

Application Details	
Application Reference Number:	42/23/0016
Application Type:	Section 73 Variation of Condition
Expiry Date:	19 June 2023
Decision Level:	Committee
Description	Variation of a Condition No. 02 (approved Plans) of application 42/14/0069 for the removal of 0.58ha of land from the approved employment area on land at Comeytrove, Taunton
Site Address:	Orchard Grove, Land at Comeytrove/Trull, Taunton
Parish(es):	38 - Taunton Town Council and 42 - Trull Parish Council
Conservation Area:	Partly within the Trull Conservation Area
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 simon.fox@somerset.gov.uk
Agent:	Boyer Planning Ltd
Applicant:	Comeytrove Consortium
Committee Date:	Tuesday 18 July 2023
Reason for reporting application to Members:	Each stage of the Comeytrove Garden Community, known as Orchard Grove, has been subject to Planning Committee scrutiny given the significance of the scheme and the public interest.

1. Recommendation

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

2. Executive Summary of key reasons for recommendation

- 2.1 This application has been prompted by a Supreme Court decision (*Hillside*) relating to an entirely different site which involved the overlapping of full planning permissions onto sites with an underlying outline consent. In this case, the Orchard Grove site has full planning permission for a Care Home

which if implemented, the Court ruling in *Hillside* indicates, would prejudice the implementation of the outline consent. The Consortium, whilst wishing to implement the Care Home permission, will not prejudice the outline and as such this application seeks to revise the outline permission to overcome these legal implications.

- 2.2 After consideration of all representations and consultations, planning policy and material considerations including the planning history and the scope of the application, 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 original outline was accompanied by a site-wide section 106 agreement which is still legally enforceable against any subsequent planning permission granted under section 73, such as this.

3.2 Conditions

See Appendix 1.

3.3 Informatives

See Appendix 1.

4. Proposed development, Site and Surroundings

Details of proposal

- 4.1 This planning application is made under section 73 of the Town and Country Planning Act 1990 to vary an Outline Planning Condition to allow a material amendment to the permitted development at the Comeytrove Garden Community otherwise known as Orchard Grove, South West Taunton on behalf of the Comeytrove Consortium (Taylor Wimpey, Vistry and LiveWest).
- 4.2 This section 73 application is made pursuant to Outline Planning Permission (42/14/0069), which was granted on 8th August 2019 by Somerset West & Taunton Council for a residential-led mixed-use development of up to 2,000 homes, employment, school, local centre and associated infrastructure. The description of development reads:

"Outline Planning Application with all matters (except points of access for a residential and mixed use extension at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25 hectares of employment land, 2.2 hectares of land for a primary school, a mixed use local centre, and a 300 space park & bus facility on land at Comeytrove/Trull; amended and additional information received 04 September 2015"

- 4.3 This application seeks approval for a material amendment to the approved development at Orchard Grove to remove approximately 0.58ha of land from the employment zone.
- 4.4 The reason for seeking a material amendment to Outline Planning Condition 2 follows the Supreme Court judgement at Hillside Parks Limited v Snowdonia National Park Authority [2022] UKSC 30 ("*Hillside*") and the potential impacts the judgement has on the severability of multi-phased outline planning permissions.
- 4.5 The *Hillside* case relates to a succession of applications, appeals and claims ultimately reaching the Supreme Court over the implementation a series of planning permissions by the developer Hillside Parks Ltd on a site within Snowdonia National Park Authority. The case involved a dispute between the Applicant and the National Park Authority over whether works the Applicant had already undertaken over several years, and under separate planning permissions, departed too significantly from the original planning permission.
- 4.6 In summary, the judgment confirmed that in certain circumstances a later planning permission cannot now generally be utilised as a 'variation' of an earlier planning permission.
- 4.7 Given the above, the Consortium has sought legal advice on the potential risks following the recent *Hillside* Supreme Court judgement to the Orchard Grove Outline Planning Permission (ref: 42/14/0069) and the associated 'drop-in' planning permission (ref: 42/22/0054) for a new Care Home within Orchard Grove's employment zone.
- 4.8 Upon receipt of the Supreme Court ruling the Comeytrove Consortium took their own legal advice and raised the matter with the Case Officer who in turn invoked the involvement of SHAPE legal. The outcome of those discussions is this application.

- 4.9 To mitigate the risks highlighted above, it is necessary to remove the area of land comprising the Care Home which extends to 0.58ha from the approved Outline Planning Permission parameter plans, via this section 73 application. This will remove any potential prejudicial impact owing to *Hillside* that the 'drop in' Care Home Planning Permission could have on the future delivery of new homes at Orchard Grove.
- 4.10 This section 73 application for the variation of Outline Planning Condition 2 (42/14/0069), seeks an amendment to the approved parameter plans to remove an area of 0.58ha of land from the employment zone.
- 4.11 The amendment sought to Condition 2 is twofold:
- to replace the approved parameter plans with amended versions that 'blank out' 0.58ha of land from the employment zone; and
 - to revise the wording of the condition in part.
- 4.12 Approved Plans (to be superseded):
- Land Use Parameter Plan (drawing ref. 13708_9600- REV L);
 - Density Plan (drawing ref. 13708_9601 – REV I);
 - Scale Parameter Plan (drawing ref. 13708_9602 – REV K);
 - Access and Movement Plan (drawing ref. 13708_9603 – REV H); and
 - Green Infrastructure Parameter Plan (drawing ref. 13708_9604 – REV L).
- 4.13 Proposed Replacement plans:
- Land Use Parameter Plan (drawing ref. 13708 9600 Rev P)
 - Density Plan (drawing ref. 13708 9601 Rev K)
 - Scale Parameter Plan (drawing ref. 13708 9602 Rev M)
 - Access and Movement Plan (drawing ref. 13708 9603 Rev K)
 - Green Infrastructure Parameter Plan (drawing ref. 13708 9604 Rev N)
- 4.14 All other associated approved plans listed under Condition 2 will remain as approved under Planning Permission Ref. 42/14/0069.
- 4.15 The applicant is seeking the condition to be reworded as follows:

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

- *Land Use Parameter Plan (drawing ref. 13708 9600 Rev P);*
- *Density Plan (drawing ref. 13708 9601 Rev K);*
- *Scale Parameter Plan (drawing ref. 13708 9602 Rev M);*
- *Access and Movement Plan (drawing ref. 13708 9603 rev K);*

- *Green Infrastructure Parameter Plan (drawing ref. 13708 9604 Rev N);*
- *(A0) DrNo 9010 Rev M Site Location Plan;*
- *(A0) DrNo 9003 Rev B Existing Topographical Survey;*
- *(A1) DrNo 9001 Rev A Site Location Plan (Wider Area);*
- *(A1) DrNo 46006/2003/050_RevD_A38_ Roundabout_S278_Works (Amended access plan approved via s.96A non-material amendment [42/21/0077/NMA]);*
- *Environmental Statement Addendum Appendix 9.1 Appendix C Part 3 (A1) DrNo Figure 4.2 Rev C Proposed 40m ICD Roundabout Junction Arrangement on Honiton Road; and*
- *Environmental Statement Addendum Appendix 9.1 Appendix D Part 2 (A2) DrNo Figure 4.3 Rev A Proposed Secondary Access from Comeytrowe Lane*
- *DrNo. 9700 Site Boundary Plan (indicating the location of the Eastern and Western Neighbourhoods)*
- *DrNo. 35482_ 0723_Phasing and Infrastructure Plan*

The phased scheme shown for illustrative purposes on the document entitled 'CIL Phasing Plan,' version 10 and dated May 2023 (approved under Condition 3) shall be built in accordance with the approved Plans and the approved Parameter Plans listed above unless a further planning application specific to one or more of the phases shown on the document entitled 'CIL Phasing Plan,' (Version 10) (or any further phasing plan subsequently approved under Condition 3), is submitted and approved by the Local Planning Authority in substitution for that part of the approved development. If such further planning application is approved, the remaining phase or phases may still be developed as approved in this Planning Permission, it being intended that this Planning Permission should permit each phase separately and severability from the others.

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

Site and surroundings

- 4.16 Outline consent (ref 42/14/0069) with all matters reserved (except points of access) has been granted for a residential and mixed use garden community at Comeytrowe/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility (application ref. 42/14/0069). The site area for the outline application was approx. 118 ha and was bounded by the A38 Wellington Road to the north-west, the suburb and parish of Comeytrowe to the east and the farmland of Higher Comeytrowe Farm to the south. The

Blackdown Hills AONB is located approximately 2.5 miles to the south of the site.

4.17 The site is generally characteristic by an undulating landscape, development has commenced in the western neighbourhood whereas the Eastern Neighbourhood is still relatively untouched save for the spine road leading to the new primary school site which is now under construction.

4.18 A small treed area at the south easternmost part of the site is in the Trull Conservation Area where there are also numerous listed buildings in the Conservation area bordering the site as well as Comeytrove Manor and Higher Comeytrove Farm located nearer the centre of the site and Rumwell Park and Rumwell Hall towards the north western part, as well as a Special Landscape Feature (Stonegallows).

4.19 The site is under construction, occupations commenced in April 2022 with currently circa 100 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 subject to conditions	21 February 2020
42/20/0006	Application for approval of reserved matters following Outline Application 42/14/0069 for the appearance, landscape, layout and scale for the erection of 70 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase H1b) on land at 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	Approved	8 April 2021

	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		
42/20/0042	Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings under outline application 42/14/0069 on land at Comeytrove/Trull	Approved	08 April 2021
42/20/0043	Non-material amendment to application 42/19/0053 for the relocation of the approved sub-station on land at Comeytrove/Trull	Approved	19 October 2020
42/20/0056	Approval of reserved matters in respect of the appearance, landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 64 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Phase H1c(i) on land at Comeytrove/Trull	Approved	8 April 2021
42/21/0004	Application for approval of reserved matters following outline application 42/14/0069 in respect of the appearance, landscape, layout and scale for the erection of	Approved	3 February 2022

	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		
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

	<p>infrastructure on land at Comeytrowe, Taunton</p> <p><i>For the full application file visit SCC's Planning register online, ref SCC/3938/2022</i></p>		<p>SCC December 2022</p>
42/22/0043	<p>Variation of Condition No. 02 (approved plans), for the inclusion of a turning head at the entrance of the approved pumping station compound, of application 42/20/0042 at Orchard Grove New Community, Comeytrowe Rise, Taunton</p>	<p>Approved</p>	<p>03 February 2023</p>
42/22/0054	<p>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 Comeytrowe, Taunton</p>	<p>Approved</p>	<p>31 January 2023</p>
42/22/0055	<p>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</p>	<p>Approved</p>	<p>30 June 2023</p>
42/22/0056	<p>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</p>	<p>Pending</p>	

	and drainage, associated with the delivery of infrastructure roads WR02 and WR03 at Orchard Grove Community, Comeytrowe		
42/22/0062	Application for the approval of reserved matters following outline application 42/14/0069 for the appearance, landscaping, layout and scale for the erection of 20 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works comprising Parcel H1f(i) 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 Comeytrowe Lane, Taunton	Approved	10 March 2023
42/22/0063	Application for the approval of reserved matters following outline application 42/14/0069 for the appearance, landscaping, layout and scale for the erection of 51 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works comprising Parcel H1f(ii) together with additional details as required by Condition No's. 7, 9, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 23 on land west of Comeytrowe Lane, Taunton	Pending	
42/22/0064	Variation of Condition No's. 02, approved plans, (for alterations to common infrastructure, including	Pending	

