relation to local distinctiveness, which includes boundary treatment that encloses and defines the built form.
- 19.7 In summary, the heritage assessment submitted identifying the change in significance of Monkton Elm, a Grade II heritage asset as barely perceptible as a result of the design and layout of the full application area, fails to fully address the impact of the development on its setting. The application has not assessed the effect of the development upon the significance of Monkton Elm, a grade II heritage asset, nor considered ways to enhance, better reveal or preserve the setting of that heritage asset. The proposal is therefore considered contrary to policies CP8 and D9 of the Taunton Deane Core Strategy and paragraphs 199-204 and 206 of the National Planning Policy Framework.

## **20. Archaeology**

- 20.1 Policy ENV4 relates to archaeology. There is archaeological potential within the site. The heritage assessment identifies a number of features, dating from the Neolithic and iron age within the study areas. These include ring ditches, enclosures and a potential settlement. The Environment topic paper mentions that Monkton Heathfield has a high potential to reveal archaeological information as it is set within a complex of prehistoric and Roman sites.
- 20.2 The document states that developers will be expected to demonstrate that they have assessed the 'significance' of archaeological deposits and remains within the wider landscape value and that this will inform the design and layout of any planning proposal. The consultation response from South West Heritage Trust advises that there is currently insufficient information contained within the application on the nature, date and significance of the archaeological remains to properly assess their interest and recommends that applicant be asked to provide further information on any archaeological remains on the site prior to the determination of the application. The response goes on to state that this will require trial trench evaluation as indicated in the National Planning Policy

Framework (Paragraph 194).

- 20.3 To date, trial trench evaluation has not been carried out and no further information has been submitted. Based on the work undertaken to date, the evaluation of the archaeological value of the site is insufficient and the extent of archaeological impact arising from the development remains uncertain. The application is therefore contrary to policies CP8, ENV4 and the National Planning Policy Framework.

## **21. Air quality, noise and contamination**

- 21.1 Policy DM1 of the Core Strategy sets out a number of criteria that development proposals must meet. This includes the requirement that all forms of pollution must not unacceptably harm public health or safety, the amenity of individual dwellings or the wider environment. The definition of pollution includes air pollution, water, noise, dust, lighting, glare heat and vibration.
- 21.2 The site is not located within an air quality management area and the focus of the relevant chapter of the Environmental Statement submitted with the application focusses on dust, noise and emissions during the construction phase, and vehicular emissions during the operational phase.
- 21.3 With the site currently being arable fields, emissions at the present time are minimal, and relate to agricultural machinery movements and chemical spraying of crops. Clearly a proposal for a new community will significantly add to these emissions. There will be a release of dust and particulates during site construction, however these are deemed to be limited given the area of the site. Mitigation is possible through good construction practices and careful management of construction traffic. Future occupants of the site would not be exposed to concentrations of pollutants above the relevant air quality objectives and therefore the impact of the proposed development with regards to new exposure to air quality is considered to be negligible.
- 21.4 The site abuts the M5 which has the potential to be a noise source. The proposed layout of the scheme does not propose dwellings close to the M5, instead it proposes a green necklace which will provide recreational opportunities and landscape planting. In considering noise and vibration, comments from Environmental Health query whether sufficient account has been taken of the existing noise at the industrial site to the northeast (at Walford Cross), in particular in the event that the configuration of development is adjusted.
- 21.5 The noise assessment submitted with the application indicates ambient noise levels in certain amenity areas would exceed the upper guideline value of BS8233:2014 (Guidance on sound insulation and noise reduction in buildings). Although the assessment suggests that measures such as close boarded solid timber fencing can provide mitigation up to 10dB, Environmental Health comments that barriers may not provide sufficient attenuation to outside areas and that further information on mitigation for external areas should be provided to justify the proposed layout and configuration of and within the residential areas. In addition, the current proposal is recognised in the technical submission material to require all properties overlooking the A38 or proposed link road to incorporate façade reduction of up to 41dB to ensure the internal

maximum noise would not exceed 45dB World Health Organisation criterion. Properties within 20m and with a direct line of sight to a road noise source should ensure suitable façade design to ensure suitable internal noise conditions. Adequate detail of such design is likely to require suitable, acoustically-treated arrangements for forced ventilation. Given the potential flexibility of overall design and layout of this site, Environmental Health comments that the suitability of such arrangements being necessary requires further justification. Furthermore, technical submissions on noise criteria for residential buildings reference the wrong noise level for sleeping (30dB LAeq,8hour instead of 35dB LAeq,8hour between 2300-0700). Any assessments based on the inaccurate figure need to be revisited.

21.6 Environmental Health comments that the proposal is likely to require acoustically treated arrangements for forced ventilation to some dwellings, but that given the overall potential flexibility of overall design and layout, the necessity of such arrangements requires further justification. In summary, the position of Environmental Health on noise matters is that it is necessary that the approach outlined in 'ProPG (Professional Practice Guidance on Planning and Noise): Planning and Noise, New Residential Development' (May 2017) is followed, not least the detail within Stage 2, Element 1 – Good Acoustic Design Process. It is the view of Environmental Health that the application does not sufficiently demonstrate this approach. Given that the layout and configuration of the site is a key and fundamental element of the design process, in the above circumstances Environmental Health objects to the application as submitted.

21.7 In respect of land contamination matters, Environmental Health has referenced the application site as being in an area of diverse uses- agricultural, infill material and building structure. The submitted report relies on a preliminary risk assessment and ground investigation from 2016 and identified made ground and potential for contamination concerns. Although some sampling and trial pits were carried out, it cannot currently be determined whether the locations are representative of the site as a whole. Whilst the assessment recorded no elevated contamination, it is considered important to carry out further risk assessment for the site to determine the extent of made ground, gassing regime and infill material with additional potential contaminants tested for. The extant preliminary risk assessment is not considered to have provided a robust conceptual site model and there is potential for contaminative material being encountered which was not considered in the 2016 report. Additional monitoring in respect of off-sight sources of contamination, especially infill pond and gassing regime and ground water monitoring will be required. Taking the above into consideration, Environmental Health has requested that additional detailed risk assessment should be submitted to the Local Planning Authority for approval. Where contaminants have been encountered, the applicant needs to provide a detailed option appraisal, remediation strategy and verification plan prior to commencement of the development. These further requirements in respect of contamination could be conditioned in the event that planning permission were granted.

21.7 The consultation response from Environmental Health has therefore raised several issues in respect of the technical assessments submitted to support the application. Those relating to noise assessment and its mitigation indicate that

there are deficiencies in the technical assessment information submitted to support the information with the result that it has not been sufficiently demonstrated that the requirements of policy DM1e of Taunton Deane Core Strategy have been met in terms of the potential impact of noise and any required mitigation measures upon the amenity of the residents of the proposed dwellings.

## **22. Safety and Crime**

22.1 Policy D8 of the Site Allocations and Development Management Plan requires new developments to incorporate measures to reduce the likelihood of crime which are compatible with the need to create an attractive and sustainable layout and lays out a series of relevant criterion. In order to provide safe places and ensure communities minimise the fear of crime and anti-social behaviour, it is also necessary to assess the application against the NPPF, which requires that places are safe, inclusive and accessible.

22.2 The Police Crime Prevention Design Advisor has commented on the application and confirms that reported crime and antisocial behaviour levels for the area of the proposed development are average. As a hybrid application, many of the parts of the scheme have been submitted in outline, with only means of access included. Accordingly, for much of the site only general comments are made on reducing crime and antisocial behaviour by design which are summarised as follows:

- Vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street. The use of physical or psychological features helps reinforce defensible space.
- Communal Areas and Play Space should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users. Boundaries between public and private space must be clearly defined.
- Dwelling Boundaries – boundaries between public and private space must be clearly defined and dwelling frontages are kept open to view to assist resident surveillance of the street and public areas. Exposed side and rear gardens need more robust defensive measures such as 1.8m high walls, fences or hedges.
- Potential climbing aids such as walls, street furniture, balconies, trees etc. should be suitably designed so as not to allow unlawful access to dwellings.
- Vehicles should either be parked in locked garages or on a hard standing within the dwelling boundary. Where communal parking areas are necessary, bays should be sited in small groups, close and adjacent to homes, be within view of 'active' rooms and allocated to individual properties.
- Landscaping/planting should not impede opportunities for natural surveillance and wayfinding and must avoid creating potential hiding places.
- All street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2020.

22.3 However, the proposed Phase 1 does need to demonstrate these features as

this is submitted in full as part of this application. Comments from the Police over the full parts of the application are as follows:

- The local area for play proposed in Phase 1 appears to be well overlooked by dwellings on three sides.
- Dwellings in Phase 1 appear to be positioned overlooking the street and public open spaces which allows neighbours to easily view their surroundings and makes the potential criminal more vulnerable to detection.
- The majority of the dwellings are also 'back to back', which has advantages from a crime prevention perspective, in that it helps restrict unauthorised access to the rear of dwellings. Dwelling boundaries- The site layout plan indicates that these recommendations will be complied with.
- Rear Access Footpaths – the development incorporates a number of rear access footpaths which should be ideally removed to reduce risk of burglary. If they are essential to provide rear access, they must be gated at the entrance to the footpath, as near to the front building line as possible, so that unlawful attempts to access them are in full view of the street
- Parking- Overall, the Phase 1 parking proposals appear to comply with recommendations. However, the proposed parking arrangements for Plots 30-37 (Persimmon) which are at the rear of the dwellings they serve, with two vehicular access points enabling easy unauthorised access to both the rear of these dwellings and parked vehicles. As is the case with the majority of communal parking in this development, it is recommended these parking spaces be relocated to the front of the dwellings they serve where there would be much improved surveillance opportunities.
- Apartment Blocks – are basically 'L' shaped with no deep recessed areas which could be used for concealment and good sight lines around them. If possible, areas of defensible space should be incorporated around these blocks externally to deter crime and anti-social behaviour. The blocks incorporate two communal entrances, front and rear, which should have installed suitable access control systems. The blocks incorporate integral Cycle and Bin Stores, which is recommended, and which should be lockable to prevent theft of cycles and misuse of wheelie bins for climbing or arson. Communal mailboxes in the 'air lock' type arrangements in the lobbies are also recommended. Car parking for residents in adjacent rear courtyards appears to be well overlooked from all Apartment Blocks.

22.4 As a result of these comments some changes to the design are needed in respect of the Phase 1 development. There are no significant concerns with the outline element of the application at this stage as these matters will be considered in detail at a subsequent reserved matters stage. In conclusion, whilst a few issues have been raised, in general the proposal is considered to accord with policy D8 of the Site Allocations and Development Management Plan.

## **23. Health - Health Centre and wellbeing Issues**

23.1 Policy SS1 specifically references the provision of health facilities within the district centre. However, the views of the NHS Clinical Commissioning Group (CCG) in this respect need to be taken into account. Within the consultation response they state that the combined existing surgeries at Creech Medical

Centre, Lyngford Park and Crown, are already over capacity. There are 21,063 patients registered at these three surgeries and the proposal is estimated to increase the population by a further 3,277 patients. The CCG has requested a contribution of £838,912 towards further infrastructure, without specifying whether this equates to a new purpose-built facility, space within the district centre, or as an extension to either of the existing centres. Separate recent discussions with the NHS CCG for the Taunton Garden Town Infrastructure Delivery Plan indicate a clear preference to address additional demand arising from development by expanding existing surgeries where possible rather than creating a new medical centre on site.

- 23.2 Were permission to be granted, it is considered appropriate to request this contribution by way of a Section 106 agreement. No such agreement has to date been entered into and therefore this is currently unsecured.
- 23.3 As part of wider wellbeing, the design of the scheme is required to adopt principles of healthy living, active travel, cycle and footways, green spaces and by reducing car use. It is not considered that the scheme as currently presented accords with these principles and more detail on this is set out elsewhere within this report. Therefore the application is contrary to policy A5 of the SADMP, the principles set out within the Garden Town public realm design guide and the Districtwide design guide. This is covered in more detail under the design and placemaking and sustainable transport sections of this report.
- 23.4 Allotments have been proposed within the green necklace on the east edge of the development, providing an opportunity for local food production. However, its distant location and the eastern relief road running between the neighbourhood and the green necklace reduces the accessibility of the green necklace and its facilities including allotments. It would be preferable to place the allotments closer to the dwellings and allow for better connections. The placemaking and design section addresses the masterplanning of the site, the relationship between applications features and accessibility in more detail.

## **24. Public rights of way**

- 24.1 Four public footpaths T 32/14, T 10/21, T 10/22 and T 10/29 run through the site with further public rights of way located adjacent. These footpaths run broadly north-south through the site in two locations, with the final on-site footpaths being located towards the south of the site and running broadly east-west. As submitted, the proposal will obstruct footpaths T 10/21 and T 10/22 necessitating either revision of the proposal to prevent obstruction or a diversion order applied for.
- 24.2 The County Council Rights of Way Officer has commented on the application and does not raise objection subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way and the addition of a Grampian style condition as follows:

*No development hereby approved which shall interfere with or compromise the use of footpath T 10/21 and T 10/22 shall take place until a path diversion order has been made and confirmed and the diverted route made available to the satisfaction of the Local Planning Authority.*



In addition, an informative note is requested that seeks to alert the applicants that development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

- 24.3 The Rights of Way Officer also requests suitable pedestrian crossings and link should be provided from the northern end of path T 32/14 to the smaller site located to the north of the garden centre and between the northern edge of the site and the footpath T 32/27. It is requested that these connections be incorporated into revised layout plans and secured through a s106 agreement. The applicant will need to demonstrate that the crossing points and upgrades of existing public footpaths over the proposed access roads, are safe for the public to use and constructed appropriately through the technical approval process as part of a relevant legal agreement. Surface improvements to public footpaths to cope with an increase in future use is also sought to be secured through a s106 agreement. and can be technically approved under a s38 adoption agreement. To support local improvements and changes to the surrounding public right of way network, a financial contribution of £30,000 is requested and would be secured through a s106 agreement.
- 24.4 The construction phase of the development may also give rise to impact upon the rights of way through the site. In the event of less convenience or the creation of a hazard for users, a temporary closure order may be needed, and a suitable alternative provided. These and other general comments may be brought to the attention of the applicants and due to the presence of other legislation, is not considered to require further conditions.
- 24.5 With the addition of the condition in 24.2 and the securing of the requested financial contribution via S106 agreement, the Rights of Way Officer raises no objection to the application. Although no policies are specific to public rights of way, those relating to accessibility by walking are considered relevant including policies CP6, SP2 Taunton Deane Core Strategy and policy D9 Taunton Deane SADMP.

