

Application Details	
Application Reference Number:	38/19/0426
Application Type:	Full
Description	Demolition of Corfield Hall and erection of 11 no. almshouse flats with community room and ground floor offices for Taunton Heritage Trust
Site Address:	Corfield Hall, Magdalene Street, Taunton
Parish:	Taunton
Conservation Area:	Yes
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Denise Grandfield 01823 219536 Should you wish to discuss the contents of this report item please use the contact details above by 5pm on the day before the meeting, or if no direct contact can be made contact planningwest@somerset.gov.uk
Agent:	Jonathan Rhind Architects
Applicant:	Taunton Heritage Trust
Reason for reporting application to Members:	Update of application originally considered by Planning Committee on 20 August 2020

UPDATE TO REPORT

The application was considered at the Planning Committee of Somerset West and Taunton Council on 20 August 2020, where it was resolved to approve the application subject to the applicant entering in to a Section 106 agreement to secure the provision of affordable housing. A copy of the report is attached in Appendix 1.

However, before the S106 was completed and the decision issued, Somerset West and Taunton received an advice note from Natural England concerning the unacceptable levels of phosphates in the Somerset Levels and Moors Ramsar site. As a result of a court judgement known as Dutch N, Somerset West and Taunton Council was advised as the Competent Authority under the Conservation of Habitats and Species Regulations 2017 that the Local Planning Authority must not permit any new residential development unless it 'can be certain beyond reasonable doubt' that it would not give rise to additional phosphates within the hydrological catchment of the Somerset Levels and Moors Ramsar Site.

Given the above the application is being brought to Committee for consideration of the following matters:

1. Phosphates
2. Ecology

Phosphates

The site is located in an area that is hydrologically connected to the Somerset Levels and Moors (SL&M) Ramsar site and as such the proposal has the potential to contribute to additional phosphates entering the Ramsar site.

As such Somerset Council as a competent authority under the Habitats and Species Regulations 2017 (the 'Habitats Regulations') but be certain beyond a reasonable scientific doubt that any new residential development will not have an adverse impact upon the Somerset Levels and Moors Ramsar site. To do this the proposed development must be 'nutrient neutral', demonstrated through an HRA, before planning permission can be granted.

At present this application does not have a NN solution. The application meets the prioritisation criteria for River Tone P credits. As agreed, the former SWT C Phosphates Planning Sub-committee on the basis that the proposed development exceeds affordable housing policy, as such this could be a viable phosphate mitigation solution for the development. However, the second round of River Tone P credit scheme is not yet open to applications and as such this is not confirmed. At present given that it has not been possible for SC to conclude a favourable HRA for the proposed development to confirm it would be phosphate neutral it is not possible to issue a grant of planning permission until a solution is found and an HRA is completed.

Ecology

An updated Preliminary Roost assessment was submitted in July 2022. The ecologist is satisfied with the contents of the report and recommendation. An enhancement condition has been included.

Other matters

Since the consideration of the application in August 2020, there have been no material change in circumstance on site or in planning policy. The proposal complies with the adopted policies as set out in the earlier report.

Given the matters to be considered no further public consultation has been carried out.

Conclusion

The proposal is recommended for approval subject to conditions and the applicant entering in to a S106 agreement to secure the provision of affordable housing and a phosphate mitigation solution, including completion of an HRA in accordance with the Conservation of Habitats and Species Regulations 2017.

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

Contact Officer: Denise Grandfield