	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		
42/22/0075/CB	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	Prior Approval Required	18 January 2023
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	Approved	31 March 2023
42/23/0019/CB	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	Pending	
42/23/0022	Application for the approval of reserved matters following outline application 42/14/0069 for the access, appearance, landscaping, layout and scale for the erection of a substation to service the Primary School at Orchard Grove, Comeytrove	Approved	21 June 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 Environmental Statement (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 A supporting ES Compliance Statement has been prepared by the applicant to accompany this s.73 application which sets out a review of the approved ES chapters in light of the variation sought to Outline Planning Condition 2 via this application.
- 6.6 It concludes that by virtue of removing 0.58 hectares from the proposed employment land, the maximum parameters assessed by the Environmental Statement will not be breached and the scope and impacts of the Orchard Grove development will be reduced. This, it states, does not, therefore, result in a greater significance of effect to the following ES Chapters: landscape and visual, ecology, transport, air quality, noise, water, heritage, ground conditions, and agricultural land. As such, it states, the conclusions of the approved ES chapters remain valid.
- 6.7 In assessing the socioeconomic impact in isolation, the following topics have been considered in identifying the likely significant socio-economic effects of the Proposed Development:
- Effects on the employment offer at the site;
 - Effects on Population and housing requirements; and
 - Effects on healthcare provision and education provision.
- 6.8 The statement concludes there will be no impact on population and housing requirements nor on healthcare and education provision (again the former was assessed as part of the application for the Care Home ref 42/22/0054. The removal of employment land could in isolation could have had impacts on job

creation but again the Care Home was approved on the basis that a good number of jobs would be created.

- 6.9 The conclusion of the LPA is that the Council considers the application of this condition variation 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 Each residential parcel approved so far on the site, plus the Care Home, have had their own phosphate mitigation plan and passed the HRA hurdle.
- 7.9 Following legal advice, the Council has adopted the view that if a planning permission has been previously implemented and the development is taking place on site and the amended proposal does not increase the number of dwellings or amend foul drainage details, then a new s.73 permission can be issued as an HRA can conclude that there would be no increase in impact above that already permitted. This is stated on the Council's website. The applicant has submitted a HRA concluding just this point and as such no additional phosphate mitigation will be required to allow this application to be approved.

8. Consultation and Representations

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

Date of Consultation: 20/21 March 2023

Date of revised consultation: N/A

8.1 Statutory Consultees

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

Statutory consultee	Comments	Officer comments
Taunton Town Council	No comments.	No further action.
<p>NB: At the time this application was submitted Comeytrove Parish Council was within its last week of existence, to be wholly replaced by a new Taunton Town Council.</p> <p>Taunton Town Council will also now administer land area previously part of Trull PC and Bishops Hull PC.</p> <p>Overall the application site area is now predominantly within Taunton Town Council area with a small part south of Dipford Road remaining within Trull parish.</p>		
Trull Parish Council	<p><i>“Trull Parish Council objects to the application 42/23/0016 for the following reasons: The request for this Section 73 application conflates two entirely separate issues:</i></p> <p><i>This Section 73 application seeks approval for: “Variation of Condition No. 02 (approved plans) for the removal of 0.58ha of land from the approved employment area under Outline Planning Permission 42/14/0069 to clarify that each phase of the development is permitted separately and severability from the others.”</i></p> <p><i>The first part: “the removal of 0.58ha of land from the approved employment area under Outline Planning Permission 42/14/0069” is uncontroversial given that the outline application merely specifies employment land “up to 5.25 hectares” anyway.</i></p> <p><i>The second part is what this application really appears to be about and that is “to</i></p>	<p>Additional information was produced to explain to TPC the reasoning for the application was a direct response to Hillside and not a ‘sweeping aside of the Supreme Court’s judgement’. The two issues they identify have not been artificially conflated, they are one of the same matter.</p> <p>No additional comments have been</p>

	<p><i>clarify that each phase of the development is permitted separately and severability from the others.” The concept of ongoing, severable permissions being granted over a period of many years has just been fought over in the quoted court case (Hillside Parks Limited v Snowdonia National Park Authority [2022] UKSC 30) and the Supreme Court has argued that it is not permissible, and a ‘drop-in’ application that is not congruent with the original application will mean that continuing with the original application would be unlawful.</i></p> <p><i>We therefore object to this application on the basis that this cannot be allowed to effectively sweep aside the Supreme Court’s judgement. (In addition, the Land Use Parameter Plan (Rev M) suggests that the area of land for the care home falls under the category of ‘Existing Land Use to be Retained’ – can the applicants confirm that it will continue to be used as agricultural land and be farmed accordingly?)”</i></p>	<p>received from TPC in response to this explanation.</p>
<p>Bishops Hull Parish Council (Neighbouring Parish)</p>	<p>No comment.</p>	<p>No further action.</p>
<p>Highway Authority - SCC</p>	<p>No formal comments received however it is understood there are no highway implications.</p>	<p>An oral update will be given.</p>
<p>Natural England</p>	<p>No comments received to date.</p>	<p>The site has been built out so far in full accordance with NE requirements and with full agreement to the approach through following to achieve phosphate neutrality. It is not expected NE would take a different view now on this</p>

		application. An oral update will be given.
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8.2 Non-Statutory Consultees

Non-Statutory consultee	Comments	Officer comments
Economic Development	Concerned about potential loss of employment land.	The rationale for the application is explained at the start of this report. The approved Care Home was approved as an employment generator and so there is no loss of employment land per se.

8.3 Local representation

8.3.1 In accordance with the Council's Adopted Statement of Community Involvement this application was publicised by letters of notification to neighbouring properties and those new properties on the site on 21 March 2023 and site notices were displayed on 17 April 2023.

8.3.2 4 letters were received. A summary of comments is provided in the table below. The full representations can be viewed on case file hosted on the Council's website.

Comment - Cannon
<i>"I was never in favour of building 2,000 homes on what was agricultural land in a beautiful spot of South West Taunton. If this planning application is to preserve any such land I am in favour of it - if not I am against yet more concreting over agricultural land when a) food security is under threat b) flying in more food that can be grown in UK contradicts climate change policy to reduce emissions".</i>
Officer response
The site benefits from outline consent and this change merely seeks to alter one part of one parameter. Whilst the contributors view is respected it is not relevant to this application.
Comment - White

A concern was raised relating to the Access and Movement Plan which is one of the Parameter Plans that sits alongside the Land Use Parameter Plan which is proposed to be altered by this application. The Access and Movement Parameter Plan states an access from Comeytrove Lane will be a *'Bus Only Access Point with vehicular access for up to 100 dwellings'* and the contributor sets out why this would be objectionable.

Officer response

The contributor is correct insofar as the Access and Movement Parameter Plan did say that and did so at the time the outline application was approved back in 2019 and is a stated approved plan in Condition 02. However, that plan needs to be viewed in relation to Condition 28 that was added at the committee meeting that resolved to approve the outline which stated:

"The vehicular access shown off Comeytrove Lane shall be for emergency service vehicles and public transport vehicles only and shall be retained as such at all times by means of a 'bus gate' system, the details of which shall have been submitted to and approved by the Local Planning Authority before the road becomes operational. There shall be no vehicular access to individual residential properties whatsoever, except as provided for by this condition. REASON: The new road and its access off Comeytrove Lane is not considered to be suitable to cater for all types of traffic, but it is accepted that access by emergency and public service vehicles would be appropriate".

The Parameter Plan was never amended to reflect Condition 28 before the Outline decision was issued and it is considered Condition 28 takes precedence. Condition 28 remains still to be discharged.

To prevent any misunderstandings given the Bus Gate is a sensitive issue locally the Parameter Plan has now been amended to remove any reference to access to dwellings and Condition 28 remains unaffected by this application.

Comment – Smith

Commentary on the *Hillside* judgement taken from the application is requoted.

"My sole purpose in objecting to 42/23/0016, is that it does not seek merely to make the necessary minor modifications to Conditioned plans. Boyers' Planning Statement makes clear that the new Section 73 consent would go far beyond a few simple changes to the plans. In their Planning Statement, Boyers elaborate :

*1.3 This Section 73 application seeks approval for: "Variation of Condition No. 02 (approved plans) for the removal of 0.58ha of land from the approved employment area under Outline Planning Permission 42/14/0069 **to clarify that each phase of the development is permitted separately and severability from the others.***

[Boyers' grammar; my emphasis].

And :

5.4 On this basis, should this s.73 application be approved:

- The submitted information that has secured the discharge, or partial discharge, of any Outline Planning Conditions can be referenced and confirmed in the S.73 consent;
- The same S.73 consent can detail the partially implemented **and unimplemented** [my emphasis] Reserved Matter approvals as further conditional discharges; and
- Any **future** [my emphasis] Reserved Matter submissions would be made pursuant to the new s.73 consent.

As I understand the meaning of the proposed Section 73 consent, if 42/23/0016 is approved, it, and all subsequent Reserved Matters parcels within the Urban Extension, would be considered in isolation from each-other, and from the Conditions imposed on 42/14/0069. But the Urban Extension has been categorised as EIA development, and no application from the Consortium, or the LPA, can remove the obligations that EIA imposes upon the development, during the entire construction of the Urban Extension - as the Consortium itself has acknowledged, in re-visiting the Outline Environmental Statement in its documents for 42/23/0016.

The full Planning Committee must consider 42/23/0016, and, in my view, refuse it. As drafted, the Section 73 consent would exclude this, and all the remaining Reserved Matters parcels within the Urban Extension, from existing Conditions, and, for instance, the constraints imposed by phosphates considerations, and the necessity to remediate the old industrial estate. [On the 4th of April, SW&T confirmed that it had had no prior notice of the unpublicised demolition of three hazardous buildings on the industrial estate; and, under 42/23/0019/CB, the consortium is now proposing to demolish more of them, from the 20th of April. On at least three occasions, there have been delays of years between the completion of contamination reports and their placing in the public domain].

If the Consortium only seeks, belatedly, to minimise its exposure to “a Hillside challenge”, it should present a revised Section 73 consent, specifically for the Care Home site; and then, if necessary, for each subsequent Reserved Matters parcel, strictly, and solely, for that purpose”.

Officer response

The contributor misunderstands the legal mechanics required to approve this application. The approval of this application in effect grants a new outline consent, bound by the original s106 and non-material planning agreements and with all conditions reissued from the former outline to the ‘new’ outline. Those 29 conditions all requiring updating to reflect the fact that some have been discharged or partially discharged given the development is well underway. The new consent also needs to recognise that many applications for reserved matters have already been agreed, all of those consents have a host of approved plans that now need to be reflected. Future applications for reserved matters will be dealt with in exactly the same way as the previous ones have albeit they will be submitted under the umbrella of this new outline consent.

EIA matters are addressed at Section 6.

Comments relating to the application 42/23/0019/CB and contamination reports are not relevant to this application.

The way this application has been approached, the revised conditions and the view reached concerning EIA has been discussed and agreed with the Council's Legal officer.

Comment – Warburton

“Please find my Objection to this Application below.