## **25. Local Finance Considerations**

### **25.1 Community Infrastructure Levy**

25.1.1 The creation of dwellings and retail development is CIL liable.

#### Outline element:

1210 dwellings. No detailed plans. Design and Access Statement states 39.9dph.

Using Residential Testing Assumptions, the proposed dwellings total approx. 110,760sqm

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £7,753,250.00. With index linking this increases to approximately £11,010,000.00.

Proposed retail development (A1-A5 incl) outlined in Design and Access Statement is approx. 2495sqm.

The application is for retail development outside of Taunton and Wellington town centres where the Community Infrastructure Levy (CIL) is £140 per square metre. Based on current rates, the CIL receipt for this development is approximately £349,500.00. With index linking this increases to approximately £496,000.00.

Full Planning element:

Proposed development of 240 dwellings measures approx. 12,120sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £848,500.00. With index linking this increase to approximately £1,205,000.00.

25.1.2 Any CIL phasing plan must be approved as part of the planning process and cannot be agreed once the planning decision has been made.

25.2 New Homes Bonus

25.2.1 The application if granted would also generate New Homes Bonus. Assuming 25% affordable housing (each affordable dwelling attracts an additional £350 New Homes Bonus), and an average of Band D Council Tax, 1450 homes could generate approximately £2,251,794 for one year. At present payments are made over a period of four years.

**25. Planning balance and conclusion**

25.1 This is an application forming a major part of an allocation within the Council's local plan. There is currently a prediction that housing delivery, whilst difficult, does meet with requirement, being at the upper end of a 4.25 - 5.13 year supply range of deliverable housing. Nevertheless, this application if granted would deliver 1450 homes, a significant number. These new homes would incorporate a percentage of affordable housing (25% in the first phase), helping to meet existing need, be of social benefit and through additional population inject more money into the local economy. In addition, the application will generate significant CIL receipts and New Homes Bonus. The application also includes employment development within the district centre and by way of strategic reserve, creating jobs and economic activity. It is acknowledged that the construction phase would also create economic and employment benefits. These factors weigh in favour of the application.

25.2 In addition, the application makes provision for a range of community facilities and infrastructure including a through school, land for the proposed park and ride, a district centre incorporating community facilities and commercial floorspace. A total of circa 30ha of public open space together with wider green infrastructure are proposed. Whilst many of these currently lack detail, their delivery and phasing could be secured through the use of conditions and entering into a signed S106 agreement with detail being established through reserved matters submissions. These too weigh in favour of the application. In combination, the benefits of the application would be substantial.

- 25.3 However, there are substantial adverse impacts and harm arising from the proposal with this application assessment having found significant and multiple areas where the application conflicts with adopted development plan policies. Significantly, the development is likely to adversely affect the integrity of the Somerset Levels and Moors Ramsar site by adding to the concentration of phosphates in an area where they are already excessive. There is no technical information evidencing the level of phosphates generated by the development, nor mitigation measures to demonstrate that phosphate neutrality can be achieved. The Local Planning Authority is unable to conclude a favourable Habitat Regulations Assessment and fulfil its statutory duty under Regulation 63 the Conservation of Habitats and Species Regulations 2017. As such conflict is found with policies CP8, SS1 and DM1c of the adopted Taunton Deane Core Strategy together with paragraphs 180-182 of the NPPF.
- 25.4 The proposal has also been found to conflict with relevant policies in terms of the quality of placemaking and design: policies CP5, CP6, SP2, SS1, DM1, DM4 (Taunton Deane Core Strategy); A1, A3, A5, D7 and D9 (Taunton Deane Site Allocations and Development Management Plan); CSM1, CSM4 and CSM6 (Creech St Michael Neighbourhood Plan) ; Policy T1 (West Monkton and Cheddon Fitzpaine Neighbourhood Plan); is contrary to the Districtwide Design Guide SPD, Garden Town Public Realm Design Guide SPD and the Vision for Taunton Garden Town. It is also considered contrary to the National Planning Policy Framework paragraph 125 and sections 2, 8, 9 and 12 and national design guidance including the National Design Guide and National Model Design Code.
- 25.5 The proposal has failed to demonstrate that it will sufficiently incorporate sustainable design features to reduce its impact on the environment, mitigate and adapt to climate change and fails to demonstrate that it will result in a development which minimises the use of energy, or to holistically consider the energy strategy for the site as a or how the development can realistically meet current or future national standards likely to apply within the development's lifetime. Conflict is identified with policies SS1, CP1 and DM5 of the Core Strategy and provisions within the Districtwide Design Guide SPD, and provisions within the National Planning Policy Framework sections 2 and 14.
- 25.6 Policy conflict has also been identified in respect of the proposals for the district centre and its phasing in relation to development in respect of policies CP3, SS1 and SP2 of Taunton Deane Core Strategy, policies C5 and TC3 Taunton Deane Site Allocations and Development Management Plan and the provisions within the National Policy Framework sections 2, 8, and 12.
- 25.7 Insufficient information has been submitted to understand the site's archaeological value or significance and the likely effects of the development upon it, raising conflict with policies CP8 (Taunton Deane Core Strategy) ENV4 (Taunton Deane Site Allocations and Development Management Plan) and the National Planning Policy Framework section 16. In addition, other aspects of the historic environment raise policy conflict in the absence of comprehensive assessment of the impact of the development upon the setting of Monkton Elm, a grade II heritage asset contrary to policies CP8 and D9 of the Taunton Deane Core Strategy and paragraphs 199-204 and 206 of the National Planning Policy Framework.

- 25.8 Whilst the development will deliver affordable housing, policy conflict has been identified with policies SS1, CP4 Taunton Deane Core Strategy, the Ministerial Statement of 24th May 2021 and Planning Practice Guidance 2021.
- 25.9 In respect of highway and transport matters, the application has been identified as providing insufficient information to fully understand the impact of the development on the strategic highway network; specifically, the safe and efficient operation of the M5 motorway and its assets. In respect of the strategic highway network, the current holding objection issued by National Highways has the effect of preventing the grant of planning permission. This is a substantial matter weighing against the application. The transport assessment is not considered in accordance with published guidance and a range of possible outcomes have not been evaluated. It is therefore not possible to determine the impact of the development upon the local highway network, the range of transport interventions that may be required in order to address those transport impacts, their triggers for provision in relation to the phases of development and their delivery has not been secured. Conflict has been identified with policies CP6 and DM1b of the Taunton Deane Core Strategy and provisions within the National Planning Policy Framework section 9.
- 25.10 The application does not provide a suitable means for securing the delivery of the proposed park and ride site, and it has not been proven that this is the optimum location for this facility in order to maximise its use and effectiveness. No bus strategy has been put forward within the planning submission, and the application is not considered to comprehensively plan for public transport. Accordingly conflict has been identified with policies SP2, SS1, CP6 and CP7 of the Taunton Deane Core Strategy; A5 of the Taunton Deane Adopted Site Allocations and Development Management Plan and policy CA1 of the West Monkton and Cheddon Fitzpaine Neighbourhood Plan and the National Planning Policy Framework sections 9 and 12.
- 25.11 The proposal will result in dwellings subject to significant levels of road transport noise, necessitating suitable mitigation measures. It has not been demonstrated that the amenity of the occupiers of these proposed dwellings has been safeguarded from noise arising from the development nor the suitability of proposed mitigation measures. The application does not demonstrate that the requirements of policy DM1e of Taunton Deane Core Strategy nor paragraphs 174 and 185 of the National Planning Policy Framework have been met.
- 25.12 Policy conflict has also been identified in that insufficient information has been submitted to demonstrate the adequacy of the proposed approach to water management and drainage of the site and therefore compliance with requirements within policies CP1, SS1 and I4 of the Taunton Deane Core Strategy and paragraph 169 of the National Planning Policy Framework.
- 25.13 Policy conflict has been identified in that the application does not demonstrate an acceptable approach to sport and recreation to meet the demand arising from the development contrary to policy SS1 of the Core Strategy and Policies C2 and C5 of the Adopted Site Allocations and Development Management Plan.
- 25.14 In the absence of a signed S106 agreement a range of other policy conflicts

have been identified. Whilst the provision of signed S106 agreement would secure and thereby resolve many of these issues, in its absence policy conflict arises in respect of the delivery, timing and funding of a range of critical facilities and infrastructure required to meet the needs of the development or to mitigate for its impact including affordable housing, education, community facilities, employment, open space and sports provision, highway improvements including sustainable transport and the park and ride site, ecological enhancement, public rights of way and the phasing of development. Policies CP4, CP5, CP7, CP8, SP1, SP2, SS1, DM1 of the Taunton Deane Core Strategy, policies A2, I4, C2 and C5 of the Taunton Deane Site Allocations and Development Management Plan and provisions within the National Planning Policy Framework apply, at present are not satisfied and currently weigh against the application.

- 25.15 Although the position is challenging, this Council considers that applying reasonable assumptions, it is able to demonstrate a 5 year supply of deliverable housing sites. Accordingly, the Paragraph 11d tilted balance is not considered to be engaged. However, even if it were, the lack of an agreed phosphate budget and mitigation means that the development is likely to lead to a significant adverse effect on the Somerset Levels and Moors Ramsar site. As such, the Council cannot ascertain beyond reasonable scientific doubt that the development would not affect the integrity of the Ramsar site provides a clear reason for refusing the application. In addition, the application is not considered to accord with the development plan taken as a whole for the reasons set out in the report and the benefits of the application, whilst substantial, do not outweigh this conflict. This report has also identified that this application conflicts with supplementary planning guidance, the NPPF and national guidance including the National Design Guide and National Model Design Code. The overall adverse impacts and substantial harm that would arise if planning permission were granted are also identified in this report and are considered to significantly and demonstrably outweigh the benefits of the proposal, when assessed against the development plan policies, the National Planning Policy Framework taken as a whole and other material considerations. Having regard to all the matters raised, it is therefore recommended that planning permission is refused.
- 25.9 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 – Reasons for refusal

1. The proposed development has the potential to adversely affect the integrity of the Somerset Levels and Moors Ramsar site by adding to the concentration of phosphates in an area where they are already excessive. In the absence of technical information evidencing the level of phosphates generated by the development, and mitigation measures to demonstrate that phosphate neutrality can be achieved, the Local Planning Authority is unable to ascertain beyond all reasonable scientific doubt that the proposed development would not adversely affect the integrity of the Ramsar site as required by Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017. It is therefore not possible for the Local Planning Authority to conclude a favourable Habitat Regulations Assessment and fulfil its statutory duty under Regulation 63(1) of the said Regulations 2017. As such the proposal is contrary to Policies CP8 (Environment) SS1 and DM1c (General requirements) of the adopted Taunton Deane Core Strategy and Paras. 180-182 of the NPPF.

2. If granted the development would result in a place that is not well designed. It is considered to be an unsustainable, car and road dominated, uncoordinated and unconnected, dormitory development that is not attractive, locally distinctive, healthy or with a sense of place. Specifically, the development is considered not well designed in that:

- i. The development will not function comprehensively as a sustainable neighbourhood, that is complete, connected and a comprehensive place allowing for living locally.
- ii. The development has been designed around the provision of an eastern relief road and associated roundabouts. The car-based, approach to placemaking results in road, car and parking domination that does not prioritise active travel and public transport. It has poor connectivity to the surrounding area and results in an unconnected place.
- iii. As proposed, the development does not reduce need to travel, deliver a walkable neighbourhood, nor achieve health and well-being objectives associated with the prioritisation of active travel and living locally.
- iv. Within the site the development lacks integration and permeability with a poor network of connected streets designed primarily for cars, that do not integrate the walking and cycling network, nor make streets into places. As designed, there is segregation between uses and parts of the site.
- v. As proposed, the district centre is not considered to result in a coherent, attractive, vibrant, mixed use centre functioning as a high quality place at the heart of the community.
- vi. Density is considered too uniform and not sufficiently structured to support the use and vitality of public transport or facilities and services within the site.

- vii. The development is located in Taunton Garden Town. It has not been designed as a new garden neighbourhood that meets the quality of design expected within a designated Garden Town and is not in accordance with the Vision for the Garden Town or Garden Town Principles.

Additionally, in respect of the full application proposals:

- i. The development's streets and places lack legibility, attractive and distinctive character and clear identity. There is poor use of street hierarchy and domination by cars.
- ii. The proposed dwellings do not deliver adaptable, flexible lifetime homes.
- iii. The proposed buildings do not define and enhance the streets and spaces, nor turn corners well.

Accordingly, the application is considered contrary to development plan policies CP5, CP6, SP2, SS1, DM1, DM4 (Taunton Deane Core Strategy); A1, A3, A5, D7 and D9 (Taunton Deane Site Allocations and Development Management Plan); CSM1, CSM4 and CSM6 (Creech St Michael Neighbourhood Plan) ; Policy T1 (West Monkton and Cheddon Fitzpaine Neighbourhood Plan); is contrary to the Districtwide Design Guide SPD, Garden Town Public Realm Design Guide SPD and the Vision for Taunton Garden Town. It is also considered contrary to the National Planning Policy Framework paragraph 125 and sections 2, 8, 9 and 12 and national design guidance including the National Design Guide and National Model Design Code.

3. The proposal has failed to demonstrate that it will sufficiently incorporate sustainable design features to reduce its impact on the environment, mitigate and adapt to climate change, and particularly help deliver reduction in CO2 and other greenhouse gas emissions. It fails to demonstrate that it will result in a development which minimises the use of energy, or to holistically consider the energy strategy for the site as a whole (which might include use of an energy centre to provide locally generated electricity to the new development), or how the development can realistically meet current or future national standards likely to apply within the development's lifetime. The proposal is therefore considered to be contrary to policy SS1, CP1 and DM5 of the Core Strategy and provisions within the Districtwide Design Guide SPD, and provisions within the National Planning Policy Framework sections 2 and 14.