These proposals seek not just significant change to the Outline Permission, but changes to the Planning system! Whilst a Care Home is a ‘Good Thing’, this is not a viable way to provide it.

SUMMARY

- *A s73 Application is not applicable here; the Employment Area is specified in the description of the Outline Permission.*
- *Government planning guidance ‘introduces a concept of “minor material amendment” where no such expression exists in the statutory scheme, nor is otherwise supported by the most recent authorities.*
- *If the planning authority proceeds with determining this s73 application, it must consider only the Conditions and not the description.*
- *Conditions which alter the extent or nature of the original permitted development are invalid.²*
- *A fresh application for full planning permission should be required rather than being able to rely upon the provisions of section 73.*
- *an Environmental Statement must be submitted with a section 73 application for an EIA development.*
- *If there were no inherent conflict or inconsistency with the “operative part” of the planning permission, the proposed change would be assessed on its merits.*
- *This Application would reduce the area for employment, designed to replace the original area lost to housing. 1 Armstrong v Secretary of State for Levelling-up, Housing and Communities & Anor [2023] EWHC 176 (Admin). 2 Finney v Welsh Ministers [2019] EWCA Civ 1868 3 Reid v Secretary of State for Levelling Up, Housing and Communities [2022] EWHC 3116 (Admin) 2*
- *The Hillside decision makes it clear that ‘a further planning application’ is required, for which a ‘minor material amendment’ cannot be substituted.*
- *The Hillside judgement leaves no doubt that that ‘each phase of the development is not and cannot be permitted separately and severability from the others.’*
- *If the application were granted then a new Planning Permission for the Urban Extension would be issued, separate from the previous planning permission - which remains valid.*
- *Conditions for the new permission must be re-evaluated for current policy and guidance.*

- Any new Permission would require new s106 agreements (subject to caveats).
- The CIL Phasing Plan (unseen) will require revision, other than for time-limits, which cannot be amended.
- Implementing the Care Home permission would still conflict with this new void area”.

The contributor goes on to expand on these points, concluding “This Application must be refused. It is an inappropriate methodology; it contravenes Regulations, Advice, Case Law and common-sense. Further, the contortions required to use this method do not take into account the residual problems – 0.59ha of land unfettered by previously agreed parameters and a new Outline Permission requiring updated Conditions, s106 agreements, EIA and CIL arrangements”.

Officer response

The way this application has been approached, the revised conditions and the view reached concerned EIA has been discussed and agreed with the Councils Legal officer.

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

CP2 - Economy

CP4 - Housing

CP5 - Inclusive Communities

CP6 - Transport and Accessibility

CP7 - Infrastructure

CP8 - Environment

SP1 - Sustainable Development Locations

SS7 - Comeytrowe / Trull - Broad Location for Growth

DM1 - General requirements

DM4 - Design

Assessment of these policies underpinned the determination of the outline consent.

Site Allocations and Development Management Plan 2016

The site allocation policy - TAU1 - Comeytrowe / Trull - is of most relevance, but the pragmatic development management policies in the SADMP are not of relevance to this application scenario.

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

Whilst of significant to the development of the wider site this collection of SPD, adopted since the outline consent was granted, is not especially relevant to this application scenario.

Neighbourhood Plans

Whilst the application site is no longer largely within Trull Parish the Trull Neighbourhood Plan still applies as 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 this application scenario.

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.

There are no specific chapters to paragraphs that relate to the merits of this application.

An application made under Section 73 is in effect asking for the development to be implemented without complying with conditions, in this case 02. The council has determined it can proceed subject to different/modified conditions.

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 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 CIL liable, and this is triggered by commencements of individual housing parcels and a CIL phasing plan.

12. Material Planning Considerations

- 12.1 The Supreme Court ruling in *Hillside* prevents any site with outline consent being able to drop-in subsequently approved 'full applications' without prejudicing the continued implementation of that outline consent. A ruling made with respect to a specific and individual case in Wales now has wider implications which do not necessarily follow conventional logic and common sense but the intricacies and occasional oddities of planning law.
- 12.2 Any threat to the continued implementation of the outline is a matter both the Consortium and the Council would wish to avoid and legal advice on both sides has brought us to this point.
- 12.3 Agreeing how to approach this has been relatively straightforward. The most complex matter has been an administrative one is seeking to reconcile the approval of many reserved matters consents into one drawing and document schedule to refer to as the 'to-date' approved plans that the development has been and should be built out in accordance with, along with all the various conditions approved with respect to the outline consent and the reserved matters.
- 12.4 This has required some of the original outline conditions to be updated and reworded to reflect the stage of the development that has been reached and the fact many conditions have been partially discharged for various phases, or in some cases wholly discharged. In addition of all the conditions attached to the numerous Reserved Matters have needed to be added again, updated to reflect subsequent discharges. In effect this S73 application now 'bakes-in' already approved plans and replaces the Reserved Matters applications determined so far, whilst also leaving three quarters of the site still to be approved via Reserved Matters, but pursuant to this new outline.
- 12.5 Members should be reassured that the legal mechanisms to deliver infrastructure, affordable homes and community facilities is all unaffected by this decision.
- 12.6 Members are also advised that this application does not represent an opportunity to revisit the 2019 approved outline consent with regards planning obligations, policy interpretation or societal circumstances that are not directly related to the specific proposal. Many of the impacts of using

employment land for a Care Home were considered by Committee is approving application 42/22/0054 in January 2023.

- 12.7 The main effect of this application is to allow the lawful implementation of the Care Home consent without prejudicing the mother outline consent, with the specialist provider eager to commence that development as soon as this application is determined (positively).

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 legal issue.
- 13.2. 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

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

1. Development is to be carried out in accordance with the following approved plans which detail the layout, scale, appearance, and landscaping of residential phases H1a, H1b, H1c(i), H1c(ii), H1d, H1e and H1f(i); Bat House, Primary School sub-Station, Employment Land Infrastructure and the common infrastructure matters including details for roads, drainage, retaining features; groundworks; utilities; ecology; public open spaces and green infrastructure for the Western Neighbourhood: [as set out in the accompanying Approvals and Drawing/Document Schedule, dated 06 July 2023]. Approval of the details of the layout, scale, appearance, and landscaping of each subsequent phase not listed above (hereinafter called 'a subsequent phase' of the Development) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase is commenced and the development of that phase shall (unless otherwise agreed with writing by the Local Planning Authority) be carried out as approved. Application for approval of the reserved matters for all subsequent phases shall be made to the Local Planning Authority not later than the expiry of ten years from the date of this

permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority in accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

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

- Land Use Parameter Plan (drawing ref. 13708 9600 Rev P);
- Density Plan (drawing ref. 13708 9601 Rev K);
- Scale Parameter Plan (drawing ref. 13708 9602 Rev M);
- Access and Movement Plan (drawing ref. 13708 9603 rev K);
- Green Infrastructure Parameter Plan (drawing ref. 13708 9604 Rev N);
- (A0) DrNo 9010 Rev M Site Location Plan;
- (A0) DrNo 9003 Rev B Existing Topographical Survey;
- (A1) DrNo 9001 Rev A Site Location Plan (Wider Area);
- (A1) DrNo 46006/2003/050_RevD_A38_ Roundabout_S278_Works (Amended access plan approved via s.96A non-material amendment [42/21/0077/NMA]);
- Environmental Statement Addendum Appendix 9.1 Appendix C Part 3 (A1) DrNo Figure 4.2 Rev C Proposed 40m ICD Roundabout Junction Arrangement on Honiton Road; and
- Environmental Statement Addendum Appendix 9.1 Appendix D Part 2 (A2) DrNo Figure 4.3 Rev A Proposed Secondary Access from Comeytrove Lane
- DrNo. 9700 Site Boundary Plan (indicating the location of the Eastern and Western Neighbourhoods)
- DrNo. 35482_ 0723_Phasing and Infrastructure Plan

The phased scheme shown for illustrative purposes on the document entitled 'CIL Phasing Plan,' version 10 and dated May 2023 (approved under Condition 3) shall be built in accordance with the approved Plans and the approved Parameter Plans listed above unless a further planning application specific to one or more of the phases shown on the document entitled 'CIL Phasing Plan,' (Version 10) (or any further phasing plan subsequently approved under Condition 3), is submitted and approved by the Local Planning Authority in substitution for that part of the approved development. If such further planning application is approved, the remaining phase or phases may still be developed as approved in this Planning Permission, it being intended that this

Planning Permission should permit each phase separately and severability from the others.

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

3. An application for approval of reserved matters within the Eastern Neighbourhood shall not be submitted until there has been submitted to and approved in writing by the Local Planning Authority, a Phasing and Place-making Strategy covering (where relevant) the phasing of the delivery of housing, infrastructure, transport links and community facilities within the Eastern Neighbourhood. The Phasing and Place-Making Strategy shall set out information on how the delivery of these elements will be integrated through green infrastructure to ensure that a cohesive and high-quality place is created. The strategy should identify any potential opportunities for the consultation with or the involvement of the local community or other stakeholders in the delivery and/or maintenance of community facilities. Thereafter each application for approval of reserved matters shall include an explanation of how the development of the phase or sub phase it covers relates to the Phasing and Place-Making Strategy of the overall Eastern Neighbourhood Applications for approval of reserved matters for the Western Neighbourhood should be made in accordance with the approved document entitled 'CIL Phasing Plan,' version 10 and dated May 2023, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure comprehensive development and the creation of a high quality place, in accordance with the principles of the National Planning Policy Framework and policies SS7 and DM4 of the adopted Taunton Deane Core Strategy

4. An application for approval of reserved matters for a phase or sub phase within the Eastern Neighbourhood shall not be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Neighbourhood Masterplan and Design Guide for the Eastern Neighbourhood to which that application for approval of reserved matters relates. The Neighbourhood Masterplan and Design Guide shall be accompanied by a statement explaining how they accord with the approved Masterplan Principles Document and Parameter Plans or if they do not so accord, why they do not. The Neighbourhood Masterplan and Design Guide shall provide information on the proposed arrangement of development blocks, streets and spaces for the Eastern Neighbourhood to which they relates. The Neighbourhood Masterplan and Design Guide should demonstrate how the Eastern Neighbourhood will function and its overall character and grain The

Western Neighbourhood shall continue to be guided by the Master Plan and Design Guide dated March 2020.

REASON: To ensure high standards of urban design and comprehensively planned development to accord with policies DM1 and DM4 of the adopted Taunton Deane Core Strategy (March 2012).

5. An application for approval of reserved matters within the Eastern Neighbourhood and subsequent phases of the Western Neighbourhood shall not be submitted until there has been submitted to and approved in writing by the Local Planning Authority, an Appearance Palette which includes the phase or sub phase to which that application for approval of reserved matters relates. The Appearance Palette shall include details of individual character areas, guidance on building design, building materials, surface materials, street furniture and tree species for the phase or sub phase to which it relates. Any subsequent revisions to an approved Appearance Palette shall be subject to the approval of the Local Planning Authority.

Phase H1f shall continue to be guided by the Sub-Phase H1C-F Appearance Palette, dated March 2022.

REASON: To ensure high standards of urban design and comprehensively planned development to accord with policies DM1 and DM4 of the Adopted Taunton Deane Core Strategy (March 2012).