4. The proposed District Centre is insufficient to fulfil its function and meet the needs of the Monkton Heathfield development, in order to deliver a mixed sustainable community, as set out in Policy SS1. Furthermore, there is concern over the phasing of its provision in relation to development and the relationship with the completed phases within Monkton Heathfield. The proposal is therefore contrary to Policies CP3, SS1 and SP2 of Taunton Deane Core Strategy, policies C5 and TC3 Taunton Deane Site Allocations and Development Management Plan and the provisions within the National Policy Framework sections 2, 8, and 12

5. Although the site is of known archaeological potential and the development

could affect archaeological remains, trial trench evaluation has not been carried out and insufficient information has been submitted to understand the site's archaeological value or significance and the likely effects of the development upon it. The application is therefore contrary to policies CP8 (Taunton Deane Core Strategy) ENV4 (Taunton Deane Site Allocations and Development Management Plan) and the National Planning Policy Framework section 16

6. The impact of the development upon the setting of Monkton Elm, a grade II heritage asset has not been assessed such as to understand the effect of the development upon its significance and setting, nor considered ways to enhance, better reveal or preserve the setting of that heritage asset. The proposal is therefore considered contrary to policies CP8 and D9 of the Taunton Deane Core Strategy and paragraphs 199-204 and 206 of the National Planning Policy Framework.

7. The application as presented is not considered to comply with affordable housing requirements under policies SS1, CP4 Taunton Deane Core Strategy, the Ministerial Statement of 24 May 2021 and Planning Practice Guidance 2021.

8. Insufficient information has been submitted in order to fully understand the impact of the development on the strategic highway network; specifically, the safe and efficient operation of the M5 motorway and its assets. The proposal is therefore contrary to policies CP6 and DM1b of the Taunton Deane Core Strategy and provisions within the National Planning Policy Framework section 9.

9. The transport assessment is not considered in accordance with published guidance and a range of possible outcomes have not been evaluated. It is therefore not possible to determine the impact of the development upon the local highway network, the range of transport interventions that may be required in order to address those transport impacts, their triggers for provision in relation to the phases of development and their delivery has not been secured. The proposal is therefore contrary to policies CP6 and DM1b of the Taunton Deane Core Strategy and provisions within the National Planning Policy Framework section 9.

10. The proposal does not provide a suitable means for securing the delivery of the proposed park and ride site, and it has not been proven that this is the optimum location for this facility in order to maximise its use and effectiveness. No bus strategy has been put forward within the planning submission, there is not detail of bus routing, the enhancement of services nor how the separate phases of the site can be appropriately served by public transport as the development is delivered over time. The application is not considered to comprehensively plan for public transport. The proposal would therefore be contrary to policies SP2, SS1, CP6 and CP7 of the Taunton Deane Core Strategy; A5 of the Taunton Deane Adopted Site Allocations and Development Management Plan and policy CA1 of the West Monkton and Cheddon Fitzpaine Neighbourhood Plan and the National Planning Policy Framework sections 9 and 12.

11. The proposal will result in dwellings subject to significant levels of road



transport noise, necessitating suitable mitigation measures to ensure acceptable internal and external noise conditions in order to safeguard residential amenity of the occupiers. There are deficiencies in the technical assessment information and justification submitted to support the application and proposed mitigation. The application does not demonstrate that the requirements of policy DM1e of Taunton Deane Core Strategy nor paragraphs 174 and 185 of the National Planning Policy Framework have been met and the amenity of the occupiers of the proposed dwellings has been safeguarded from noise arising from the development and demonstrated the suitability of proposed mitigation measures

12. Insufficient information has been submitted to demonstrate the adequacy of the proposed approach to water management and drainage of the site and therefore compliance with requirements within policies CP1, SS1 and I4 of the Taunton Deane Core Strategy and paragraph 169 of the National Planning Policy Framework.

13. The application does not demonstrate an acceptable approach to the provision of on site and off site sport facilities including built sports provision to meet the demand arising from the development. The proposal therefore does not acceptably deliver for sport and recreation, contrary to policy SS1 of the Core Strategy and Policies C2 and C5 of the Adopted Site Allocations and Development Management Plan.

14. In the absence of a signed S106 agreement, the proposal does not provide a means for securing the delivery, timing and funding of infrastructure requirements and facilities required in connection with the development or that are necessary to mitigate its impact:

- a) Affordable housing
- b) Education land and contributions
- c) Health care provision contributions
- d) District centre together with associated community facilities
- e) Employment
- f) Provision, adoption, management, maintenance and long-term stewardship of open space and community assets
- g) Provision of sport, recreation, play and green infrastructure
- h) Phasing of the development
- i) On and off-site highway improvements as required by the development
- j) Delivery of the park and ride facility and contributions towards sustainable transport
- k) A travel plan for residential and non-residential land uses
- l) Ecological enhancement and habitat creation
- m) Water management and drainage, management and maintenance
- n) Public rights of way contribution

and therefore, would be contrary to policies CP4, CP5, CP7, CP8, SP1, SP2, SS1, DM1 of the Taunton Deane Core Strategy, policies A2, I4, C2 and C5 of the Taunton Deane Site Allocations and Development Management Plan and provisions within the National Planning Policy Framework.

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 with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



<b>Application Details</b>	
Application Reference Number:	42/22/0076
Application Type:	Approval of Reserved Matters
Description	Application for approval of reserved matters following outline approval 42/14/0069 for the appearance, layout and scale for the erection of a bat house and associated works at Orchard Grove Urban Extension at Comeytrowe
Site Address:	Orchard Grove, Land at Comeytrowe/Trull, 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 <a href="mailto:s.fox@somersetwestandtaunton.gov.uk">s.fox@somersetwestandtaunton.gov.uk</a>  Should you wish to discuss the contents of this report item please use the contact details above by 12 noon on the day before the meeting, or if no direct contact can be made please email: <a href="mailto:planning@somersetwestandtaunton.gov.uk">planning@somersetwestandtaunton.gov.uk</a>
Agent:	Boyer Planning
Applicant:	TAYLOR WIMPEY VISTRY
Reason for reporting application to Members:	Each stage of the Comeytrowe 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 application seeks the approval of reserved matters for the erection of bat mitigation in the form of a bespoke replacement roost building to facilitate the demolition of the former Industrial Estate which contains several roosts.
- 2.2 After consideration of all representations and consultations, planning policy and material considerations including the planning history and the scope of the application as one for approval of reserved matters, 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) Drawing Schedule
- 2) Floor Levels

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

- 1) Reminder of Outline Planning Conditions
- 2) Statement of positive working
- 3) Completion review request

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

#### **Details of proposal**

- 4.1 The outline consent includes reverting the land on which the former Industrial Estate operated off Comeytrove Lane to housing. Within the now disused buildings to be demolished several bat roosts have been discovered. There are seven confirmed bat roosts within the site; two common pipistrelle day roosts, one soprano pipistrelle day roost and four lesser horseshoe day roosts.
- 4.2 To achieve a Natural England licence to demolish the buildings an alternative bat roost has to be provided prior to demolition. A proposal has come forward to erect a bespoke bat house that would create the environment for bats to colonise.
- 4.3 The selected site lies north of the existing roost building and would sit adjacent to a mature existing hedgerow which would be used for foraging by the same bats.
- 4.4 The bat house has been designed to provide suitable roosting habitat for a lesser horseshoe bat, common and soprano pipistrelle bat and includes following specifications:
  - Constructed of either brick, stone or breeze block with rough sawn wavy edged timber cladding;
  - Dimensions of 4m high (plus 1m deep basement) x 5m wide x 5m deep; plus lean-to (2.7m wide by 5m deep and 2m high), plus access steps to pedestrian door.
  - A single fly-through letterbox style access point of 600mm wide x 200mm high, with a baffle behind (a plywood board at least 200mm from the entrance but in front of it, so that the bat can fly in and then down and

under it, but so it is preventing too much light and draughts from coming in);

- The access point should be facing towards the boundary/off-site vegetation;
- The structure has an open-sided lean-to on the side of it to allow for a sheltered 'light sampling'/warming up and night feeding area for lesser horseshoe bat;
- The roof of the structure should pitched and tiled, and lined with traditional bitumen type 1F roofing felt (with hessian matrix) only;
- A suitable hibernation location will be provided (i.e. a small basement or breeze block cooling tower) within an area of the bat house that provides a suitable, stable temperature and humidity for lesser horseshoe bats;
- In order to provide suitable compensatory roosting spaces for the common and soprano pipistrelle bats, the structure should include at least two of either Schwegler 1FF bat boxes (or similar) fixed to the interior wall of the void, Schwegler 1FR bat tubes (or similar) incorporated into the wall of the structure, or lifted bat access tiles incorporated into the roof of the structure;
- There should be a secure means of human access (to be kept locked once built, other than occasional access for the Named Ecologist or Accredited Agent) for monitoring purposes; and
- A thorny hedge will be planted around it (making sure the access point remains unobstructed at all times), in order to minimise the potential for vandalism.

4.5 In addition, there are numerous other tree-mounted bat boxes to be installed across the wider site as enhancement, as detailed in the Strategic Landscape and Ecology Management Plan (LEMP) (ref. edp782\_r042).

4.6 Specific provision of alternative bird nesting habitat is not proposed in relation to the building demolition, however, the substantial new tree and woodland planting and tree-mounted bird boxes as detailed in the Strategic LEMP will deliver a range of alternative nesting opportunities.

#### Site and surroundings

4.7 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.

- 4.8 The site is generally characteristic by an undulating landscape. The area of the site south of Jeffreys Way slopes from the north to the south east to the un-named tributary of the Galmington Stream. That slope has now been cut into terraces in line with application 42/19/0053 to achieve road lines, development platforms and drainage basins. There are some retained hedgerows and trees.
- 4.9 The site is not near any Conservation Area and the nearest listed building is located approx. 100m to the southeast, Comeytrove Manor beyond the former Industrial Estate.
- 4.10 The site is under construction, occupations commenced in April 2022 with currently circa 75 properties occupied at present.

## 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 Extension (Under Planning Application No. 42/14/0069) on Honiton Road, Trull	Approved	9 August 2019
42/19/0053	Application for approval of reserved matters following outline application 42/14/0069 for construction of the strategic infrastructure associated with the Western Neighbourhood, including the spine road and infrastructure roads; green infrastructure and ecological mitigation; strategic drainage, earth re-modelling works and associated retaining walls on land at Comeytrove/Trull	Approved	18 March 2020
42/20/0005/DM	Prior notification of proposed demolition of chicken coops on land south west of Taunton	No objection	21 February 2020



		subject to conditions	
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 Comeytrove/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 Comeytrove/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 drainage with associated infrastructure and engineering works at Phase H1a on land at Comeytrove/Trull	Approved	8 April 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
42/20/0043	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,	Approved	8 April 2021

	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		
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 falling within Phase H1C/H1F at Comeytrove/Trull	Approved	31 August 2021
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 Comeytrove/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 Comeytrove/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 Comeytrove 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, Comeytrove	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, Comeytrove Manor West, Lipe Hill Lane, Comeytrove	Pending	
42/21/0069	Conversion and change of use from commercial (Class E) to 1 No. residential dwelling at The Stable Block, Comeytrove Manor West, Lipe Hill Lane, Comeytrove	Pending	
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
42/22/0040	SCC Consultation – Erection of primary school and nursery, to include construction of sports pitches, parking area and access onto spine road incorporating landscaping and	Approved	SWT Comments sent to SCC 26 May 2022, application approved by SCC

	infrastructure on land at Comeytrove, Taunton <i>For the full application file visit SCC's Planning register online, ref SCC/3938/2022</i>		December 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	Approved	03 February 2023
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	Approved	31 January 2023
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 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	Pending	
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.	Approved	10 March 2023

	<p>dwelling, 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) together with additional details as required by Condition No's. 7, 9, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 23 on land west of Comeytrove Lane, Taunton</p>		
42/22/0063	<p>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. dwelling, 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 land west of Comeytrove Lane, Taunton</p>	Pending	
42/22/0064	<p>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 Comeytrove, Taunton</p>	Pending	
42/22/0075/CB	<p>Application to determine if prior approval is required for the proposed demolition (Class B) of former industrial buildings at Comeytrove Manor Industrial Estate, Lipe Hill Lane, Comeytrove</p>	Prior Approval Required	18 January 2023

## 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 the outline application was accompanied by a full Environment Statement.
- 6.4 The Council therefore must assess whether the information it has within the outline ES is sufficient to determine the application now before it.
- 6.5 The conclusions hereon are such that the Council considers the application as an application for reserved matters 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 Council considers this application, which is merely for infrastructure in the form of bat mitigation and therefore does not produce waste water, does not require an HRA. An HRA is only required in connection with reserved matters applications for residential development so long as the issue with the Ramsar persists.

## **8. Consultation and Representations**

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

Date of Consultation: 05 January 2023

Date of revised consultation: Details of amendment sent for information 16 March 2023

### **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.

<b>Statutory consultee</b>	<b>Comments</b>	<b>Officer comments</b>
<b>Trull Parish Council</b>	On the original plans - Trull Parish Council wishes to support the concept of the bat hotel, but would like it noted that there is a lack of detail regarding the associated works and would be interested to know who will be maintaining the structure.	The PC do not set out what associated works they refer to. The bat house will be managed and maintained by whatever mechanism gets agreed for the wider Public Open Space area.
<b>Comeytrove Parish Council (Neighbouring Parish)</b>	On the original plans - Object until a full safety report has been carried out on the site, but the Parish Council supports the principle of the bat house to protect the habitat.	The PC do not set out what the safety report is required in connection with.
<b>Bishops Hull Parish Council (Neighbouring Parish)</b>	On the original plans - Support in principle, but the contamination on site needs to be resolved before this is installed	Contaminated land is discussed at Para 12.5.
<b>Highway Authority - SCC</b>	On the original plans - No observations to make on this planning application.	No further action.

## 8.2 Non-Statutory Consultees

<b>Non-Statutory consultee</b>	<b>Comments</b>	<b>Officer comments</b>
<b>SCC Ecologist</b>	On the original plans - <i>“The provision of a self-contained bat house outlined within edp (Report Reference edp0782_r083b) dated 12 December 2022 section 3.15 – 3.17 alongside Stantec plan HT-VI-BAT-33, here agreed upon to provide adequate compensation for the loss of existing roosting locations identified. The provided location is optimally suited within a Green Infrastructure route within the wider site. The bat house has been designed to provide suitable roosting habitat for a lesser horseshoe bat, common and soprano pipistrelle bat species and will adhere to the design specification”.</i>	The outline consent contains 4 conditions (18-21) that provide a framework to further assess ecological impacts and provide mitigation and enhancement. The approval of these conditions is a separate matter and will not affect the layout and so this application can be approved.



	<p>Photographs requested of the constructed bat house, by condition.</p> <p>On revised position:  <i>“The change in position should be good, if not better given that it would be more discreet within woodland area.  The design height won’t affect how bats utilise the house so again this is fine”.</i></p>	<p>The requested conditions requests photographs of the completed structure; it is felt this is better imposed as an Informative Note.</p>
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### 8.3 Local representation

8.3.1 In accordance with the Council’s Adopted Statement of Community Involvement this application was publicised by letters of notification to neighbouring properties on 05 January 2023 and a site notice was displayed on 24 January 2023.

8.3.2 1 letter was received. A summary of comments is provided in the table below.

<b>Comment</b>
<p>On the original plans - Comments jointly submitted with those on application 42/22/0075/CB (demolition consent now determined – prior approval required) Provides commentary on the contaminated land site investigation report and and opinion regarding EIA.</p> <p>Conclusion:  <i>“The Estate seems to have been in existence for about 60 years; there are few reliable records of its various industrial uses, and many indications that it was poorly-regulated and monitored. There are no records of the design, construction, or condition of the culvert now taking the outlet from the Mill-pond under the Estate, via an open ditch into the Galmington Stream. The existing drainage of surface-water from the Estate is also unspecified, and material. The presence of hazardous and contaminated materials was established and documented long before Outline permission was granted. It is to be regretted that a 30th Condition, requiring an approved remediation and restoration scheme, was not imposed by TDBC, alongside the other 29. All the subsequent site-investigation reports have confirmed the presence of many hazardous materials, and indicate that leachates from the Estate may have been polluting the Galmington Stream for decades. Had there been a remediation Condition from Outline, the obvious need for a systematic, long- run programme of sampling the Stream, and its un-named tributary, above and below the Estate, might, by now, have established the frequency and extent of that contamination. The site-investigation is by no means complete, because the requisite ecological surveys, the internal assessment of the buildings, their contents, and below-ground infrastructure, have not yet been done, on safety grounds. The RSK report, at last, acknowledges the numerous potential risks to existing and future residents, from contaminant-transmission by air, ground and water, and to the downstream catchment. There is prima facie evidence of demolition on-site, between September 2021 and October 2022 - in the absence of any agreed procedure, documentation or monitoring (in the public domain, at least); three of the poultry-sheds were shown on the air-photograph taken on the 24th of September</i></p>

2021, but are NOT shown on the edp plan dated the 21st of October 2022. The limited photographic evidence on-file also suggests that asbestos-cement material had previously been incorporated in the made ground in various on-site locations. The obvious potential risks to residents, surface-water, and the Galmington Stream demand urgent investigation. All this has only come to light through the submission of an Application for a bat-house! When will the public interest be served?"

**Officer comment**

Contamination advice has been sought from SWT Environmental Health. However, given the change to its location the bat house will now be located outside the former Industrial Estate.

8.3.3 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 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

CP7 - Infrastructure

CP8 - Environment

SS7 - Comeytrove / Trull - Broad Location for Growth  
DM1 - General requirements  
DM4 - Design

Site Allocations and Development Management Plan 2016

ENV1 - Protection of trees, woodland, orchards and hedgerows  
D7 - Design quality  
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

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. No policies expressly cover wildlife/biodiversity.

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
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural 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.
- 10.2 This is a relatively minor application given the context and generally the development plan seeks to safeguard, preserve and enhance biodiversity.
- 10.3 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 development is not CIL liable.

## **12. Material Planning Considerations**

- 12.1 As an application for Reserved Matters the application fundamentally seeks approval of layout, scale, appearance and landscaping.
- 12.2 The rationale for the development is a material consideration and is part of a parallel process seeking a licence from Natural England to interfere with known bat roosts. A replacement roost is required to be constructed and be available for the bats to colonise (move to) before the redundant buildings that formed a now disused Industrial Estate which the bats currently roost in are demolished to make way for housing in the future.
- 12.3 The advice of the County Ecologist has been sought and the design and specification put forward by the applicant has been considered suitable to fulfil the desired purpose.
- 12.4 In addition, there are numerous other tree-mounted bat boxes to be installed across the wider site as enhancement, as detailed in the Strategic Landscape and Ecology Management Plan (LEMP) (ref. edp782\_r042).
- 12.5 Concerns have been raised about the original plans showing the siting of the bat house on land at the former Industrial Estate. The former siting was at the very periphery of that site against the boundary hedge and therefore unlikely to be contaminated, however it was felt an alternative siting on the other side of the boundary hedge within a planned area of planting, that will have no public access, was felt a better place to locate this, and was agricultural land previously and so not used in association with the Industrial Estate. The new siting will help screen the building visually and allow the bats to utilise the building unhindered by the wider site activities.
- 12.6 It should be noted that the condition and hazards of the Industrial Estate have not put off bats establishing a roost in one of the buildings used for industrial purposes.

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

- 13.1. The continued delivery of the Garden Community is welcomed to provide much needed housing including affordable housing and this application is required to maintain that momentum and deal with a very specific and important ecological facet of the site, namely the presence of bats.
- 13.2. There are no outstanding issues that cannot be conditioned in their own right as part of this consent or are already covered by outline conditions.

- 13.3. 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 carried out in accordance with the following approved plans:  
(A1) DrNo PL-VI-51 Rev C Bat House - Vistry Site Location Plan  
(A1) DrNo PL-VI-61 Rev D Bat House - Vistry Site Plan  
(A3) DrNo edp782\_d221b Figure E3: Specifications for Mitigation/ Compensation, received 16 March 2023 (dimensions annotated)  
(A3) DrNo edp782\_d165b Plan EDP4: Bird and Bat Mitigation Plan 1083-Comeytrowe-Bat Barn location with revised hedgerow sketch-2023.03.03, received 15 March 2023  
Addendum Ecological Technical Note – Parcel H1f - Prepared by: The Environmental Dimension Partnership Ltd, 12 December 2022, Report Reference edp0782\_r083b  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
2. Prior to commencement of the development hereby approved the finished floor level of the structure shall be agreed in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with the agreed details.  
Reason: In the interest of visual amenity to accord with Policy D7 of the Site Allocations and Development Management Plan 2016.

### Notes to Applicant

1. Your attention is drawn to the original conditions on permission 42/14/0069 which still need to be complied with.
2. 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.
3. Once the bat house is completed access to review the construction and/or photographs of the completed structure (inside and outside) would be appreciated by the Council's Ecologist to ensure the structure is fit for purpose.



<b>Application Details</b>	
Application Reference Number:	3/26/22/010
Application Type:	Full Planning Permission
Earliest decision date:	14th March 2023
Expiry Date	04th October 2022
Extension of Time Date	24th March 2023
Decision Level	Planning Committee
Description:	Construction of coastal erosion risk management scheme to protect the B3191 comprising of the construction of rock armour revetment, cliff-face re-enforcement, re-profiling of the upper cliff face and other associated works to include stockpiling areas and construction compounds
Site Address:	Land adjacent to Blue Anchor Pub and section of the Blue Anchor foreshore and cliff at Blue Anchor
Parish:	26
Conservation Area:	Not applicable
Somerset Levels and Moors RAMSAR Catchment Area:	Not applicable
AONB:	Quantock Hills
Case Officer:	James Holbrook
Agent:	Mr Dave Turner
Applicant:	Mr Stephen Hughes
Committee Date:	30th March 2023
Reason for reporting application to Committee	Significant nature of scheme which has been submitted by an officer on behalf of SWT (as Coastal Protection Authority)..

## 1. Recommendation

1.1 That permission be GRANTED subject to conditions.

## 2. Executive Summary of key reasons for recommendation

2.1 This planning application relates to the construction of coastal protection works to protect the cliffs at Blue Anchor from erosion, and to prevent loss of land and potential damage to the B3191 highway. It is being presented to this committee as the application is considered to be of a significant nature and the applicant is SWT (as Coastal Protection Authority).

The proposed development and intervention will ensure that existing communities and businesses continue to have good connectivity along this section of Somerset Coast both by road and the England Coast Path. The scheme is in compliance with national and local plan policy relating to the delivery of infrastructure to protect from the effects of climate change.

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

#### 3.1 Conditions (full text in appendix 1)

- Time Limit (3 years)
- Approved Plans
- Archeological Access/Watching Brief
- Protection of hedges to be retained
- Preconstruction Ecological Walkover Survey
- Proposed Development to be carried out in accordance with OCEMP and prior to commencement the submission of a Construction and Environmental Management Plan (CEMP).
- Works to be carried out in accordance with Archeological Desk Based Assessment (ADBA)
- Works to be carried out in accordance with Ecological Impact Assessment (EclA)
- Prior to commencement - submission of a Construction Traffic Management Plan (CTMP)

#### 3.2 Informatives (full text in appendix 1)

- Public Rights of Way Informative
- Informative ensuring that planning permission is not construed as granting rights to carry out works that require consents from other regimes (Marine Licences, Environmental Permits, Temporary Closures etc.)

##### 3.2.1 Proactive Statement

##### 3.3 Obligations Not applicable

### **4. Proposed development, site and surroundings**

#### 4.1 Emergency works

Emergency works were completed in November 2020 following a joint site visit by SWT, the Environment Agency (EA), Kier and WSP. Priority areas for rock armour placement were agreed with the aim of providing protection to the cliff toe from wave attack over the short-term until such a time a long-term protection scheme could be installed. The aim of these works was to stabilise the wall and reduce the risk of collapse.

#### 4.2 Details of proposal

The development associated with this planning application consists of the following:

- At the bottom of the slope, geotextile is proposed to be installed beneath the rock armour and any existing rock/concrete debris/loose material will initially be removed. The geotextile will be laid beneath the rock armour to prevent washout and the type of material has been chosen to allow water to naturally soakaway, but at a reduced rate compared to if the cliff remained unprotected.



On the middle section of the slope, geogrids and drainage blankets will be installed to protect the cliff from erosion associated with wave overtopping. On the upper cliff, geogrids and drainage blankets will be installed to help stabilise the regraded upper slope. In total, approximately 2,700m<sup>2</sup> of geotextile will be required beneath the rock armour.

- Following the establishment of the geotextile filter, rock armour will be installed. This will be installed on the lower part of the slope up to a similar height to the existing seawall at the western end of the site and toed into the mudstone below. At the interface between the proposed rock armour and the existing foreshore, the toe will be at least 1.1m to 1.5m deep. A minimum of two layers of rock armour will be installed, with a crest width of two rocks. Approximately 13,000 tonnes of primary rock armour and 3,300 tonnes of core rock will be required. As part of the redesign and additional information submitted in February 2023, the rock armour structure has been reduced by approximately 20 metres.
- Re-grading of the upper slope from the crest of the rock armour requires a combination of material excavation and import. The works required on the upper slope will seek to create a new slope at 1:3 (originally 1:2 when first submitted) from the crest of the proposed rock armour projecting landward to the existing ground level. This will protect against erosion from wave overtopping and reduce the risk of slip failures, protecting the upper slope whilst the vegetation establishes. The grading of the upper slope is anticipated to require 37,000m<sup>3</sup> of soil to be cut from the existing cliff and 26,500m<sup>3</sup> to be sorted and replaced.

Three stockpiling areas for construction materials were originally proposed be located within the site; two to east of the Blue Anchor Pub on the clifftop, and one on the foreshore. This approach has now been amended with the removal of two material stockpiling areas located on the clifftop.

#### 4.3 Sites and surroundings

The total site area is approximately 8.88 hectares (ha) and extends approximately 1.36km along the Bristol Channel, along the foreshore of Blue Anchor Beach.

The main area of the site is located along the coastline to the east of Blue Anchor, adjacent to a cluster of residential properties on Blue Anchor Bay Road and the Blue Anchor Free House. At its closest point, the Blue Anchor Free House is located approximately 21 metres from the cliff edge. The cliff top area comprises of two separate parcels of land (one area of scrubland and the other agricultural land).

The existing sea defences at Blue Anchor consists of multiple lengths of mass concrete sea wall, which have been constructed at different times in the past. The agents for the scheme, who have designed the proposed development, consider that the existing slipway and adjoining return wall were constructed in the 1920's, with subsequent modifications and repairs having taken place over the years. These structures are in poor condition with large cracks and deep vertical fractures visible. Notwithstanding these defects, these structures currently remain intact, however

their gradual failure can be attributed to environmental conditions, such as wave action, salinity and freeze thaw effects etc.

A lower concrete sea wall is also in place and this is also in a variable condition along the length of the structure. Between this wall and the exposed cliff face, a small section of gabion baskets have been used in the past to try and retain part of the cliff which is expected to significantly erode in the immediate future due to its exposure to the marine environment.

Beyond the existing line of defences, large pieces of concrete have been placed at the cliff toe to form a low-lying defence. Further sections have been placed perpendicular to the cliff line, to create a small groyne.

There are two locations (Cleeve Hill and close to the Blue Anchor Public House) where the road is threatened by cliff erosion. The cliff face is approximately 12-15 metres high and is comprised of Triassic Mercia Mudstone, which is particularly vulnerable to weathering. The whole length of the coastal cliffs at Blue Anchor are actively eroding and it is expected to result in the future loss of land to the sea. The proposed development consists of coastal protection works to shield the coastal cliffs at Blue Anchor from erosion in the medium to long term (60 years) and to prevent loss of land and the B3191 highway.

The agents for the scheme consider that this proposed development and intervention is critical for the following reasons:

- It will ensure that existing communities and businesses continue to have good connectivity along this section of Somerset coast.
- To prevent adverse impacts on the tourist and wider economy (notably within Blue Anchor) as a result of any road closures.
- To retain resilience of the local highway network.

#### 4.4 Construction Phasing

The anticipated construction sequence comprises of the following actions to avoid destabilisation of the existing sea wall:

- the first works will include the removal of existing rock armour (if required), initially from above the sea wall;
- then in front of the sea wall; and
- subsequently any loose material will be removed.

Following this approach, the installation works can commence and the project will take approximately five months to complete, working around the tidal restrictions for elements of the work.

### **5. Planning (and enforcement) history**

Not applicable.

## 6. Environmental Impact Assessment

The European Union Directive 85/337/EEC (the Environmental Impact Assessment (EIA) Directive) requires that an EIA is undertaken by the promoters of certain types of development to identify and assess the significant environmental effects of certain projects before development consent is given.