6. An application for approval of reserved matters which encompasses the land at Trull Green shown in the Urban Design Framework Plan on pages 12 and 13 of the Masterplan Principles Document (September 2015) as being subject to a Design Brief, shall not be submitted until such a Design Brief has been submitted to and approved in writing by the Local Planning Authority. The Design Brief shall, for the area to which it relates, provide information on the principles for the detailed design of the following matters - areas of public open space and public realm, and the landscaping of those spaces; streets; buildings including the proposed approach to architectural design and material; and 'Key Buildings' as shown on the Urban Design Framework Plan at pages 12-13 of the Masterplan Principles Document.

The A38 Access shall continue to be guided by the Design Brief for the A38 Access enclosed within the document entitled 'Western Neighbourhood Master Plan and Design Guide', dated March 2020.

REASON: To ensure high standards of urban design and comprehensively planned development to accord with policies DM1 and DM4 of the Adopted Taunton Deane Core Strategy (March 2012).

7. Applications for the approval of subsequent reserved matters shall be accompanied by a statement explaining how they accord with the Parameter Plans, Masterplan Principles Document and with the applicable approved Detailed Masterplan and Design Guide, Appearance Palette, Neighbourhood Masterplan and Design Guide and/or Design Brief or (where relevant) explaining why they do not.

REASON: To ensure high standards of urban design and comprehensively planned development to accord with policies DM1 and DM4 of the Adopted Taunton Deane Core Strategy (March 2012).

8. The development shall be carried out in accordance with the written Scheme of Investigation prepared by Cotswold Archaeology (ref: CA Project EX0034, Revision B, dated June 2019)

REASON: Areas of the site have been identified as of possible archaeological interest and therefore as requiring further archaeological investigation in accordance with section 12 of the National Planning Policy Framework and policy CP8 of the adopted Taunton Deane Core Strategy.

9. Each subsequent application for approval of reserved matters shall include a hard and soft landscaping scheme for the phase or sub phase of the Development to which it relates. The hard and soft landscaping scheme shall include for the phase or sub phase to which it relates details of the landscaping; details of the surface treatment of the open parts of the site; a programme of implementation; and a planting schedule including numbers, density, size, species and positions of all new trees and shrubs. The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development phase.

REASON: To ensure provision of an appropriate landscaping scheme, and to ensure that the proposed development does not harm the character and appearance of the area in accordance with Policies CP8 and DM1 of the Taunton Deane Borough Council Core Strategy.

10. The landscaping/planting schemes shown on the approved plans shall have been completely carried out by the end of the first available planting season after the final occupation within the respective housing phase to which the scheme relates or in the case of the Garden Park, Bat House, Primary School Sub-Station, Employment Land Infrastructure its first use. For a period of ten years after the completion of the phase, the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow, shall be replaced within the next available planting season with trees or shrubs of

similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.

11. Prior to commencement of development in a subsequent phase of the Development, a foul water drainage strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The foul water drainage strategy shall include appropriate arrangements for the points of connection and the capacity improvements required to serve the phase to which it relates. The foul water drainage strategy shall thereafter unless otherwise agreed in writing by the Local Planning Authority, be implemented in accordance with the approved strategy. Development in Phases H1a to H1f in the Western Neighbourhood shall be carried out in accordance with Stantec: Comeytrove, Land at South West Taunton – Condition 11: Infrastructure Phase 1-Foul Water Drainage Strategy, Rev D, June 2020.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property, in accordance with policy DM1 of the adopted Taunton Deane Core Strategy.

12. The first application for approval of reserved matters in the Eastern Neighbourhood shall be supported by an updated outline surface water drainage strategy for the Eastern Neighbourhood covered by this outline permission based on the Flood Risk Assessment (Ref. 24721/020 and dated May 2015). This strategy (including the design) shall be submitted to and agreed in writing by the Local Planning Authority and shall incorporate measures to manage flood risk and water quality utilising sustainable drainage techniques. Subsequent applications for approval reserved matters shall accord with the approved strategy, unless otherwise agreed by the Local Planning Authority. Development in the Western Neighbourhood shall be carried out in accordance with Stantec: Comeytrove, Land at South West Taunton – Condition 12: Updated Outline Surface Water Drainage Strategy, Rev C, 06 March 2020.

REASON: To ensure that the proposed surface water drainage scheme is adequate to serve the Development and will not increase flood risk or degrade water quality elsewhere, in accordance with policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.

13. Prior to the commencement of development in a subsequent phase of the Development, a detailed scheme for surface water drainage and watercourse proposals for that phase shall be submitted to and approved in writing by the Local Planning Authority. The detailed scheme of surface water drainage shall include:
- a) Evidence that an appropriate right of discharge for surface water and any necessary improvements has been obtained;
 - b) Details of the drainage during construction of that phase or sub phase;
 - c) Details of the final drainage scheme for that phase or sub phase (including, where applicable, gullies, connections, soakaways and means of attenuation) demonstrating how a 2 l/s/ha discharge rate can be accommodated;
 - d) Identification of all future land-use limitations, ownership, operation and maintenance arrangements for the works over the lifetime of the scheme;
 - e) Provision for exceedance pathways and overland flow routes;
 - f) A plan for the future maintenance and management of the system and overland flow routes; and
 - g) Appropriate use of interception and porous paving/surfacing infiltration techniques detection/attenuation facilities and wetlands

The approved scheme will need to meet the requirements of both the Environment Agency and the Parrett Internal Drainage Board. Prior to occupation of each phase it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the approved scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: The application has insufficient details to determine if drainage matters are to be properly addressed. It is not possible at this time to know if the development of the site would have an adverse impact on flood risk elsewhere which might be contrary to the principles set out in section 13 of the National Planning Policy Framework, section 2 of the Technical Guidance to the National Planning Policy Framework and policies CP8 and DM1 of the adopted Taunton Deane Core Strategy. This condition is therefore required in order to prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

14. No subsequent phase or sub phase of development or Phase H1cii, H1e, H1fi, Employment Land infrastructure shall commence (including demolition,

ground works, vegetation clearance) until a Construction Environmental Management Plan for that phase or sub phase has been submitted to and approved in writing by the local planning authority. In discharging this condition the following information shall be supplied:

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

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

- For H1a Stantec: Comeytrowe, Land at South West Taunton - Parcel H1a - Framework Construction Environmental Management Plan, Rev 01, May 2020 and Bovis Homes and Linden Homes (Vistry Group) – Construction and Environmental Management Plan – RevO 26/03/2021
- For H1b Stantec: Comeytrowe, Land at South West Taunton - Parcel H1b - Framework Construction Environmental Management Plan, Rev 02, Dec 2019 and MJL - Outline Construction Environmental Management Plan (CEMP)-Rev 4 03/02/2021

- For H1ci Stantec: Comeytrove, Land at South West Taunton - Parcel H1c and H1f - Framework Construction Environmental Management Plan, Sept 2020 and Bovis Homes and Linden Homes (Vistry Group) - Construction and Environmental Management Plan - RevO 26/03/2021
- For H1d Taylor Wimpey - Orchard Grove - Parcel H1d - Construction & Environmental Management Plan - Revision F (28/02/2022)

For Strategic Infrastructure Stantec: Land at South West Taunton, Infrastructure Phase 1, Framework Construction Environmental Management Plan, Rev 02, 11/12/2019.

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

15. Before each subsequent phase of the Development is commenced the following details shall, in respect of that phase be submitted to and approved in writing by the Local Planning Authority:

- a) A plan showing the location of and allocating a reference number to each existing tree on the part of the site within that phase which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained, the crown spread of each retained tree and which are to be removed;
- b) Details of the species, height, trunk diameter at 1.5m above ground level, age, vigour, canopy spread and root protection area of each tree identified in the plan prepared pursuant to paragraph (a);
- c) Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- d) Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, (within the crown spread of any retained tree or of any tree on land adjacent to the site);
- e) Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

The development of that phase shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

- For the Western Neighbourhood - Western Neighbourhood Infrastructure Arboricultural Method Statement - AMS edp0782_r041a - 03/12/2019

- For H1b edp: Land at Comeytrowe, Taunton – Arboricultural and Ecological Technical Note – Parcel H1b – edp0782_r045 – 17/12/2019
- For H1ci edp: Land at Comeytrowe, Taunton – Arboricultural and Ecological Technical Note – Parcel H1c – edp0782_r059a – 27/01/2021
- For H1d edp: Land at Comeytrowe, Taunton – Arboricultural and Ecological Technical Note – Parcel H1c – edp0782_r056 – 21/12/2020

REASON: To ensure that the proposed development does not adversely impact upon the landscape quality or the value of important tree groups in accordance with Policy CP8 of the adopted Taunton Deane Core Strategy.

16. The development of a subsequent phase of the Development and Phases H1cii, H1e, H1fi, Employment Land Infrastructure shall not be commenced until a scheme for prevention of pollution during the construction of that phase has been approved by the Local Planning Authority. The scheme should include details of the following:

- a) Site security.
- b) Fuel oil storage, bunding, delivery and use.
- c) How both minor and major spillage will be dealt with. Containment of silt/soil contaminated run-off.
- d) Disposal of contaminated drainage, including water pumped from excavations. Site induction for workforce highlighting pollution prevention and awareness. Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

The development of that phase shall thereafter be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority

- For H1a Stantec: Comeytrowe, Land at South West Taunton - Parcel H1a - Framework Construction Environmental Management Plan, Rev 01, May 2020 and Bovis Homes and Linden Homes (Vistry Group) – Construction and Environmental Management Plan – RevO 26/03/2021
- For H1b Stantec: Comeytrowe, Land at South West Taunton - Parcel H1b - Framework Construction Environmental Management Plan, Rev 02, Dec 2019 and MJL - Outline Construction Environmental Management Plan (CEMP)-Rev 4 03/02/2021
- For H1ci Stantec: Comeytrowe, Land at South West Taunton - Parcel H1c and H1f - Framework Construction Environmental Management Plan, Sept 2020 and Bovis Homes and Linden Homes (Vistry Group) – Construction and Environmental Management Plan – RevO 26/03/2021
- For H1d Taylor Wimpey - Orchard Grove - Parcel H1d – Construction & Environmental Management Plan – Revision F (28/02/2022)

- For Strategic Infrastructure Stantec: Land at South West Taunton, Infrastructure Phase 1, Framework Construction Environmental Management Plan, Rev 02, 11/12/2019

Measures should be taken to prevent the run-off of any contaminated drainage during construction.

REASON: To prevent pollution of the water environment in accordance with policy CP8 of the adopted Core Strategy.

17. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority to, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To protect controlled waters in accordance with policy CP8 and DM1 of the adopted Taunton Deane Core Strategy.

18. No works (including demolition, ground works, vegetation clearance) shall be commenced on any phase of the Eastern Neighbourhood or Phase H1e, H1fi, Employment Land Infrastructure hereby permitted until details of a wildlife strategy (incorporating an Ecological Construction Method Statement [ECMS] and a Landscape and Ecological Management Plan [LEMP]) to protect and enhance that phase of the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of all the submitted wildlife reports to date (EDP's Extended Phase 1 survey, Hedgerow survey 2011 and 2013, Bat and Building assessments 2012 and 2013, Breeding bird survey 2012, Hobby Survey 2013, Dormouse Survey 2012 and 2013, Water vole and Otter surveys 2012, Badger surveys 2012 and 2013, Amphibian survey 2012 and Reptile survey 2012.), and up to date surveys and include -

- 1) An Ecological Construction Method Statement (ECMS) containing details of protective measures to avoid impacts on protected species during all stages of development;
- 2) Details of measures to prevent pollution of Galmington Stream and other water courses on site
- 3) Details of the timing of works to avoid periods of work when protected species could be harmed by disturbance.
- 4) Arrangements to secure an Ecological clerk of Works on site.
- 5) Measures for the enhancement of places of rest for protected species.
- 6) A Landscape and Ecological Management Plan (LEMP) covering a period agreed by the Local Planning Authority.