The Proposed Scheme is considered to constitute a Schedule 2 development under the Town and Country Planning (EIA) Regulations 2017 and Marine Works Regulations 2017 under the following criteria:

*10(m)/59 'Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works'.*

A Screening Opinion Request was submitted to SWT (as Local Planning Authority) with a response received on 12<sup>th</sup> October 2021 (Ref: EIA/26/21/001) which concluded that despite exceeding the criteria of Schedule 2, the proposed works were assessed and would not have significant environmental effects and so would not require an Environmental Impact Assessment (EIA).

## 7. Habitats Regulations Assessment

The site lies outside 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 development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other projects) pursuant to Regulations 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: 28 February 2023

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 14 July 2022

8.4 Site Notice Date: 25 July 2022

8.5 Statutory Consultees the following were consulted:

Consultee	Comment	Officer Comment
<u>Old Cleeve Parish Council</u>	No objections in principle to this planning proposal,	Addressed in the officer report but technical

	<p>subject to four issues being considered and/or addressed. The following comments and observations were made:</p> <ul style="list-style-type: none"> <li>i. The site is included in the Blue Anchor to Watchet section of a SSSI.</li> <li>ii. Assurance is required that reinstatement of the regraded cliff will contain the plant species compatible to the soil conditions and enhanced plant species included for increased biodiversity. Protection such as temporary fencing to be provided until such time that habitat has been re-established.</li> <li>iii. Articulated lorries should use the B3191 via Carhampton/Blue Anchor.</li> <li>iv. Ideally we would like to see the Outline Construction Environmental Management Plan in order to assess how some of our concerns are going to be addressed, namely the routing of heavy vehicles, drainage issues on the site and the proposed storage of soil on a cereal field.</li> </ul>	<p>specialists have commented on any potential impacts on the SSSI and no adverse comments have been raised.</p> <p>OCEMP has been submitted by the agent as additional information in support of the planning application.</p>
<p><u>Highways Development Control</u></p>	<p>Response confirming that they were considering further but no final response at time of writing for planning committee.</p>	<p>Planning officer will continue to liaise with colleagues in Highways Development Control but has proposed a pre-commencement condition requesting a Construction Traffic Management Plan to be submitted in advance of works commencing. This will ensure that the LPA has adequate information to monitor.</p>

<u>Landscape</u>	No comments received	Addressed in the officers report.
<u>SCC - Ecologist</u>	No comments received	Addressed in the officers report.
<u>Environment Agency</u>	No objections to this proposal as the scheme is inline with the Shoreline Management Plan (SMP)	Addressed in the officers report.
<u>Rights of Way Protection Officer</u>	No objection to this proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way or National Trail. Proposed a 'Grampian-style' condition with regard to timing.	Addressed in the officers report but it is considered that a Grampian style condition is not the most appropriate mechanism to use and that the issue of the England Coast Path (National Trail) can be adequately controlled by an informative as other legislation is in place outside of the planning regime to control this issue.
<u>Somerset County Council - Flooding and Drainage</u>	No objections to this scheme.	Addressed in the officers report.
<u>SCC - Historic Environment</u>	No objection subject to the developer being required to investigate the heritage assets and provide a report on any discoveries.	The agent subsequently submitted an Archeological Desk Based Assessment (ADBA). The assessment does make reference to a Written Scheme of Investigation (WSI) which can be carried out under a planning condition. At the time of writing, the LPA has not received an additional response from the Historic Environment team but will continue to proactively liaise with them and report back verbally to the committee if there is any update. Further addressed in the officer report.

## 8.6 Local representations

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

No letters have been received from local residents or interested parties.

## **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 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 development plan in the assessment of this application are listed below:

### West Somerset Local Plan to 2032

- SD1 - Presumption in favour of sustainable development
- OC1 - Open countryside development
- CC2 - Flood Risk Management
- CC3 - Minehead to Blue Anchor Coastal Change Management Area
- CC4 - Coastal Zone Protection
- NH1 - Historic environment
- NH2 - Management of heritage assets
- NH5 - Landscape character protection
- NH6 - Nature conservation and the protection and enhancement of biodiversity
- NH13 - Securing high standards of design
- ID1 - Infrastructure Delivery

### Neighbourhood Plans:

No neighbourhood plans in place in this area.

### Supplementary Planning Documents:

District Wide Design Guide, December 2021  
Climate Positive Planning

### Other relevant policy documents:

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

Statement on Planning for the Climate Emergency (March 2022)

The Carbon Neutrality and Climate Resilience Plan (September 2020)

National Planning Policy Framework (NPPF)

Shoreline Management Plan (SMP2)

## **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

SWT has declared a climate emergency and is committed to working towards making the Council and the area as a whole carbon neutral by 2030. The Carbon Neutrality and Climate Resilience Plan (September 2020) has therefore been produced and has a specific section focusing on coastal change management, as parts of the West Somerset coast are particularly vulnerable to the impacts of climate change.

Policy SD1 of the West Somerset Local Plan refers to a presumption in favour of sustainable development and to secure development that improves the economic, social historic and natural environmental conditions in the area. The key element of this scheme and its compliance with this policy relates to the environmental conditions and that it is helping to mitigate and adapt to climate change.

The nearest residential properties are approximately 100m away from the application site, whilst the Blue Anchor Free House is approximately 25m away. The most likely disruption to ongoing amenity will be caused by noise created during the construction period, rather than when the works are complete and in operation. The NPPF advises that development should mitigate and reduce to a minimum potential adverse impact resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life. The proposal will not increase noise and disturbance levels in the long term but, as with many construction projects, may lead to some short-term noise. The applicant has provided an Outline Construction and Environmental Management Plan (OCEMP) which outlines mitigation measures which can be

implemented through this period to reduce any potential impacts. These measures can be implemented and monitored by condition therefore complying with local and national policy.

The design process, undertaken by the consultant team, on behalf of SWT, has sought to ensure that there has been the opportunity to improve the character and quality of this section of coastline. The existing coastal defence structures have large cracks and deep vertical fractures visible. Although these structures remain intact, they are in poor condition. This proposed scheme has been designed to provide the required level of flood protection and this will result in some physical and visual changes along this section of coastline. One of the key aims of the scheme is to retain and therefore enable the enhancement of the quality of the area over the lifetime of the development.

It should be noted that Policy CC3 (Minehead to Blue Anchor Coastal Change Management Area) of the West Somerset Local Plan makes specific reference to this area of Blue Anchor in the supporting policies map. It seeks to ensure that any development within this coastal change management area is limited to temporary, tourism-related development. It emphasises that no development would be permitted within parts of the coastal change management area due to its vulnerability to rapid coastal erosion. However, the policy also includes reference to development that can be permitted exceptionally where it is necessary for sustainable development purposes. In addition, the policy makes reference to the sea defences and their maintenance in the long term, which is the aim of this proposed development and therefore it is considered that this proposed scheme can be carried out in accordance with Policy CC3.

Policy CC4 is also of relevance to this planning application, as it relates to the Coastal Zone Protection and this policy refers to development that will only be permitted for use and activities for which a coastal location is essential and cannot be located elsewhere. Due to the nature of this proposed development (coastal sea defence) it is essential that the scheme is located in this coastal location to ensure that it is functional and it has been designed to ensure that it does not inflict unacceptable damage on the coastal environment.

#### 10.1.2 Transport and Access

The site and construction traffic will be accessed from the wider road network via the B3191 at Carhampton. Vehicles will then be directed to an access for plant and machinery to the north of the train station and travel across the foreshore.

The delivery of rock armour and the majority of core rock will be via barge. Vehicle movements and delivery of materials will take place Monday-Friday with May 2023 (the approximate start date in the OCEMP) consisting of the peak of the vehicle movements.

Rocks delivered via barges will be delivered to an offshore coastal anchorage in two consecutive cargoes (total approximately 13,000 tonnes) using a self-unloading excavator equipped vessel and then transferred to a dedicated armour stone barge. One barge with cargo will land at the beach landing area per high tide. Rock would then be moved to the top of the foreshore within a tidal cycle to ensure any disturbance



is minimised.

### 10.1.3 Ecology/Environment

An Ecological Impact Assessment was submitted in February 2023 due to some technical design changes to the proposed scheme, whilst the planning application was live and in advance of it being determined by the Local Planning Authority. The results of the desk study, ecological constraints walkovers and biodiversity net gain assessment have identified habitats and species within the site that will require mitigation measures to be put in place in order to alleviate any impacts arising from the proposed scheme. These habitats include four Habitats of Principal Importance within the Site;

- Lowland calcareous grassland.
- Maritime cliffs and slopes.
- Intertidal mudflats; and
- Hedgerows.

The protected species considered to require mitigation measures includes bats, badgers, hazel dormice, birds, reptiles and amphibians. The site was considered of limited suitability to support other protected or notable species.

The updated design for the Proposed Development results in a reduced working footprint and consequently a reduced loss of habitat, which is an improvement over the originally submitted scheme. As a result of the Proposed scheme, additional maritime cliff and slope habitat will be created, offsetting any minor losses of habitat resulting from the development.

Retention of woodland, scattered trees, and hedgerow habitats have been included within the Proposed Development design and this includes retention of all hedgerows.

An Outline Construction and Environmental Management Plan (OCEMP) was submitted in February 2023. This document is drafted as a 'live' document and is designed to ensure that the appointed contractor complies with environmental legislation. The submitted document acts a framework and a full (Construction and Environmental Management Plan) CEMP will be conditioned as part of any decision notice issued for this planning application.

Retained habitats will be securely fenced to prevent accidental damage by machinery, materials and personnel, as requested by the Parish Council in their consultation response to this planning application. These measures will be captured within the Construction and Environmental Management Plan (CEMP).

Mitigation measures incorporated into the design have included the avoidance of key habitats for protected and notable species and the inclusion of best practice working methods, captured in the OCEMP. Impacts on Important Ecological Features (IEFs) have also been reduced following revisions to the engineering design since the planning application was originally submitted.

However, the construction may require a limited amount of calcareous grassland

habitat along the edge of the Local Wildlife Site (LWS), which runs from Lilstock to Blue Anchor. It should be noted that this has been assessed as a negligible loss of habitat by technical specialists, in the fields of Ecology and Environmental Management. It should be noted that if the proposed development was not carried out (i.e., a do-nothing approach), a larger area would be lost due to ongoing erosion.

Potential measures to mitigate this impact as far as possible, will be set out in the CEMP and will include a pre-construction ecological walkover survey and ecological supervision of the works.

#### 10.1.4 Public Right of Way (PRoW)

The Somerset County Council Rights of Way Team have raised no objections to this scheme subject to the provision of a safe and suitably convenient alternative to for the England Coast Path during the works. The applicant would be able to manage this through an application for temporary closure, if required.

Somerset County Council (SCC) have confirmed that they do not object to the proposal subject to the applicant being informed that the grant of planning permission does not allow for the obstruction of a public right of way or National Trail. SCC have proposed a 'Grampian style condition' to ensure that none of the development interferes or compromises the use of England Coast Path National Trail unless an alternative route has been agreed with the Local Planning Authority. Having reviewed the documentation and plans submitted in support of this planning application, it is considered by SWT, as LPA that this issue can be adequately controlled by way of an informative rather than a 'Grampian style condition', as other legislation outside of the planning regime is in place to ensure that a developer does not unduly obstruct or block a Public Right of Way.

#### 10.1.5 Construction

The majority of rock placement and cliff stabilisation works will occur above the MHWS (Mean High Water Springs). Rock placement below MHWS are not expected to affect the water quality in coastal waterbodies and this is controlled by way of a marine licence from the Marine Management Organisation (MMO).

The intention is that plant will be located within a site compound when not in use and when vessels are utilised, they will be moored at a suitable distance from the beach.

Mitigation measures within the Construction and Environmental Management (CEMP) will include best practice methods such as ensuring the suppression of dust, minimising vehicle speeds in areas of potential dust generation; and maintaining vehicles and plant to ensure they adhere to emission standards. This can be adequately controlled by way of a condition.

#### 10.1.6 Biodiversity Net Gain (BNG)

A Biodiversity Net Gain (BNG) Assessment has been submitted in support of this planning application. BNG is the result of a process applied to a proposed development so that, overall, there is a positive outcome for biodiversity.

The original proposed development would have resulted in a 9% net loss of Habitat Units and a 0% net loss in Hedgerow units. The revised scheme has reduced the area of land taken for the works and reduced the stockpiling locations so the results would be improved but have not been recalculated. It should be noted that the implications of a 'do nothing' approach (whereby no coastal protection is provided and natural erosion processes are allowed to happen) would result in a significant loss of habitat. The biodiversity they support would be lost within 30-50 years based on coastal erosion projections (based on predicted cliff recession lines).

Under the Environment Act 2021, all planning permissions granted in England will have to deliver at least 10% biodiversity net gain but this will be a requirement from November 2023 and it not mandatory yet.

Policy NH6 (Nature Conservation and the Protection and Enhancement of Biodiversity) of the West Somerset Local Plan seeks to ensure that the proposed development will not generate unacceptable adverse impacts on biodiversity. The Local Plan seeks a net gain in biodiversity (where possible). SWT have worked closely with the applicant and agent to mitigate impacts as much as possible for this engineering scheme. It is considered that this proposed development complies and is in accordance with Policy NH6.

#### 10.1.7 Flood risk and Drainage

A Flood Risk Assessment (dated May 2022) was submitted in support of the planning application. In accordance with the NPPF, the Proposed Scheme is classified as 'Water-Compatible Infrastructure' using the flood risk vulnerability classification. This type of infrastructure is considered acceptable development within all Flood Zones.

The Flood Map for Planning indicates that the majority of the site is within Flood Zone 1. There is a small area to the north-west part of the site, which is within Flood Zone 2 and Flood Zone 3. This area comprises part of the access road to the beach via the slipway.

The cliffs above the beach within the proposed scheme site sit at an approximate elevation of 9m AOD (Above Ordnance Datum) at the west of the site, which gradually rises to 21m AOD at the eastern end of the site. The majority of the site is therefore at any elevation exceeding the predicted 1 in 1000-year water level at the end of the proposed scheme design life in 2082.

It should be noted that the proposed scheme does not involve any change to the existing elevation of the cliffs, and therefore there is no predicted increase in flood risk as a result of the construction of the proposal. One of the key aims of the proposed scheme is to prevent further erosion of the cliffs in the area and construction of the proposal will help in maintaining the existing level of flood risk from the sea by retaining the current elevations of the cliff.