- 7) Details of a sensitive lighting strategy.
- 8) Use of protective fences, exclusion barriers and warning signs.
- 9) The preservation of the Galmington Stream corridor including that of any tributaries, in order to conserve the integrity of the watercourse and its riparian habitats as a linear feature, and to provide connectivity between the downstream Local Nature Reserve and the countryside beyond.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority:

- For the Western Neighbourhood edp: Land at Comeytrove, Taunton – Ecological Construction Method Statement-Western Neighbourhood – edp782_r040d, 24/02/2020
- For the Western Neighbourhood edp: Land at Comeytrove, Taunton – Strategic LEMP-Western Neighbourhood – edp782_r042d, 27/02/2020
- For H1a edp: Land at Comeytrove, Taunton – Arboricultural and Ecological Technical Note – Parcel H1a – edp0782_r049a_TC/TW_fj/er_29/04/2020
- For H1b edp: Land at Comeytrove, Taunton – Arboricultural and Ecological Technical Note – Parcel H1b – edp0782_r045 – 17/12/2019
- For H1c edp: Land at Comeytrove, Taunton – Arboricultural and Ecological Technical Note – Parcel H1c – edp0782_r059a – 27/01/2021
- For H1d edp: Land at Comeytrove, Taunton – Arboricultural and Ecological Technical Note – Parcel H1c – edp0782_r056 – 21/12/2020

The development shall not be occupied until the scheme for the maintenance and provision of the mitigation planting and maintenance of the hibernacula, bat, dormice and bird boxes and related accesses have been fully implemented. Thereafter the new planting and the wildlife resting places and agreed accesses shall be permanently maintained.

REASON: To ensure that valued ecological features are not harmed by the Development in accordance with National Planning Policy Framework, ODPM Circular 06/2005 and Policy CP8 of the Adopted Core Strategy 2011-2028.

19. Prior to the commencement of the Eastern Neighbourhood an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan shall demonstrate how the long-term conservation of new and retained environmental resources, including habitats and species of biodiversity value, shall be secured and shall include arrangements for implementation responsibilities for the operation of the Ecological Management Plan following completion of development of each phase or sub phase of the Development. The development of the Eastern Neighbourhood shall thereafter be carried out in accordance with the

approved Ecological Management Plans unless otherwise agreed in writing by the Local Planning Authority:

- For the Western Neighbourhood edp: Land at Comeytrove, Taunton – Ecological Construction Method Statement-Western Neighbourhood – edp782_r040d, 24/02/2020
- For the Western Neighbourhood edp: Land at Comeytrove, Taunton – Strategic LEMP-Western Neighbourhood – edp782_r042d, 27/02/2020
- For H1a edp: Land at Comeytrove, Taunton – Arboricultural and Ecological Technical Note – Parcel H1a – edp0782_r049a_TC/TW_fj/er_29/04/2020
- For H1b edp: Land at Comeytrove, Taunton – Arboricultural and Ecological Technical Note – Parcel H1b – edp0782_r045 – 17/12/2019
- For H1c edp: Land at Comeytrove, Taunton – Arboricultural and Ecological Technical Note – Parcel H1c – edp0782_r059a – 27/01/2021
- For H1d edp: Land at Comeytrove, Taunton – Arboricultural and Ecological Technical Note – Parcel H1c – edp0782_r056 – 21/12/2020

REASON: An Ecological Management Plan is required as the habitat needs to be maintained functionally for the life of the development in order that Favourable Conservation Status of the affected populations is maintained, and to ensure net gains in biodiversity are delivered in accordance with National Planning Policy Framework and Policy CP8 of the Adopted Taunton Deane Core Strategy.

20.No more than 12 months prior to the commencement of works on a subsequent phase or Phase H1cii, H1e, H1fi, Employment Land Infrastructure of the Development in which breeding sites or resting places of European Protected Species may be present, updated surveys for that phase shall be undertaken. The species in question include but are not necessarily limited to:

- a) Bats;
- b) Dormice;
- c) Great crested newts; and
- d) Otters

The survey results shall be submitted in writing to the Local Planning Authority together with details of any required mitigation measures and the appropriate mechanism for delivery of such measures. The development of subsequent phases of the Development shall thereafter be carried out in accordance with the approved mitigation measures, unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework, ODPM Circular 06/2005 and Policy CP8 of the Adopted Taunton Deane Core Strategy.

21. No subsequent phase or Phase H1cii, H1e, H1fi, Employment Land

Infrastructure of the Development shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) Show that street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

Unless otherwise agreed in writing by the Local Planning Authority all external lighting shall be installed in accordance with the specifications and locations set out in the approved Lighting Strategy for Biodiversity and shall be maintained thereafter in accordance with the strategy.

For H1a, H1b, H1ci and H1e edp: Land at Comeytrowe, Taunton – Lighting Strategy for Biodiversity – Western Neighbourhood Infrastructure - edp782_r044b - 29/01/2021

It is important to understand the provisional notes provided in section 2.7 of the report in relation to understanding the light spill maps of detailed locations A and B with regards to the both front and back light shield fixtures and the subsequent areas calculated of light spill.

REASON: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework, ODPM Circular 06/2005 and Policy CP8 of the Adopted Taunton Deane Core Strategy.

22. The road bridge crossing the Galmington Stream will be constructed in accordance with the following specification:

- Bridge Report prepared by PBA document ref. 6006/2003/002 prepared October 2019]

- 46006-1501-0101-P09 Comeytrove Spine Road Galmington Stream Culvert General Arrangement, Sheet 1 of 2
- 46006-1501-0102-P09 Comeytrove Spine Road Galmington Stream Culvert General Arrangement, Sheet 2 of 2
- 13708-BRL_PL013_Common Infrastructure Proposals Dormouse Hedge_LR
- 191018_Condition 22_Bridge Design_RevB
- Technical Note – Stantec – Ref TN01_GLMBridge, dated 22/01/2021
- Email received from Boyer Planning dated 20 June 2022 inclusive of: 2x Tensar manufacturer's details of modular block retaining wall and 3x materials images (image001, image018, image019)

The road bridge shall thereafter be implemented in full and retained as such at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework, ODPM Circular 06/2005 and Policy CP8 of the Adopted Taunton Deane Core Strategy.

23. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority before the commencement of each phase of the development, or as otherwise may be agreed in writing with the Local Planning Authority.

REASON: To ensure the provision of appropriate access and highway safety for all road users and pedestrians in accordance with policies CP6 and DM1 of the adopted Taunton Deane Core Strategy.

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

REASON: To ensure the provision of appropriate access and highway safety for all road users and pedestrians in accordance with policies CP6 and DM1 of the adopted Taunton Deane Core Strategy.

25. No phase of the development hereby permitted shall be occupied or brought into use until the part of the Spine Road that provides access to that phase has been constructed in accordance with plans that shall previously have been submitted to and approved by the Local Planning Authority.

REASON: To ensure that the spine road will eventually link between the two approved points of access on to the A38 and the Honiton Road, which it has been established is required in order to prevent traffic congestion and danger on the highway elsewhere on the local road network, particularly in Taunton town centre. This is in accordance with policy CP6 of the adopted Taunton Deane Core Strategy.

26. No further dwellings shall be occupied in the Western Neighbourhood until the network of cycleway connections has been constructed within the development site in accordance with these approved plans:

- BRL-L-PL107 RevK – Western Neighbourhood Cycleway and Footpath Network (Condition 26) – Five Plan package (Neighbourhood wide and then Phase A-D)
- BRL-N1-PL140 RevD – Western Neighbourhood POS Delivery Plan

The plans shall be read in conjunction with each other and the already approved CIL Phasing Plan (version 10, dated May 2023) and the Landscape and Public Open Space Strategy (February 2020, in accordance with Schedule 8 of the s106 and approved by letter dated 06 March 2020), unless otherwise agreed in writing by the Local Planning Authority. The next application for Reserved Matters approval in the Eastern Neighbourhood shall be accompanied by a plan setting out a network of cycleway and footpath connections within and to the boundaries of the site to key existing and proposed external connections alongside a phasing plan for their implementation. The Eastern Neighbourhood shall thereafter be constructed in accordance with the implementation plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of sustainable development and to encourage movement by means other than the motor vehicle in accordance with the principles within the National Planning Policy Guidance and policies SD1, CP1, CP6, CP7, SP1 and DM1 of the adopted Taunton Deane Core Strategy.

27. Access from the public highway to the Primary School by a road (inclusive of footway and cycleway) built to an adoptable standard shall be provided prior to 1 June 2024.

REASON: The Local Education Authority has confirmed that this is the point at which the new school will be required to come on stream in order for sufficient places to be available for all of the children that will need the facility as a result of this approval. This is in accordance with Policy CP7 of the adopted Taunton Deane Core Strategy.

28. The vehicular access shown off Comeytrove Lane shall be for emergency service vehicles and public transport vehicles only and shall be retained as such at all times by means of a 'bus gate' system, the details of which shall have been submitted to and approved by the Local Planning Authority before the road becomes operational. There shall be no vehicular access to individual residential properties whatsoever, except as provided for by this condition.

REASON: The new road and its access off Comeytrove Lane is not considered to be suitable to cater for all types of traffic, but it is accepted that access by emergency and public service vehicles would be appropriate.

29. All phases of the Development shall be carried out in accordance with the approved layout scheme and phasing programme for the provision of access to the parts of the allocated site known as Higher Comeytrove Farm in accordance with the:

- Letter from Eversheds Sutherland dated 28/01/2022 setting out the phasing programme for delivery of the access.
- Document entitled 'CIL phasing plan', version Final 7 and dated 28/01/2021.
- Drawing No. 01-SK-20201 Revision J – Western Neighbourhood Phase 2
- Future Connection/Link Sketch (awp, dated 07/12/2021)].

REASON: In order to ensure that appropriate and timely provision is made for access to the other part of the allocated site identified within Policy TAU1 of the Site Allocations and Development Management Plan.

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

REASON: To improve the sustainability of the dwellings in accordance with the Taunton Deane: Core Strategy Policies DM5 and CP8, the Supplemental

Planning Document - Districtwide Design Guide and Paragraphs 134, 154 and 180 of the National Planning Policy Framework.

31. Prior to first occupation of each phase the respective Phosphates Mitigation Strategy and Fallow Land Management Plan shall be implemented:

- For H1a and H1ci and H1d - Phosphates Mitigation Strategy (Rev 6, Brookbanks, dated 14/01/2021) and Fallow Land Management Plan (edp782_r055c, 15/01/2021)
- For H1cii - Phosphates Mitigation Strategy and Fallow Land Management Plan as contained within the Shadow Habitats Regulations Assessment Report, 220728_P1136_sHRA_H1c_H1f, 28 July 2022, ead ecology
- For H1e - Phosphates Mitigation Strategy and Fallow Land Management Plan as contained within the Shadow Habitats Regulations Assessment Report, 220816_P1136_sHRA_H1e, 16 August 2022, ead ecology
- For H1fi - the Phosphates Mitigation Strategy and Fallow Land Management Plan as contained within the Shadow Habitats Regulations Assessment Report, 220816_P1136_sHRA_H1C_H1F, 28 July 2022, ead ecology

The fallow land identified within the Fallow Land Management Plan shall be retained and maintained in accordance with that plan unless otherwise agreed in writing with the local planning authority. The Applicant may from time to time submit to the local planning authority a revised Phosphates Mitigation Strategy and Fallow Land Management Plan for its approval particularly in the event that Natural England guidance in relation to measures relevant to phosphates mitigation changes in future or in the event that alternative mitigation strategies becomes available and in anticipation that the fallow land will in time come forward for development. Should the fallowed land not come forward for development within a period of 25 years following this approval the provisions of the Shadow HRA Assessment Reports listed below shall be implemented and maintained in perpetuity:

- For H1a and H1ci and H1d the Shadow HRA Assessment Report 210115_P1136_sHRA_Final, ead, 15/01/2021
- For H1cii the Shadow Habitats Regulations Assessment Report, 220728_P1136_sHRA_H1c_H1f, 28 July 2022, ead ecology
- For H1e the Shadow Habitats Regulations Assessment Report, 220816_P1136_sHRA_H1e, 16 August 2022, ead ecology
- For H1fi the Shadow Habitats Regulations Assessment Report, 220816_P1136_sHRA_H1C_H1F, 28 July 2022, ead ecology

REASON: To allow the development to proceed as phosphate neutral so as to ensure no adverse effect on the integrity of the Somerset Levels and Moors

Ramsar site to accord with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

For Infrastructure in the Western Neighbourhood, reserved matters approval 42/19/0053 as shown on the Phasing Plan DrNo. 35482_ 0723_Phasing and Infrastructure Plan

32. Notwithstanding the details shown on the approved plan, details of the location of parking spaces to be incorporated adjoining the approved road (including the principal road) shall be submitted to accompany each reserved matters which includes an adjoining development parcel. In addition, details submitted in respect of reserved matters for the local centre shall address measures to incorporate the spine road within the public realm and provide adequate priority to pedestrians.

REASON: To ensure that adequate parking is provided for residents and visitors, and to ensure that the spine road responds approximately to the requirements for the local centre.

33. Prior to the construction above base course level of the roads, footways and cycleways shown on plans 46006/2013/120 Rev B, 46006/2013/121 Rev C, 46006/2013/122 Rev C, 46006/2013/123 Rev C and 46006/2013/124 Rev C , a hard landscape scheme shall be submitted to and approved in writing by the Local Planning Authority showing details of the hard surface treatment of the roads, footways and cycleways, and a programme of implementation. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development and the surrounding area.

34. Within 3 months of this decision details shall be provided of the materials to be used including baskets and filling material, and of adjacent landscaping to be planted adjacent to the gabions so as to soften their appearance. The gabions shall be constructed in accordance with the approved details.

REASON: In the interests of visual amenity.

For Phase H1a, reserved matters approval 42/20/0031 as shown on the Phasing Plan DrNo. 35482_ 0723_Phasing and Infrastructure Plan

35. The development of this phase hereby approved shall be carried out and completed in full accordance with the recommendations of the Noise Impact Assessment (Stantec, November 2020) and the specifications set out in the

Energy and Sustainability Statement (AES Sustainability Consultants Ltd, July 2020).

REASON: To safeguard residential amenity and in the interests of climate change objectives to accord with Policies CP1, CP8, DM1 and DM5 of the Taunton Deane Core Strategy and the provisions of the NPPF regarding achieving a good standard of amenity.

36. The EV Charging facilities for this phase shall be carried out and completed in full accordance with the following:

- Email from Lawrence Turner, Boyer Planning dated 18/11/2021
- EVCP Plan – H1a 16/11/21
- EVCP Specification – 16/11/21

Each dwelling shall thereafter only be occupied following its individual compliance with the agreed scheme

REASON: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport to accord with Policies CP1, CP6, CP7 and CP8 of the Core Strategy and Policy A2 of the SADMP.

For Phase H1ci, reserved matters approval 42/20/0056 as shown on the Phasing Plan DrNo. 35482_0723_Phasing and Infrastructure Plan

37. The development of this phase hereby approved shall be carried out and completed in full accordance with the materials plan and specification DrNo PL-VI-14 RevC and PL-VI-14.1 RevD as amended by the use of Ibstock Leicester Multi Yellow (0841) instead of Wienerberger Trinity Cream Gilt Stock. The use of this brick specially relates to Plots 139 and 140. This brick should be used with a cream/buff mortar.

REASON: To accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.

38. The development of this phase hereby approved shall be carried out and completed in full accordance with the specifications set out in the Energy and Sustainability Statement (AES Sustainability Consultants Ltd, July 2020).

REASON: To safeguard residential amenity and in the interests of climate change objectives to accord with Policies CP1, CP8, DM1 and DM5 of the Taunton Deane Core Strategy.

39. The provision of EV charging facilities for this phase shall be carried out and completed in full accordance with the following:

- Email from Lawrence Turner, Boyer Planning dated 18/11/2021
- EVCP Plan – H1a 16/11/21

- EVCP Specification – 16/11/21

Each dwelling shall thereafter only be occupied following its individual compliance with the agreed scheme

REASON: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport to accord with Policies CP1, CP6, CP7 and CP8 of the Core Strategy and Policy A2 of the SADMP.

40. The retained area of ground to the rear of Plots 88-100 and 111-115 shall not be used as garden land in connection with any residential property. The prohibition of use and access (unless for maintenance) shall be set out in a scheme to be submitted to and approved by the Local Planning Authority, and then carried out in full prior to the occupation of Plots 88-100 and 111-115. Referring to the same areas of land, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development comprised within Schedule 2 other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

REASON: So as to protect the residential amenity of adjacent occupiers by way of overlooking in accordance with Policy CP8 of the Taunton Deane Core Strategy.

41. The erection of the boundary fence to Jeffreys Way shall be carried out and completed in full accordance with the following:

- 13708 PL-VI-15.1d Boundary Treatments
- 13708 PL-VI-15g Boundary Treatment Plan
- Email from Lawrence Turner, Boyer Planning dated 02/07/2021

REASON: So as to protect the residential amenity of adjacent occupiers in accordance with Policy CP8 of the Taunton Deane Core Strategy.

42. The rooflights in the rear roofslopes of Plots 101, 102, 114 and 115 serving the ensembles of those respective properties shall be fitted with obscure glazing prior to the first occupation of that respective dwelling.

REASON: So as to protect the residential amenity of adjacent occupiers in accordance with Policy CP8 of the Taunton Deane Core Strategy.

For Phase H1cii, reserved matters approval 42/20/0035 as shown on the Phasing Plan DrNo. 35482_0723_Phasing and Infrastructure Plan

43. Prior to the first occupation of any dwelling within this phase a specification shall have been agreed in writing by the Local Planning Authority and been

fully implemented to reinstate the native hedgerow removed in the vicinity of Plots 181/182-186. The replacement hedgerow shall include nine specimen trees.

REASON: To ensure that the proposed 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.

44. The development hereby approved shall be carried out and maintained in accordance with drawing DrNo PL-VI-24 RevG (Materials Plan), DrNo PL-VI RevB (External Materials and Colours Specification), DrNo PL-VI-25 RevC (Boundary Treatments Plan) and DrNo PL-VI-25.1 RevB (Boundary Treatments) unless any variation in writing is first agreed with the Local Planning Authority.
REASON: To accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.

45. Each individual dwelling in this phase hereby approved shall only be occupied following its individual compliance with the Energy and Sustainability Statement H1a, AES Sustainability Consultants Ltd, July20 and the agreed scheme of electric vehicle charging infrastructure as outlined on drawing no. PL-VI-23 RevL and letter dated from Boyer Planning dated 04/08/2022.
REASON: To support the Council in its declaration of a Climate Emergency and to accord with para 110 of the National Planning Policy Framework and Policies PM2 and PP2 of the adopted SCC Parking Standards (2013).

46. In accordance with the submitted Arboricultural and Ecological Technical Note, May 2021 ref edp0782_r067 all protective hedge and tree fencing shall be erected prior to any works within the parcel. Notwithstanding the document, all fencing shall be the fixed type of fencing shown at Annex EDP 2. No trenches shall be dug within the RPAs of trees or hedges for underground services (or anything else) without the prior assessment and written agreement of the Local Planning Authority.
REASON: To safeguard existing trees and hedges to accord with Policy ENV1 of the SADMP.

47. Prior to the first occupation of Plot 172, the side window in the first floor in the southern elevation shall be fitted with obscure glazing and fixed shut. This shall be retained and maintained as such in perpetuity.
REASON: In the interests of residential amenity to accord with the aims and objectives of the National Planning Policy Framework.

48. Details of the cycle/pedestrian crossing points from the Garden/Pocket Park to Highfield Park and over the estate road to Parcel H1e within Highfield Park shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation in this phase such agreed details shall have been fully implemented unless otherwise agreed in writing with the Local Planning Authority.

REASON: To facilitate the safe passage of pedestrians and cyclists throughout the site to accord with Policy A3 of the SADMP.

49. Details of any temporary turning heads for vehicles shall be submitted to and approved in writing. Prior to the first occupation in this phase such agreed details shall have been fully implemented unless otherwise agreed in writing.

REASON: Due to the phased nature of the internal estate roads to allow vehicles to turn safely in the interests of Highway Safety to accord with the aims and objectives of the National Planning Policy Framework.

50. Prior to the commencement of works on this phase information relating to the management of construction stage drainage shall be submitted to and approved in writing by the Local Planning Authority. The information shall confirm specific measures for this part of the site particularly to confirm whether there is a risk of flooding off site during the construction period and, if so, how that would specifically be managed and mitigated. The development shall thereafter be carried out in accordance with the approved details.

REASON: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.

51. Prior to first occupation of this phase information relating to the management responsibilities of the various components of the proposed surface water drainage network including private systems shall be submitted to and approved in writing by the Local Planning Authority. The information shall include typical maintenance schedules for all the proposed components and details of how each party will be advised of their responsibility and maintenance obligations (including private systems). The development shall thereafter be carried out in accordance with the approved details. REASON: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.

For The Garden Park (LEAP), reserved matters approval 42/21/0046 as shown on the Phasing Plan DrNo. 35482_0723_Phasing and Infrastructure Plan

52. No retaining wall or gabion structure as approved by application 42/19/0053 shall be constructed.

REASON: Where two contradicting consents overlap the most recent will take precedence. To accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.

53. Any drainage culvert headwall pedestrian safety guardrails shall be timber or black painted metal, or as otherwise agreed in writing by the Local Planning Authority and shall be maintained as such thereafter.

REASON: To accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.

54. A scheme of ecological enhancement shall be submitted to approved in writing by the Local Planning Authority and fully implemented prior to the first use of the LEAP hereby approved.

REASON: To ensure that the proposed 'landscape led' development provides ecological enhancement in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.