The risk of flooding from surface water and sewer sources is considered low. The proposed area for the scheme consists of grassy fields, cliffs and foreshore and will not impact on surface water drainage in the area, and therefore would be unlikely to increase risk from this source as a result. The risk of the site flooding from groundwater and other sources is also considered to be low.

The Local Lead Flood Authority were originally consulted and requested further information in relation to issues associated with surface water. They confirmed in correspondence in November 2022, that the information provided in meetings and written correspondence from the agent and design team addressed the issues raised and they had no further requirements in regard to this matter.

The Environment Agency (EA) have raised no objection to this planning application as the scheme is inline with the Shoreline Management Plan (SMP) policy which is stated as hold the line. The EA had been consulted extensively by the Local Planning Authority during the development of the scheme and support the delivery of the scheme that has been developed.

The EA have requested that safeguards should be implemented during the construction phase to minimise the risks of potential pollution from the construction of the proposed development. A number of the measures/safeguards that they have referred to could easily be captured within the CEMP and controlled by way of a condition.

Policy CC2 of the West Somerset Local Plan refers to Flood Risk Management and seeks to ensure that development should, where possible, contribute towards the resolution of existing flooding issues. It is therefore considered that this proposed development is in full alignment with this local policy.

#### 10.1.8 Heritage impact

An Archaeological Desk Based Assessment (ABDA) has been carried out in support of the planning application. There are no nationally designated heritage assets within the site, however there are designated assets in the immediate vicinity outside of the red line boundary for this planning application (and the Marine Licence submitted to the MMO).

There are two Grade II structures within the immediate vicinity of the site and these consist of a WWII concrete infantry pillbox which was used historically for the defence of Blue Anchor Beach and is located approximately 25m from the site boundary; and an early 19<sup>th</sup> Century brick kiln approximately 95 metres from the site boundary.

The site has been categorised as having a 'moderate risk' in terms of the presence of significant archaeological remains. The greatest archaeological potential is for:

- Remains of former World War II (WW2) defensive structures although other than the Grade II listed pillbox in the site, there are most likely confined to foundations/footings of low heritage significance.
- Post-medieval remains of the former 19<sup>th</sup> century rifle range at the eastern end of the Site and possible former fish traps/weirs and remains of boats on the beach;
- Prehistoric remains of medium or high significance, particularly on the cliffs in the eastern part of the site which is close to an extensive Mesolithic site; and
- Later medieval remains of exploitation of the foreshore (e.g., fish traps etc.).

It should be noted that there will have been the potential for previous impacts to the archaeological remains within the vicinity of the site due to partial excavation of Blue Anchor Beach and the reprofiling of the existing cliff and the construction of temporary compounds and access routes in the past.

Policy NH2 (Management of Heritage Assets) of the West Somerset Local Plan seeks to ensure that development proposals “demonstrate an appropriately evidenced understanding of the significance in sufficient detail to allow the potential impacts to be adequately assessed”.

In addition, South West Heritage Trust were consulted and provided a response in August 2022, requesting (in accordance with Paragraph 205 of the National Planning Policy Framework (NPPF)) that the applicant investigated the heritage assets on the site and provided a report on any discoveries made.

The ADBA report provided in February 2023 concluded that an archaeological watching brief during preliminary ground preparation and ground excavation will ensure that any previously unrecorded archaeological assets, if present, were not removed without record.

South West Heritage Trust have been reconsulted to establish whether they consider that a planning condition may be required for an archaeological watching brief during preliminary ground preparation and ground excavation. At the time of writing this report, this response has not been received and will be reported verbally to the committee.

#### 10.1.9 Any other matters

It should be noted that a Marine Licence has also been submitted to and approved by Marine Management Organisation (MMO). Due to technical design changes that have been proposed whilst this planning application has been live, the agent (on behalf of the applicant) has submitted information to the MMO to enable a variation to the licence to be approved. SWT, as Local Planning Authority (LPA) has been consulted and have responded to the MMO to ensure that any marine and land based consents are consistent and do not directly conflict with one another.

## **11 Local Finance Considerations**

### 11.1 Community Infrastructure Levy

Not applicable

## **12 Planning balance and conclusion**

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the

policies in the NPPF taken as a whole.

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

### 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:

Location Plan 70075264-31402-5200 (REV P03)  
Site Works Plan 70075264-31402-5201 (REV P04)  
Block Plan (Proposed) 70075264-31402-5202 (REV P04)  
Proposed Elevations 70075264-31402-5203 (REV P04)  
Typical Cross Section 70075264-31402-5204 (REV P02)

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

3. No intrusive ground 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 preliminary ground preparation and ground excavation 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.

4. Hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health.

5. No removal of trees or shrubs or works to or demolition of structures shall take place unless a competent ecologist has undertaken a

preconstruction ecological walkover survey immediately before the vegetation is cleared or works to or demolition of structures commences.

Reason: In the interests of nesting wild birds and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

6. Any facilities above the ground for the storage of oils, fuels or chemicals shall be sited on an impervious base. The volume of any bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work must be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets must be detailed to discharge into the bund.

Reason: To prevent pollution of the water environment.

7. The development hereby permitted shall be carried out in accordance with the approved Outline Construction Environmental Management Plan (OCEMP) document (February 2023 Rev B). Prior to the commencement of development on the site, a full Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority and approved in writing.

Reason: For the avoidance of doubt and in the interests of proper planning and to ensure that mitigation measures outlined in the OCEMP can be adequately monitored by the Local Planning Authority.

Reason for pre-commencement: The Outline Construction and Environment Plan (OCEMP) was designed to accompany the planning application and will be developed into a full Construction and Environmental Management Plan (CEMP) by the principal contractor. Ensuring that the Local Planning Authority has an updated, detailed CEMP will enable the Local Planning Authority to adequately monitor the development to ensure compliance with the mitigation measures that have been outlined in the OCEMP.

8. The development hereby permitted shall be carried out in accordance with the approved Archaeological Desk Based Assessment (ADBA)(Rev B).

Reason: To ensure that the Local Planning Authority can adequately monitor the development.

9. The development hereby permitted shall be carried out in accordance with the approved Ecological Impact Assessment (EclA)(Rev B).

Reason: To ensure that the Local Planning Authority can adequately



monitor the development.

10. Prior to the commencement of the approved development, a Construction and Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the Local Planning Authority can adequately monitor the development.

Reason for pre-commencement: The Outline and Construction Environmental Management Plan (OCEMP)(Rev B, February 2023) submitted in support of this planning application outlines that a Construction Traffic Management Plan (CTMP) will be drafted detailing how the delivery of plant/materials will be safely undertaken and how any risks will be managed.

**Notes to applicant.**

Development, insofar as it affects the right 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.

Permission shall not be construed as granting rights to carry out work that also requires other consents to be secured, such as Marine Licences from the Marine Management Organisation (MMO), Environmental Permits from the Environment Agency (EA) and Temporary closure orders from Somerset County Council (SCC).



<b>Application Details</b>	
Application Reference Number:	3/21/23/014
Application Type:	Full Planning Permission
Earliest decision date:	23 March 2023
Expiry Date	05 April 2023
Extension of Time Date	
Decision Level	Planning Committee
Description:	Refurbishment and alterations to single storey cafe building to include raised flat roof level, additional replacement windows and doors, construction of ramp and raised deck to entrance and installation of a mobile catering unit
Site Address:	Cafe, Blenheim Gardens, Blenheim Road, Minehead, TA24 5PY
Parish:	21
Conservation Area:	Wellington Square Minehead
Somerset Levels and Moors RAMSAR Catchment Area:	Outside
AONB:	Outside
Case Officer:	Russell Williams
Agent:	Mr Abraham,
Applicant:	Mr Wynn
Committee Date:	
Reason for reporting application to Committee	Parish Council and more than 4 comments received that are contrary to officer recommendation.

## **1. Recommendation**

1.1 That permission be GRANTED subject to conditions.

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

2.1 The proposed development will assist the applicant in bringing the disused cafe back into a functional use, to the benefit of the community and local economy. The proposals will enhance the appearance of the building, conserve the character and appearance of the Conservation Area and it would not give rise to any significant adverse impact upon residential amenity. The development will not give rise to any unacceptable adverse impacts upon highway safety, flood risk, trees or biodiversity and therefore, the development complies with the West Somerset Local Plan and National Planning Policy Framework.

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

3.1 Conditions (full text in appendix 1)

- 1) Time limit
- 2) Approved plans
- 3) Replacement trees
- 4) Biodiversity enhancement
- 5) Ecology attendance for works to roof
- 6) Arboricultural Method Statement
- 7) Opening hours
- 8) Waste Storage details

### 3.2 Informatives (full text in appendix 1)

- Proactive Statement
- Wildlife and the law
- Additional legislation

### 3.3 Obligations

None

## **4. Proposed development, site and surroundings**

### 4.1 Details of proposal

The application seeks full planning permission for works to support the re-opening of Blenheim Cafe.

The application has been amended by email and drawings received on 3 March 2023 to the extent that the proposed development now seeks approval for the following:

- Minor alterations to flat roof and repair of roofing felt;
- Construction of raised decking area with access ramp;
- Replacement of windows and doors;
- Erection of fencing to eastern side of building;
- Removal of 1 no. tree.
- Retention of existing floor plan layout with kitchen and WC areas.

The application is supported by the following documentation:

- Planning application form
- Detailed architectural drawings
- Design & Access Statement
- Biodiversity Checklist
- Climate Emergency Checklist
- Tree Survey

### 4.2 Sites and surroundings

The Blenheim Café is located on the southeast side of Blenheim Gardens within the

town of Minehead. The building is constructed from a timber frame structure and was originally designed as a bandstand. The building has been altered and extended in the past, including a brick flat roof extension which contains a kitchen area, WC and storage space. These works, together with the installation of timber windows and doors to the building frontage allowed the site to be used as a cafe for a number of years until its closure in late 2018. Since that time the cafe has remained closed and its condition has begun to deteriorate.

The owner, Somerset West & Taunton Council, has awarded a lease to the applicant enabling the cafe to re-open by April 2023.

## 5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/21/22/082	Extension and alterations to Blenheim Gardens Cafe	Withdrawn	6/10/22

## 6. Environmental Impact Assessment

The development proposals do not constitute EIA development.

## 7. Habitats Regulations Assessment

The application site is located outside of any sensitive river catchment and designated habitat. An HRA is therefore not required.

## 8. Consultation and Representations

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

8.1 Date of consultation: 21 February 2023

8.2 Date of revised consultation (if applicable): 9 March 2023

8.3 Press Date: 16 February 2023

8.4 Site Notice Date: 21 February 2023

8.5 Statutory Consultees the following were consulted:

Consultee	Comment	Officer Comment
Minehead Town Council	Objects to the proposals:  It does not include: The provision of kitchen facilities; Dishwashing facilities. Refrigeration facilities; Cleansing provisions for customer areas; Hygiene facilities for staff or	Comments noted and addressed within the report and amendments submitted.

	<p>customers.</p> <p>Secure on site disposal of waste.</p> <p>Pushchair or disabled access from within Blenheim Gardens.</p> <p>The application proposes a raised deck with gates to be closed during the hours the park is closed and proposes unacceptable cafe opening hours between 7am to 11pm which are outside the gardens' opening hours.</p> <p>The proposed raised deck area is not in keeping with these Edwardian gardens which are in a Conservation Area.</p> <p>The application proposes to site a disabled ramp which will have no access from within the gardens. The only access will be from the adjacent North Road car park, forcing those less able, or with push chairs to negotiate vehicular traffic in order enter and exit the cafe through said car park, which has no footpath.</p> <p>The proposed means of waste disposal by transporting it across North Rd car park to the tenant's premises in the Avenue, is wholly inadequate and unsanitary and has the potential to attract wildlife and vermin.</p> <p>There is no proposed access from the catering van to the cafe other than to exit the site, into the car park and up the ramp to the decking area while carrying food and drink.</p> <p>A Preliminary Bat Roost and Breeding Bird Assessment has been requested by SCC Ecology; this has not been produced. This</p>	
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	<p>greatly concerns the committee since the structure is in a parkland setting and has been derelict for some years.</p> <p>The committee is also concerned about the proposed loss of trees and potential damage of the Monterey Cypress.</p>	
Wessex Water Authority	No comment.	Noted.
Tree Officer	<p>The proposed plan for this café renovation shows two trees being removed on the northeast side. From the plan, the two trees are close together, and I therefore think that one of them, a Holm Oak, has already been removed for safety reasons – the stump is still present. Can this be clarified by the agent?</p> <p>As I commented in the previous application, I have no objection to the small walnut coming out – it is not a good specimen, having been suppressed by the recently-felled Holm Oak, it is not particularly old and can be replaced by a better new tree in a suitable location in the park, to fulfil a landscape condition and in cooperation with our Arboricultural Services.</p> <p>The tree survey states that there are three potentially-affected trees but no plan has been included in the survey. T3 is stated as a Monterey Cypress. There are Monterey Cypress trees in the area but I'm not sure which tree the survey is referring to, or whether it is referring to the tree that has already been felled, which was apparently a Holm Oak.</p> <p>I am pleased to see that the hornbeam on the southwest side has been retained in the latest design. However, significant works are proposed for the new terracing</p>	Noted. Conditions can be applied to secure required safeguarding

	<p>within the RPA of this tree, so we will need a detailed Arboricultural Method Statement that explains how this structure is to be erected so that it does not harm this tree's roots. The AMS will need to include details regarding hand-digging, placement of posts to avoid roots, procedures for the cutting of minor roots if required, and generally protection of the tree (and other trees nearby) during the construction works, as well as any proposed pruning works if they are necessary.</p>	
Highways Development Control	No observations to make.	Noted. Highway impact considered within report.
SCC - Ecologist	<p>Requested PEA for trees to be removed. Requested PRA for building believing works to roof are involved. Commented 13 March: "There is no need to apply a condition to the building at this stage as disturbance would have already occurred to any ecological features if they had been there. I would request the planting of some new trees at a ratio 1:2 to those lost from removal. And the provision of some bird boxes on existing trees. "</p>	Noted and discussed within report.
Economic Regeneration and Tourism	No comments received.	Noted.
Grounds Maintenance	No comment received.	Noted.
Environment Agency	We should not be consulted on minor development.	Noted. Flood risk considered within report.
Cllr T Venner	Notes the importance of the application to the local community and requests the application is determined at Planning Committee.	Noted. The application will be determined in accordance with the adopted Scheme of