55. Prior to the commencement of the development of this phase an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan shall demonstrate how the long-term conservation of new and retained environmental resources, including habitats and species of biodiversity value, shall be secured and shall include arrangements for implementation responsibilities for the operation of the Plan following completion of development.

REASON: An Ecological Management Plan is required as the habitat needs to be maintained functionally for the life of the development in order that Favourable Conservation Status of the affected populations is maintained, and to ensure net gains in biodiversity are delivered in accordance with National Planning Policy Framework and Policy CP8 of the Taunton Deane Core Strategy.

For Phase H1d, reserved matters approval 42/21/0004 as shown on the Phasing Plan DrNo. 35482_0723_Phasing and Infrastructure Plan

56. The development hereby approved shall be carried out and completed in full accordance with the following:

- 13708-PL-TW-14 Rev.H Materials Plan - H1d
- 13708-PL-TW-24 Rev.H Materials Plan - H1d

- TW-Material Plan-Exterior Material Plan Site Ref:20999-Drawing No.21017-MP/01
- TW-Material Plan-Exterior Material Plan Site Ref:20999-Drawing No.21017-MP/02
- TW-Material Plan-Exterior Material Plan Site Ref:20999-Drawing No.21017-MP/03
- 13708-PL-TW-15 Rev.I Boundary Treatment Plan
- 13708-PL-TW-25 Rev.I Boundary Treatment Plan

REASON: To accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.

57. The provision of EV charging facilities for this phase shall be carried out and completed in full accordance with the following:

- 13708-PL-TW-19 Electric Vehicle Charging Plan, Parcel H1d Taylor Wimpey
- 13708-PL-TW-29.1 Electric Vehicle Charging Plan, Parcel H1d Taylor Wimpey

Each dwelling shall thereafter only be occupied following is individual compliance with the agreed scheme. This scheme is also contingent on the applicant providing the service capacity and infrastructure for 14 double charging points with the Park and Bus Facility prior to the occupation of 200 dwellings.

REASON: To support the Council in its declaration of a Climate Emergency and to accord with para 110 of the National Planning Policy Framework and Policies PM2 and PP2 of the adopted SCC Parking Standards (2013).

58. Works will not in any circumstances commence on this phase until:

- a) Construction operatives have been inducted by a licensed dormouse ecologist to make them aware of the possible presence of dormouse, their legal protection and of working practices to avoid harming dormouse. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed dormouse ecologist within one week of the toolbox talk.
- b) Works potentially affecting dormouse will then proceed under the supervision of the licensed dormouse ecologist.

The letter from edp (ref LP/edp0782_r078/TW/cr) dated 08 February 2022 is deemed an acceptable proposal to safeguard the dormouse population.

REASON: A pre-commencement condition is required to ensure the strict protection of European protected species and in accordance with Policy CP8 of the Taunton Deane Core Strategy.

For Phase H1e, reserved matters approval 42/22/0027 as shown on the Phasing Plan DrNo. 35482_ 0723_Phasing and Infrastructure Plan

59. Notwithstanding Condition 02 the development hereby approved shall be carried out and maintained in accordance with drawing DrNo PL-TW-34 RevF (Materials Plan), DrNo PL-TW-35 RevC (Boundary Treatments Plan) and DrNo PL-TW-35.1 RevA (Boundary Treatments Details) unless any variation in writing is first agreed with the Local Planning Authority.

REASON: To accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.

60. Each individual dwelling hereby approved on this phase shall only be occupied following its individual compliance with the Energy and Sustainability Statement H1e, AES Sustainability Consultants Ltd, December 2020 (Rev2 August 2022) and the agreed scheme of electric vehicle charging infrastructure as outlined on drawing no. PL-TW-77 RevB and letter dated from Boyer Planning dated 04/08/2022.

REASON: To support the Council in its declaration of a Climate Emergency and to accord with para 110 of the National Planning Policy Framework and Policies PM2 and PP2 of the adopted SCC Parking Standards (2013).

61. In accordance with the submitted Arboricultural and Ecological Technical Note, August 2022 ref edp0782_r057b all protective hedge and tree fencing shall be erected prior to any works within the parcel. Notwithstanding the document, all fencing shall be the fixed type of fencing shown at Annex EDP 2. No trenches shall be dug within the RPAs of trees or hedges for underground services (or anything else) without the prior assessment and written agreement of the Local Planning Authority.

REASON: To safeguard existing trees and hedges to accord with Policy ENV1 of the SADMP.

62. Details of the cycle/pedestrian crossing points from the Garden/Pocket Park to Highfield Park and over the estate road to Parcel H1e within Highfield Park shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation on this phase such agreed details shall have been fully implemented unless otherwise agreed in writing with the Local Planning Authority.

REASON: To facilitate the safe passage of pedestrians and cyclists throughout the site to accord with Policy A3 of the SADMP.

63. Prior to the commencement of works on this phase information relating to the management of construction stage drainage shall be submitted to and approved in writing by the Local Planning Authority. The information shall confirm specific measures for this part of the site particularly to confirm whether there is a risk of flooding off site and, if so, how that would specifically be managed and mitigated. The development shall thereafter be carried out in accordance with the approved details.

REASON: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.

64. Prior to first occupation on this phase information relating to the management responsibilities of the various components of the proposed surface water drainage network including private systems shall be submitted to and approved in writing by the Local Planning Authority. The information shall include typical maintenance schedules for all the proposed components and details of how each party will be advised of their responsibility and maintenance obligations (including private systems). The development shall thereafter be carried out in accordance with the approved details.

REASON: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.

65. Notwithstanding the approved landscaping plans a further plan showing additional tree planting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on this phase. Thereafter the landscaping secured by this condition shall be covered by Condition 10.

REASON: To ensure that the proposed 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.

For Phase H1fi, reserved matters approval 42/22/0062 as shown on the Phasing Plan DrNo. 35482_ 0723_Phasing and Infrastructure Plan

66. Notwithstanding Condition 01 the development hereby approved shall be carried out and maintained in accordance with drawing (A1) DrNo PL-VI-34 Rev F (Materials Plan), (A1) DrNo PL-VI-35 Rev F (Boundary Treatments Plan) and DrNo PL-TW-35.1 RevB (Boundary Treatments Details) unless any variation in writing is first agreed with the Local Planning Authority.

REASON: To accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.

67. Each individual dwelling hereby approved on this phase shall only be occupied following its individual compliance with the Energy and Sustainability Statement H1f(i), AES Sustainability Consultants Ltd, January 2023 and the agreed scheme of electric vehicle charging infrastructure as outlined on drawing no. PL-VI-33 RevX and letter dated from Boyer Planning dated 04/08/2022 (received in connection with application 42/21/0035).

REASON: To support the Council in its declaration of a Climate Emergency and to accord with para 110 of the National Planning Policy Framework and Policies PM2 and PP2 of the adopted SCC Parking Standards (2013).

68. In accordance with the submitted Arboricultural and Ecological Technical Note, September 2021, Report Reference edp0782_r070 all protective hedge and tree fencing shall be erected prior to any works within the parcel.

Notwithstanding the document, all fencing shall be the fixed type of fencing shown at Annex EDP 2. No trenches shall be dug within the RPAs of trees or hedges for underground services (or anything else) without the prior assessment and written agreement of the Local Planning Authority.

REASON: To safeguard existing trees and hedges to accord with Policy ENV1 of the SADMP.

69. Notwithstanding the approved plans revised details of the secondary avenue between the parcel (plot 204) and the spine road shall be submitted to and approved in writing by the Local Planning Authority. Such details shall provide for tree planting in the roadside verge, and a scheme for the Manor Park crossing point for pedestrians and cyclists. Prior to the first occupation on this phase such agreed details shall have been fully implemented unless otherwise agreed in writing with the Local Planning Authority.

REASON: To facilitate the safe passage of pedestrians and cyclists throughout the site to accord with Policy A3 of the SADMP and to ensure that the proposed 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.

70. Notwithstanding the approved plans details of the surfacing materials for the cul-de-sac and private drive hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation on this phase such agreed details shall have been fully implemented unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure consistency with the treatment of other parcels in the interests of visual amenity to accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.

71. The development shall be carried out in accordance with the submitted Construction Environmental Management Plan (CEMP) Rev1 06/01/2023. The wheel-wash facility as shown on DrNo 10603-SK-18 RevC shall be in situ and fully operational from the commencement of works on this phase until the completion of works on this phase unless otherwise agreed in writing.

REASON: In the interests of residential amenity and highway safety.

72. Prior to the commencement of works on this phase information relating to the management of construction stage drainage shall be submitted to and approved in writing by the Local Planning Authority. The information shall confirm specific measures for this part of the site particularly to confirm whether there is a risk of flooding off site and, if so, how that would specifically be managed and mitigated. The development shall thereafter be carried out in accordance with the approved details.

REASON: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.

73. Prior to first occupation on this phase information relating to the management responsibilities of the various components of the proposed surface water drainage network including private systems shall be submitted to and approved in writing by the Local Planning Authority. The information shall include typical maintenance schedules for all the proposed components and details of how each party will be advised of their responsibility and maintenance obligations (including private systems). The development shall thereafter be carried out in accordance with the approved details.

REASON: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.

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

REASON: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport to accord with Policies CP1, CP6, CP7 and CP8 of the Core Strategy and Policy A2 of the SADMP.

75. Notwithstanding the approved landscaping plans revised/additional plans shall be submitted to show: additional tree planting in rear gardens; and revised details (size and species) of the street trees in the secondary avenue verge. Such details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of landscaping works on this phase. Thereafter the landscaping secured by this condition shall be implemented in accordance with Condition 10.

REASON: To ensure that the proposed 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.

For Employment Land Infrastructure and the Local Square in the Western Neighbourhood, reserved matters approval 42/22/0055 as shown on the Phasing Plan DrNo. 35482_0723_Phasing and Infrastructure Plan

76. Pursuant to Drawing No. 1083-02-SK-7201-A but excluding soft landscaping covered by Condition 78, the Local Square, the Gateway and the highway works on the road within Parcel H1a (Merton Road) pursuant to Condition 91 shall be laid out in accordance with the approved plans and details agreed via condition prior to the first operational use of any part of the employment land road by vehicles accessing employment land plots and the approved Care Home, application ref 42/22/0054, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a coordinated approach to the development to accord with Conditions 03 and 26 of the outline consent, to ensure pedestrian and cycle linkages are available and the bus stop is relocated to accord with Policies A3 and D9 of the SADMP.

77. The SUDs area shown on Drawing No. 1083-02-SK-7201-A shall be fully installed and be operational to receive surface water prior to the employment land road reaching base course construction.

REASON: To ensure a coordinated approach to the development with regard drainage.

78. The planting schemes shown on the approved plans shall have been completely carried out by the end of the first available planting season

following the commencement of each element shown on Drawing No. 1083-02-SK-7201-A. Prior to the landscaping of any area a detailed planting method statement and watering regime shall have been submitted to and approved by the Local Authority, which shall then be adhered to thereon. For a period of ten years after the completion of the development (as a whole), the planting shall be protected and maintained and any hedging/shrubs/trees that cease to grow or are damaged or otherwise removed, shall be replaced by new hedging/shrubs/trees of similar size and the same species or other appropriate hedging/shrubs/trees as may be approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed development is softened with greenery given its location in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.