	Delegation.
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## 8.6 Local representations

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

41 letters have been received objecting to the proposed development. With many objections raising the same points of issue, comments have been summarised into the key points below:

Material Planning Considerations	
Objections	Officer Comment
Removal of facilities including the kitchen and WC will not support the running of a cafe.	Plans revised to retain kitchen and WC
There are requirements for health and safety and environmental health for the provision of staff and visitor toilets.	Plans revised to retain kitchen and WC
The provision of a mobile catering unit is not acceptable. Will harm the gardens and conservation area and its siting require removal of trees.	Mobile catering unit has been removed from proposals.
A mobile catering unit cannot support over 60 covers within the cafe.	Mobile catering unit has been removed from proposals.
Opening hours until 11pm are not acceptable. Will extend beyond the opening hours of the gardens.	Opening hours can be restricted by planning condition.
Operating hours have potential to cause noise and disturbance to local residents through music and anti-social behaviour.	Opening hours can be restricted by planning condition.
The selling of alcohol on the premises would be a major concern.	The proposals do not propose the sale of alcohol. A license would be required.
Disabled access is welcomed but the route is not acceptable off the car park, which will cause safety issues and is potentially discriminatory if people have to exit the park and reenter from the car park in order to access the ramp.	Highways raise no safety concern. Discussed in report.
Final details of the access ramp should be provided to the council for approval.	Noted
Waste and recycling storage is not provided and use of the applicants nearby business premises is not acceptable. Provision should be on site.	Space available on site for storage and this can be conditioned.
Biodiversity - works to trees and the building have a reasonable likelihood of impacting upon protected species and the request for further surveys has not	Discussed within the report.

been addressed.	
There appears to be little justification for removing trees.	Tree Officer does not object. Discussed in report.
The new windows and doors within the building are nothing like the original.	Noted.
The development is poorly design. Reference to The Dulwich Pavilion design approach is recommended.	Design is subjective. Discussed in report.
The large rear window to the car park will be detrimental to the open vista of the gardens.	Impact of works upon the area discussed in report.
Pre-application advice has been ignored.	Noted.
Flood risk - The site is located within Flood Zone 3. Conflicting information provided suggesting discharge of surface water will be via a stream though there is no such stream nearby.	Discussed in report.
Fire risk has not been properly considered, with direct access not given to able bodied and wheelchair used from the front of the building. Railing prevent direct access.	Fire safety regulations are a separate matter to planning.
Security is a concern if opening hours extend beyond the Gardens opening hours.	Opening hours can be restricted by planning condition to allay security concerns.
<b>Support</b>	<b>Officer comment</b>
General support for bringing the cafe back into use.	Noted.

#### 8.6.1 Summary of objections - non planning matters

- Many observations comment in relation to the relationship between the applicant and Bar 21. This is not material to consideration of the proposed works to bring the cafe back into use.
- Comments have been made regarding the tender process and award of the lease. This is not material to consideration of the proposed works to bring the cafe back into use.
- Reference to Building Regulations have been submitted. Building Regulations and the need to comply therein is not material to consideration of the planning application.
- Comments have raised issue with the serving of alcohol on the premises and the need for a license. The proposal does not include the provision of alcohol or change of use to a bar. This is a separate legislative matter and is not material to the consideration of the planning application.

#### 8.6.2 Summary of support - non planning matters

- None 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 West Somerset area. The Development Plan comprises 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 development plan in the assessment of this application are listed below:

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SC5	Self containment of settlements
MD1	Minehead Development
EC1	Widening and strengthening the local economy
CC2	Flood Risk Management
NH1	Historic Environment
NH6	Nature conservation & biodiversity protection & enhancement
NH13	Securing high standards of design
NH2	Management of Heritage Assets

### Neighbourhood Plans:

No NHP for the area.

### 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)

National Planning Policy Framework

## 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 application seeks permission for works to refurbish an existing cafe building and to provide additional features including a new raised decking area, disabled access ramp, replacement of existing windows and doors and formation of enclosed yard area with fencing.

Much of the works being undertaken are internal alterations and do not require planning permission. This includes the installation of the new kitchen which though not shown on the layout plan in detail, can be undertaken without the need for planning permission.

The development does not involve any change of use and the proposals will enable the cafe to re-open, to the benefit of the local community and visitors, having been closed since late 2018. In this respect, the proposed development will enhance the service provision within the area, enhancing self-containment of Minehead, in accordance with LP Policies SC5, MD1 and EC1.

The application has received a range of objections from members of the public, which have been summarised within this report. One concern raised by a number of objectors relates to the sale of alcohol from the premises and the perception that the applicant would use the cafe as an extension to a nearby business at "Bar 21". The association or otherwise with the adjacent premises is not material to the determination of this application. In planning terms, the sale of alcohol would not require planning permission in its own right, provided doing so was an ancillary function of the cafe business and did not result in a change of use of the premises from Use Class E to a Sui Generis Use (public house, nightclub, wine bars, or drinking establishments or drinking establishments with expanded food provision). The sale of alcohol would require a separate license to be obtained from the local authority and said licensing process is the appropriate mechanism for assessing the suitability of the site for serving alcohol. This complaint is not, therefore, material to the consideration of the application.

Complaints have also been received regarding the opening hours of the cafe. The application form states that opening hours would be from 0700hrs to 2300hr , 7 days a week. Such opening hours extend beyond the opening times of Blenheim Gardens, which are 0800hrs to 2000hrs; this would have the potential to cause conflict with the management of the wider park as well as having the potential to impact upon the amenity of local residents. Having discussed this matter with the applicant, it has been agreed that the opening hours of the cafe would reflect those of Blenheim Gardens and this can be controlled appropriately by planning condition.

Regarding the above considerations, the principle of the development is supported, and the key considerations are the impact of the proposed development and works

upon the locality and relevant material considerations.

#### 10.1.2 Design and impact on the character and appearance of the Conservation Area

The proposed development involves a range of works that will alter the external appearance of the building. These include the raising of the flat roof to the kitchen, construction of the decking area, erection of fencing and alterations and replacement of windows and doors.

The application site is located within the Wellington Square Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty upon local planning authorities in respect to conservation areas in the exercise of their planning functions.

The impact of the proposed works and impact upon the appearance of the building and the surrounding land needs due consideration against LP Policy NH13 whilst the impact of the development upon the character and appearance of the Conservation Area should be assessed against LP Policies NH1 and NH2.

LP 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."* Policy NH2 expands upon this by setting out how heritage assets such as Conservation Areas will be managed through the development process. Policy NH2 states proposals that *"affect a conservation area should preserve or enhance its character or appearance, especially those elements identified in any conservation area appraisal."*

Section 16 of the NPPF sets out the national guidance for assessing the significance of heritage assets and considering the impact of development proposals.

Para 202 of the NPPF states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

Some of the works have commenced on site.

In assessing the impact of the proposed development upon the character and appearance of the building and the setting of the Conservation Area, it is important to acknowledge that the condition of the building has deteriorated and its appearance within Blenheim Gardens negatively impacted upon as a result for a number of years. The building appears tired and in need of restoration. The external painting of the building and replacement of the timber windows and doors to the front of the building will enhance the character and appearance of the building, rejuvenating its appearance and enhancing the setting of the gardens and wider conservation area. Such enhancement to the appearance of the building is already evident having visited the site.

It is proposed to change the kitchen window fronting the car park and to replace

doors to the east elevation. Despite objections, it is Officer opinion that these works will have an acceptable visual appearance in keeping with the locality and no discernible impact upon security.

The proposed fencing and decking area will introduce relatively modern features in to the gardens and alone these features would detract from the character and appearance of the area, though the level of harm is considered to be at the lower end of the scale.

When assessed as a whole, the development will enhance the character and appearance of the original building and the setting within the gardens. The proposals will enhance the character and appearance of the Conservation Area and the public benefit associated with bringing the building back into a functional use as a cafe is considered to significantly and demonstrably outweigh any harm that might arise. The development therefore accords with LP Policies NH1, NH2 and NH13 and guidance within the NPPF.

#### 10.1.3 Access, Highway Safety and Parking Provision

The application site is located adjacent to a public car park from which direct access to the cafe can be gained. The proposed development will not materially impact upon highway safety or parking provision, given the extant, lawful use of the site as a cafe.

Regarding the proposed access ramp, it is considered that this is an important design feature and will provide safe access to the cafe for the disabled and members of the public with reduced mobility. At present the site can only be accessed by traversing concrete steps to the building frontage. The access ramp will be sited to the side of the building and accessible from the public car park. It is regrettable that the scheme does not provide an access ramp to the front, offering a connection into the wider gardens, however it would be unreasonable to resist the proposed works on this basis, given the wider benefit of providing enhanced accessibility to the cafe.

Overall the development will not materially harm highway or pedestrian safety, will enhance accessibility and is therefore supported.

#### 10.1.5 The impact on neighbouring residential amenity

The application site has a lawful use as a cafe and the proposals do not proposed to change this status. The site is distant from nearby residential properties in general and the works to refurbish the building, construct a decking area and other improvements will not give rise to any material impact upon residential amenity in the area.

Matters relating to the sale of alcohol and opening hours, which would have potential to cause anti-social behaviour issues if not managed correctly, have been addressed in Section 10.1.1 above. The control of opening hours by condition is appropriate in order to preserve the amenity of residents in the wider area from potential late night disturbance and such will ensure that residential amenity is appropriately protected.

### 10.1.7 The impact on trees

The application proposals include the removal of two trees, from the site, a hornbeam and a walnut according to the submitted Tree Survey. It appears that the hornbeam has been removed by the local authority recently and so only the poor quality walnut will not be removed. The Council's Tree Officer does not object to the removal of the tree, which has no discernible amenity value, is a poor specimen and can be replaced by a suitable alternative. The replacement of the walnut is also supported by the County Ecology team and this can be secured by condition.

The primary impact of the development upon trees will be the construction of the concrete ramp and raised decking on the root protection area of a good quality Monterey Cyprus tree to the west of the building. The works have the potential to impact upon the root system and thus the health of the trees and so it will be necessary to agree how the works will be completed prior to them starting on the ramp and decking area. This can be managed by a planning condition, which has been recommended by the Tree Officer.

Subject to the above, it is considered that the proposed development will not give rise to an unacceptable impact upon trees within the area and the proposals will therefore comply with LP Policy NH6.

### 10.1.8 The impact on ecology and biodiversity

The application proposes a range of works, much of which will not impact upon biodiversity in the area. Those works being completed internally involve new joinery features and decorating. The kitchen ceiling has been over boarded with plasterboard. These works themselves do not require planning permission.

The primary impact of the development upon wildlife in the area and which have been referred to in objections, are the raising of the roof to the kitchen and removal of the tree. The application of felt over the existing main roof has been undertaken in places as general repair and maintenance.

No works appear to have been completed so far that have resulted in the existing roof being stripped and replaced. It is noted that the County Ecologist requested a Preliminary Ecological Appraisal and a Preliminary Roost Assessment, and these requests have been discussed with the relevant SCC Officer. Following an inspection of the building and the roof to the kitchen it appeared apparent the existing flat roof is well sealed around the eaves in roofing felt with no apparent means of any bats being able to enter any roof void.

One of the two trees affected has already been removed (some time ago), so only one small walnut remains. It is not a good specimen, having been suppressed by the felled Holm Oak, it is not particularly old and can be replaced by a better new tree in a suitable location in the park.

Officers are of the opinion that there is no reasonable likelihood of protected species being present within the flat roof and the adjacent tree has no discernible ecological value. These points have been discussed with the County Ecologist who no longer

requests the PEA or PRA and has requested mitigation in the form of a replacement tree and bat/bird boxes.

To provide further protection for wildlife, a condition is recommended requiring a suitably qualified ecologist be on site during works to strip any part of the roof for observation purposes and for workers to be suitably inducted prior to works starting on the roof.

The above can be secured by planning condition and will ensure that appropriate consideration of wildlife is given to the impact of the development such that the impact upon wildlife in the area will be acceptable and compliant with LP Policy NH6.

#### 10.1.9 Waste/Recycling facilities

Objections have been received in relation to the storage and disposal of waste from the site. At present there is a small storage area to the east of the building. The proposals suggest that waste will be removed and stored at an adjacent premises, though Officers do not consider this appropriate, as storage on the site is required in the interest of health and safety. A condition is therefore recommended that will require details of waste storage to be submitted to the local planning authority for approval. Such will address the concerns raised and is appropriate and reasonable in the interest of proper planning and health and safety.

#### 10.1.10 Flood risk

The application site is located within Flood Zone 3. The development does not propose any works or use that would materially increase flood risk in the area or to users/employees of the cafe over and above the lawful use that was in operation up until late 2018. It is understood that the development will retain the existing drainage regime on the site for surface water which is appropriate. Information set out in the supporting information being incorrect in this regard. The impact upon flood risk and drainage is therefore acceptable.

#### 10.1.11 Any other matters

Objections set out in the report relating to the suitability of the mobile catering unit, removal of the kitchen area and WC have been addressed by the applicant with amended plans having been submitted that no longer include the mobile catering unit within the proposed development and reinstatement of the kitchen area and WC within the building. Such amendments have addressed the concerns raised. Similarly, matters relating to fire safety and building regulations are not controlled through the planning process. The use of the site as a cafe is established and the applicant will need to comply with fire and building control regulations before opening. In planning terms there are no overriding reasons based upon public health and safety that should cause the development proposals to fail.

## **11 Local Finance Considerations**

### 11.1 Community Infrastructure Levy



The development is not CIL liable.

## **12 Planning balance and conclusion**

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 The proposed development will bring a disused building back into a functioning economic use, to the benefit of the local economy and wider community. The development will enhance the character and appearance of the area and will not result in any adverse impacts so harmful that permission should be refused.

12.3 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

### 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:

(A3) DrNo 300 Rev B Site Location Plan  
(A3) DrNo 304 Rev B Proposed Layout  
(A2) DrNo 305 Rev B Proposed Elevations  
(A3) DrNo 306 Rev B Proposed Block Plan  
(A3) DrNo 307 Existing & Proposed Front Views  
(A3) DrNo 308 Rev A Existing & Proposed Rear Views  
(A3) DrNo 309 Proposed Ariel View

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

- 3 A landscaping scheme requiring the provision of two replacement trees shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 4 The following will be incorporated into the proposal with photographs of the installed features submitted to the Local Planning Authority within 3 months of the date of this Decision Notice: - Installation of 1 X Schwegler 1B, 2M or similar bat/bird box, purchased or built, on to a mature tree on site, facing south or west, at a height above 3m.

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

- 5 No activities that could result in disturbance (such as demolition, roof stripping or associated operations) shall be carried out between the dates of 1st November and 1st March in any year. Any works undertaken during the specified period should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed. Confirmation of the works by the licensed bat ecologist should be submitted to the Local Planning Authority within one week of completion.

Reason: To ensure the approved works do not impact upon protected species in the area in accordance with Local Plan Policy NH6 and the NPPF.

- 6 Prior to the construction of the decking and concrete ramp hereby approved, (including any demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The approved TPP and AMS shall thereafter be strictly adhered to throughout the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of protecting important trees in close proximity to the development site, in accordance with Local Plan Policies NH6 and NH13.

- 7 The premises shall not be open for business, private use or any other function (including loading and unloading of vehicles) outside the following hours:

Monday - Friday: 8am - 8pm

Saturday: 8am - 8pm

Sunday and Bank Holiday: 8am - 8pm

Reason: To ensure use of the cafe aligns with opening times of the gardens and in the interests of protecting residential amenity in the area.

- 8 Within 1 month of the date of this Decision Notice details of new waste storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved waste storage facilities shall be fully provided on the site within 1 month of the date of the aforementioned details being approved and shall thereafter retained as such.

Reason: To ensure that adequate facilities exist for the needs of the business on the site and that the proposed development does not harm the character and appearance of the area or public health and safety.

**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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

2 WILDLIFE AND THE LAW. Any activities undertaken on trees must take into account the protection afforded to wildlife under UK legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out in the breeding season (February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Conservation of Habitats and Species Regulations 2017 (as amended), also known as the Habitats Regulations, and by the Wildlife and Countryside Act 1981 (as amended). It is an offence to damage, deliberately destroy or obstruct access to structures or places of shelter or protection used by bats, or recklessly or intentionally disturb bats while they are using these places.

TREES with features such as rot and woodpecker holes, split branches or gaps behind loose bark, or covered with ivy with stems over 50mm may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (tel. 0300 060 3900). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3 The applicant is reminded of the need to ensure compliance with additional legislation where applicable, including Building Regulations and fire safety.





Application Details	
Application Reference Number:	<u>37/22/0008</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	15 December 2022
Expiry Date	<u>17 October 2022</u>
Extension of time	
Decision Level	
Description:	Change of use of land from agricultural to residential curtilage with earth bund to boundary, erection of extension to garage block including games room and garden store and construction of tennis court with associated fencing at Haydon Farm Barn, Haydon Farm Lane, Stoke St Mary.
Site Address:	<u>HAYDON FARM BARN, HAYDON FARM LANE, STOKE ST MARY, TAUNTON, TA3 5AB</u>
Parish:	37
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	<u>Mike Hicks</u>
Agent:	
Applicant:	MR N BEDDOE
Committee Date:	
Reason for reporting application to Committee	Called in by Chair

## 1. Recommendation

1.1 That permission be REFUSED

## 2. Executive Summary of key reasons for recommendation

2.1 Refuse permission as the development would be detrimental to the setting of the Grade II listed barn.

## 3. Informatives (bullet point only)

- Proactive statement

## 4. Proposed development, site and surroundings

### 4.1 Details of proposal

The application seeks consent for the extension of the garden, a tennis court, an extension to the existing double garage to accommodate a garden store and a detached garden building that would accommodate an office and recreation room.

The garden store would extend the garage by 4.8 metres. It would extend the depth of the garage. The pitched roof would be in line with the existing.

The office building would measure 15 metres in length by 6.56 metres in width. It would have a dual pitched roof with a maximum height of 5.08 metres. The building would incorporate an open canopy at its northern end. Materials would be a mixture of natural stone, render and slate.

#### 4.2 Sites and surroundings

The site consists of a dwelling (Haydon Barn) and associated curtilage. The dwelling is Grade II listed as it is located within the curtilage of Haydon Farm, a Grade II listed farmhouse. The dwelling has already been extended previously by way of a single storey extension to the west elevation and a single storey open sided lean to on the east elevation. The existing modern double garage is located to the east of the barn with gravel driveway in between.

### 5. Planning (and enforcement) history

Reference	Description	Decision	Date
37/20/0005	Erection of a single storey extension to the rear, porch to the front, installation of first floor window and formation of car port at Haydon Farm Barn, Haydon Farm Lane, Stoke St Mary	Permitted with conditions	02/10/2020
37/20/0006/LB	Erection of a single storey extension to the rear, porch to the front, installation of first floor window and formation of car port at Haydon Farm Barn, Haydon Farm Lane, Stoke St Mary	Permitted with conditions	02/10/2020
37/14/0009	Change of use and conversion of barn into dwelling, conversion of barn C into ancillary accommodation to main residence with the erection of a detached garage	Permitted with conditions	13/06/2014



## 6. Environmental Impact Assessment

N/A

## 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 an extension to an existing dwelling 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: 24 August 2022

8.2 Date of revised consultation (if applicable):  
24 November 2022

8.3 Press Date: 02 September 2022

8.4 Site Notice Date: 02 September 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
STOKE ST MARY PARISH COUNCIL	Support the application	
SCC - ECOLOGY	CEMP condition required to cover: Planting as per report No works in nesting season Protection of existing trees Reptile condition Badgers 3 x Bat box 1 x Bird box Lighting condition If mature trees to be removed, have they been checked for bats 24/22/	Refer to ecology section
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice applies	

8.6 **Internal Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
HERITAGE	Second response: The amended plans do not address the previous Conservation Officers comments set out on the email dated 21st September 2022 due to the amount of development proposed. As such there would be harm to the setting and significance of the heritage asset. Original comments- The proposal represents overdevelopment of the site and dilutes the heritage significance of the asset. The proposal is therefore harmful to the heritage asset.	Refer to heritage section
LANDSCAPE	No comments received	

### 8.7 Local representations

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

Following consultation, four representations have been received in support of the proposal. The following comments are made:

- The development would screen the site from the Nexus 25 development.
- The development would not affect anyone.

## 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:

CP8 - Environment,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,  
ENV2 - Tree planting within new developments,

#### 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 NPPF is a material consideration. The following chapter is of most relevance: Chapter 16- Historic Environment

### **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 site is located outside of defined settlement limits and as such located within open countryside where development is strictly controlled. Accordingly policy DM2 of the Core Strategy applies. This lists specific development that is supported in the open countryside. The extension of domestic gardens is not listed as a supported use. Nonetheless, this omission alone does not preclude such development from being permissible. This was confirmed in the Bagley Road appeal (APP/D3315/W/17/3179264) where the Inspector determined that:

*'the fact that a proposal is not one of the uses specifically supported by the policy does not mean that there is conflict'.*

As per the Inspector's aforementioned decision, where applications in the open countryside are not supported by Policy DM2 they fall to be assessed against Core Strategy Policy CP8. This states that development will be permitted outside of settlement boundaries where it will:

- be in accordance with national, regional and local policies for development within rural areas (including those of protected Natura 2000 and Ramsar sites);

- and be appropriate in terms of scale, siting and design; and protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements;
- and protect, conserve or enhance the interests of natural and historic assets; and not exacerbate,
- and where possible improve the quality, quantity and availability of the water resource, reduce flood risk (fluvial and surface water);
- and protect habitats and species, including those listed in UK and Local Biodiversity Action Plans,
- and conserve and expand the biodiversity of the Plan Area; and provide for any necessary mitigation measures.

Policies DM1 and CP8 are clearly relevant and up-to-date development plan policies in determining this application. The considerations against the above criteria and other impacts of the development are set out in the relevant sections of the report below.

#### 10.1.2 The impact on the character and appearance of the locality and heritage

Applications affecting a listed building must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that in considering whether to grant planning permission, the Local Planning Authority “shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (NPPF para 194). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF para 199). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF para 202).

The proposed extension of the garden area is retrospective. The new garden boundary has already been formed by an earth bund. The new boundary extends in an east west direction and links into a historic hedge boundary on the eastern side. The extension to the curtilage would be relatively substantial. It would result in a new enclosure pattern which does not reflect the historic pattern due to the introduction of the bund boundary. Nevertheless, on balance, this change alone would have a neutral impact on the heritage asset as with appropriate planting the bund would not appear incongruous in its context. Furthermore, the area of extended garden was not physically or physically separated from the barn prior to the change of use. The change of use therefore whilst relatively substantial is not overly excessive and represents a logical location for garden land that appears physically and functionally linked to the host dwelling. The planting on the new boundary would assist with assimilating the garden into the wider landscape. Subject to soft landscaping being secured it is considered that the impact of the change of use on the character and appearance of the area and the listed building would be acceptable. Notwithstanding

the above comments, the change of use in conjunction with the extent of other development proposed would result in harm to the heritage asset.

A tennis court when proposed in isolation, on balance may be acceptable subject to control over the finish for the hard surface and fencing, however the amount of development proposed in combination with the outbuildings would represent overdevelopment of the site. The proposed extension to the garage and the new garden building would create a significant amount of new floor space and would have a significant visual impact. The listed barn has already been extended relatively extensively. The further significant amount of development within the extended garden would undermine the prominence of the listed building within the site and would dilute its rural setting and historic significance. Accordingly it is considered that the development would harm the heritage asset. This would result in 'less than substantial harm' as set out within the NPPF.

The neighbour comments have stated that the development is designed to screen the site from the Nexus 25 business park site which will be under development in the future. This site is located a relatively significant distance from the proposed business park, thereby mitigating any impact on the setting of the listed building. This is in contrast to the development proposed which is located in close proximity and will adversely affect the setting and significance of the heritage asset. Furthermore, other methods of screening such as tree planting could be carried out without harm to the heritage asset.

It is clarified in planning case law that a Local Planning Authority cannot treat the desirability of preserving the setting of listed buildings as mere material considerations to which it can simply attach weight as it sees fit. When an Authority finds that a proposed development would harm the setting of a listed building it must give that harm considerable importance and weight and gives rise to a strong presumption against planning permission being granted. This presumption is a statutory one, but not irrebuttable. It can only be outweighed by material considerations powerful to do so. (*The Forge Field Society & Ors (On the Application of) v Sevenoaks District Council, England & Wales High Court (2014)*).

There are no public benefits arising from the proposal. Even if there were, the threshold for these being sufficient to override the presumption against granting permission is very high. Having regard to the above it is considered that the proposal would result in harm to the historic interest, character and appearance of the listed building and there would be no significant public benefits which would override this harm. Accordingly it is considered that the proposal would be contrary to Policies CP8 and DM1 of the Core Strategy and the guidance in Chapter 16 of the NPPF.

#### 10.1.4 Access, Highway Safety and Parking Provision

The proposal would not affect the existing access, parking and turning areas. It would not intensify the existing vehicular movements to and from the site. Accordingly it would be acceptable in relation to highway safety and parking.

#### 10.1.5 The impact on neighbouring residential amenity

The proposed tennis court and out buildings and extended garden would be for private domestic use. Accordingly there would be no additional or unusual impacts

over and above those expected for a domestic use. The proposal is therefore acceptable in this regard.

#### 10.1.6 The impact on trees and landscaping

It was noted that the bund has been extended close to the existing tree on the eastern boundary. This may have damaged the tree roots, however the applicant revised this aspect of the scheme on the amended layout. In the event of permission being granted, a planning condition could be imposed to ensure these works are carried out within a set time period. Subject to conditions, the impact on existing trees would be acceptable in accordance with Policy ENV1 of the Taunton Site Allocations and Development Management Plan.

#### 10.1.7 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

The applicant submitted an ecological report for the application site. This concluded that the garage has the potential for nesting birds. An eDNA test was conducted which concluded that great crested newts are absent from the pond. All other ponds within 250 metres of the site were identified as dry and accordingly it was concluded that greater crested newts are absent from the site. The report further concludes no bat roosting potential within the site, no evidence of badgers and water vole or otters. Finally the report concludes that there is potential for nesting birds in trees and the garage building. The presence of reptiles within the tall ruderal vegetation is assumed.

The County Ecologist has considered the contents of the report. They have commented that they do not object to the application subject to conditions requiring to secure new planting, restrictions on works during the nesting season, protection of existing trees and vegetation, a reptile friendly vegetation clearance and bat friendly external lighting. A condition is recommended to secure ecological enhancements including 3 bat boxes and 1 bird box.

Subject to the above conditions it is considered that there would be no harm to protected species or the ecological interests of the site. Enhancements would be secured via new planting and bat/bird boxes. Having regard to the above the proposal would comply with Policy CP8 of the Taunton Deane Core Strategy.

The site is located within the Somerset Levels and Moors Ramsar Site. However Council is satisfied that as the proposed development is an extension to an existing dwelling it does not increase nutrient loadings at the catchment's waste water treatment works.

## **11 Local Finance Considerations**

### **11.1 Community Infrastructure Levy**

This proposed development measures approximately 117 sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the receipt for this development is

approximately £14,750.00. With index linking this increases to approximately £20,750.00.

## **12 Planning balance and conclusion**

12.1 It is considered that the proposal would undermine the prominence of the listed building within the site and would dilute its rural setting and significance resulting in harm to its setting and significance. There would be no significant public benefits which would override this harm. Accordingly it is considered that the proposal would be contrary to Policies CP8 and DM1 of the Core Strategy and the guidance in Chapter 16 of the NPPF.

12.2 For the reasons set out above, having regard to all the matters raised the application is recommended for refusal.

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 – Reason for refusal/Informative

The site consists of garden associated with a Grade II listed building. The proposed extended garden, tennis court and fencing, new building and extension to the existing garage would represent overdevelopment of the site by reason of the extent and scale of development. Accordingly, the proposal would undermine the prominence of the listed building within the site and would dilute its rural setting and significance resulting in harm to its setting and significance. There is no overriding justification for the proposed development or public benefit to justify the harm. Accordingly, the proposal is contrary to Policies CP8 and DM1 of the Taunton Deane Core Strategy, Chapter 16 of the National Planning Policy Framework and the District Wide Design Guide Supplementary Planning Document December 2021.

Notes to applicant.

In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council works in a positive and creative way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