79. A lighting plan covering the Local Square and Gateway areas and the employment area road shall have been submitted, agreed in writing by the Local Authority and implemented in accordance with the phasing set out in Condition 76.

REASON: In the interests of public safety to accord with Policy D8 of the SADMP.

80. Prior to the first operational use of any part of the employment land road by vehicles accessing employment land plots and the approved Care Home, application ref 42/22/0054, a scheme detailing the Gateway feature stone wall and pillars, lighting, seating, litter bins, signage, path surface treatments and public art shall be submitted to and agreed for The Local Square and Gateway areas and implemented in accordance with the phasing set out in Condition 76.

REASON: To ensure residents have access to good quality open space to accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.

81. A scheme setting out the specification and provision of an in-ground electrical supply and lockable floor box or pop-up power column or feeder pillar in the Local Square shall be agreed in writing by the Local Authority and implemented in accordance with the phasing set out in Condition 76.

REASON: To ensure the Local Square has adequate services to accommodate a range of community events and activities to accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.

82. Prior to the first operational use of any part of the employment land road by vehicles accessing employment land plots and the approved Care Home, application ref 42/22/0054, a scheme detailing full planting and landscaping details (size, number and species), lighting, seating, litter bins, signage, path surface treatments and public art shall be submitted to and agreed for The Maze POS area, indicated by Drawing No.1000-L-04-P8. The agreed scheme shall be fully implemented as part of The Maze Park to be fully laid out and operational by the final occupation in Parcel H1d, application 42/21/0004. The landscaping shall thereafter be protected via Condition 10.

REASON: To ensure residents have access to good quality open space to accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.

83. Prior to the first operational use of any part of the employment land road by vehicles accessing employment land plots and the approved Care Home, application ref 42/22/0054, a scheme of ecological mitigation and enhancement in the form of dormouse, bird and bat boxes, hibernaculum and log piles of a specification to be agreed in writing shall be installed across the area covered by this application. The wildlife boxes shall be retained and maintained hereon.

REASON: To secure ecological mitigation and enhancement of the site to accord with the aims and objectives of the National Planning Policy Framework.

84. No development hereby approved which shall interfere with or compromise the use of footpath T 29/11 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.

REASON: To ensure the Public Right of Way is not obstructed.

85. The development of this phase shall be carried out in accordance with the submitted Construction Environment Management Plan (Construction Method Statement), AWP, dated 26/05/2023 Rev B. Specific details shall be provided regarding the provision of a wheel-wash facility to be in situ and fully operational from the commencement of works until the completion of works unless otherwise agreed in writing. Specific details of the location of the works compound to be used/sited to carry out the works hereby approved shall also be submitted and agreed in writing by the Local Authority prior to the commencement of works.

REASON: In the interests of residential amenity and highway safety.

86. Prior to the commencement of works on this phase information relating to the management of construction stage drainage shall be submitted to and approved in writing by the Local Planning Authority. The information shall confirm specific measures for this part of the site particularly to confirm whether there is a risk of flooding off site and, if so, how that would specifically be managed and mitigated. The development shall thereafter be carried out in accordance with the approved details.

REASON: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.

87. Prior to the first operational use of any part of the employment land road by vehicles accessing employment land plots and the approved Care Home information relating to the management responsibilities of the various components of the proposed surface water drainage network including private systems shall be submitted to and approved in writing by the Local Planning Authority. The information shall include typical maintenance schedules for all the proposed components and details of how each party will be advised of their responsibility and maintenance obligations (including private systems). The development shall thereafter be carried out in accordance with the approved details.

REASON: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.

88. Each subsequent application for reserved matters for employment land plots shall include specific details of the proposed strategy for surface water drainage based on the approved strategic Drainage Statement, Rev F; the plot specific scheme shall include on plot Sustainable Urban Drainage solutions in addition to the strategic attenuation feature (or justification as to why these cannot be achieved), allowing for climate change uplift based on the current guidance at the time of application.

REASON: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.

89. Notwithstanding Condition 76, Prior to commencement of development on the Local Square, a scheme to include temporary provision of 10 parking spaces in association with the Taylor Wimpey sales office within the local square area indicated by Drawing No. 1083-02-SK-7201-A is to be submitted and approved by the LPA. Such a scheme shall include full details of the parking area and a timescale for the creation and retention of the parking spaces and a phasing plan for the restoration of the land to the approved plan Drawing No. 1000-L-02 Rev P10.

REASON: To support the continuation of the sales office and to avoid roadside parking whilst also seeking a phasing plan for the full provision of the Local Square public space.

90. Once constructed pursuant to Condition 76 the cycleway and footway connections hereby approved shall be maintained in perpetuity and kept free of obstruction.

REASON: To maintain public access through the employment land to The Maze Park as shown on DrNo 1000-L-04 Rev P10 and visa versa to accord with Policies A3, D8 and D9 of the SADMP.

91. Prior to the commencement of works on this phase details of cycle and pedestrian crossovers in accordance with LTN 1/20 to the estate road serving Parcel H1a (Merton Road) and the employment road shall be submitted to and approved by the Local Planning Authority. The crossovers shall be implemented in accordance with Condition 76.

REASON: To ensure a coordinated approach to the development to accord with Conditions 03 and 26 of the outline consent, to ensure pedestrian and cycle linkages are available and the bus stop is relocated to accord with Policies A3 and D9 of the SADMP.

For the Bat House in the Western Neighbourhood, reserved matters approval 42/22/0076 as shown on the Phasing Plan DrNo. 35482_0723_Phasing and Infrastructure Plan

92. The development hereby approved shall be carried out and completed in full accordance with the Bat Box Cross Section drawing ref 1083 AWP dated 13/06/2023.

REASON: In the interest of visual amenity to accord with Policy D7 of the Site Allocations and Development Management Plan 2016.

For the Primary School Sub-Station in the Eastern Neighbourhood, reserved matters approval 42/23/0022 as shown on the Phasing Plan DrNo. 35482_0723_Phasing and Infrastructure Plan

93. The walling material for the development hereby approved shall be Wienerberger Pembridge Red bricks and the roofing material shall be Redland, Brown 02 Granular Finish Double roman tiles, with black rainwater goods. The development shall thereafter be carried out in accordance with this stated specification unless any variation in writing is first agreed with the Local Planning Authority.

REASON: To accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.

NOTES TO APPLICANT

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife 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 during the breeding season (from 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 Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.
Trees with features such as rot holes, split branches or gaps behind loose bark, 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. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.
The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement for each phase of the development clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
Dormice and bats are known to be present on site as identified in submitted ecological surveys. Both species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are affected in a

development, a licence must be obtained from Natural England in accordance with the above regulations.

It should be noted that the protection afforded to badgers under the Protection of Badgers Act 1992 is irrespective of the planning system and the applicant should ensure that any activity they undertake on site must comply with the legislation.

Nesting birds are present on site and all operatives on site must be appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.

3. The point of water connection for the overall Comeytrowe development has been identified as off the new 450mm diameter main near Cannonsgrove House. Temporary connections prior to the construction of a trunk main to the point of connection to the south will need to be agreed with Wessex Water under Section 41 of the Water Industry Act. Outline details as follows; Subject to application 100 – 150 dwellings at the northern extent of the site may connect at an agreed point to one of the mains in the A38 close to Stonegallows. This connection will necessitate some upgrade works to Stonegallows pumping station. System valves are likely to be required with installation proposed at Heron Drive and Heron Close. The remaining properties and ancillary development (subject to agreement of demand requirements and application, not exceeding 800 dwellings total, including the 100 - 150 above) will connect to the 300mm DI main in Comeytrowe Lane. Properties above 55mAOD seeking connection to the 300mm DI main will require an on site booster(s) station.
4. Somerset Industrial Archaeological Society (SIAS) have drawn attention to a relatively small but important industrial archaeological site at the former Comeytrowe Farm. Research has traced sales particulars at the Somerset Heritage Centre dated 1901 which identifies the Mill House and the overshot waterwheel driving machinery via six pulleys, shafting and brackets. This particular example is worthy of consideration for retention within the overall planning scheme. It is understood that they are likely to be listed by virtue of being within the curtilage of Comeytrowe Manor. If they are curtilage listed Listed Building Consent would be required to demolish or alter any of the curtilage structures. If they are not curtilage listed, the water wheel would be classed as a non-designated heritage asset and the applicant would need to make provision for the water wheel within any reserved matters application, as clearly, its loss would represent substantial harm. Every effort should be made to retain this feature.

5. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.
 - A PROW being made less convenient for continued public use.
 - New furniture being needed along a PROW.
 - Changes to the surface of a PROW being needed.
 - Changes to the existing drainage arrangements associated with the PROW.
 - If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROWthen a temporary closure order will be necessary and a suitable alternative route must be provided.
6. Potential surface improvements to the path T 29/10 can be technically approved under a s38 adoption agreement. In the event that there is not an agreement, then a separate s278 agreement will be required. The applicant will need to demonstrate that the crossing point of T 29/11 over the proposed access road, is safe for the public to use and constructed appropriately through the technical approval process as part of a relevant legal agreement.
7. It is noted that there is reference in the flood risk section of the Environmental Statement to the Routes to the River Tone Project. The applicant should be liaising with the Project team to ensure that the development contributes to the Project and vice versa.
8. The applicant is advised to refer to the 'SBD Homes 2019' design guide available on the Secured by Design website - www.securedbydesign.com - which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.
9. The applicant is reminded that all future outline, reserved matters or full applications related to the employment area as defined in the outline consent and accompanying approved parameters plans and Western Neighbourhood Masterplan will be required to demonstrate they have considered the noise impacts on adjacent residential properties and included sufficient mitigation. This should be demonstrated and informed by appropriate noise surveys submitted with each application.
10. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
11. Notes with particular to the Employment Land Infrastructure and the Local Square in the Western Neighbourhood, reserved matters approval 42/22/0055 as shown on the Phasing Plan DrNo. 35482_ 0723_Phasing and Infrastructure Plan.

- 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.
- Your attention is drawn to comments of Avon & Somerset Constabulary's Designing Out Crime Officer dated 24/05/2023.
- The applicant is asked to be aware that some minor amendments may be requested to the proposed landscaping and paths at the Maze POS to facilitate pedestrian and cycle access to the adjoining site forming part of the wider allocation in the Local Plan.
- Despite the extent of the application red line this application does not give any consent for the park and bus facility or A38 Gateway as defined in the section 106 agreement accompanying the outline consent 42/14/0069.
- The applicant is advised that the indicative floorplates of industrial buildings shown on DrNo. 1000-L-03-P8 is not approved by this consent. The applicant is advised that more land will likely be required to be given over to strategic landscaping to mitigate the change in levels and the proposed industrial buildings when viewed from the wider Special Landscape Feature and adjacent listed buildings. Attention is also drawn to the Scale Parameter Plan
- with particular reference to the parameters for the employment land area.
- The applicant is advised that no works are approved on the north side of the spine road (Egremont Road) between the estate road to Parcel H1a (Merton Road) and the PROW T 29/11.
- A cycle transition on the westbound (southern side) of the carriageway of the Spine Road is shown which requires cycles to go back on themselves. This transition is likely to be problematic to users and will need to be reviewed at the s38 stage.