

| Application Details                                 |   |
|---|---|
| Application Reference Number:                       | 49/20/0034  |
| Application Type:                                   | Reserved Matters  |
| Earliest decision date:                             | 02 November 2023  |
| Expiry Date   | 22 September 2020   |
| Extension of time                                   |   |
| Decision Level                                      | Committee   |
| Description:  | Application for approval of reserved matters following Outline Application 49/17/0060 to determine layout, scale, appearance and landscaping for the erection of 71 No. dwellings with the detail required to confirm access as required by Condition No. 03 on land north of Burges Lane, Wiveliscombe |
| Site Address:                                       | LAND TO THE NORTH OF BURGES LANE<br>WIVELISCOMBE  |
| Parish:   | 49  |
| Conservation Area:                                  | NA  |
| Somerset Levels and Moors<br>RAMSAR Catchment Area: | WITHIN  |
| National Landscape (AONB):                          | NA  |
| Case Officer:                                       | Russell Williams  |
| Agent:  | Chapman Lily Planning   |
| Applicant:  | LOVELL HOMES  |
| Committee Date:                                     |   |
| Reason for reporting application to<br>Committee    | NA  |

## 1. Recommendation

1.1 That permission be GRANTED subject to conditions and a S106 agreement to secure phosphate mitigation.

## 2. Executive Summary of key reasons for recommendation

2.1 The application has been subject to considerable revisions and public consultation from its first presentation to the LPA and the amendments have shown notable improvement over earlier designs. The development now provides

appropriate Phosphate mitigation measures and will deliver 71no. dwellings with affordable housing, play space and reasonable landscaping such that it will not give rise to any significant level of harm to the area as a whole and, therefore, the application is recommended for approval subject to conditions and a s106 Agreement to secure phosphate mitigation measures.

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

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

1. Plan numbers
2. Materials
3. LEMP
4. Lighting for bats
5. Drainage
6. Visibility
7. Visibility
8. Visibility
9. Visibility
10. Visibility
11. Access
12. Parking/turning
13. Cycle and bin storage
14. CEMP
15. Water consumption
16. Landscaping
17. Post AMP7 occupation

#### 3.2 Informatives (bullet point only)

- Badger
- Nesting bird informative
- EV Charging
- Design & needs of the disabled
- Positive working

#### 3.3 Obligations

Secure s106 Agreement for the delivery of off-site phosphate mitigation proposals.

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

#### 4.1 Details of proposal

The application seeks Reserved Matters approval for the erection of 71 dwellings on land north of Burges Lane, Wiveliscombe. The Reserved Matters to be considered are layout, appearance, scale and landscaping.

The proposal would result in 71 new dwellings be constructed, comprising of 53 open market (74.7%) and 18 (25.3%) affordable dwellings.

The market element would comprise:

- 6 x 2 bed bungalows
- 5 x 2 bed dwellings
- 21 x 3 bed dwellings
- 8 x 3 bed bungalows
- 14 x 4 bed dwellings

The affordable homes would comprise

- 4 x 1 bed apartments
- 7 x 2 bed dwellings
- 5 x 3 bed dwellings
- 2 x 2 bed Flats Over Garages (FOG)

The proposed development will comprise of a range of house types with a varied mixture set out within the style and size of units. The development proposed apartments, FOGs, detached, semi detached and terraced properties together with bungalows.

The proposals include the provision of 1,850sqm of allotments within the narrow strip of land to the northwest corner of the development, which extends northwards towards the Wessex Water sewage treatment works. 12 allotments will be provided based on traditional allotment size of 250sqm.

The proposal would provide a total of 227 car parking spaces with the majority provided within courtyards and on plot serving the 71 dwellinghouses. In addition to residential parking provision, the development provides 6 allocated for the new allotments, 14 spaces provided for visitors and 14 spaces allocated for residents of Burges Lane.

#### 4.2 Sites and surroundings

The site lies to the north of Wiveliscombe and currently comprises two agricultural fields (approximately 2.6 hectares). The site is generally flat at its' western extent but rises sharply to the northeast.

Burges Lane lies to the south, which has dwellings facing the site along most of its' length, with some side-on running back from the road to the south. At its eastern end, Burges Lane appears to have been 'cut-in such that it is significantly below the level of the site, which is currently retained by a grass bank. Towards the western end of the site, the boundary sits level with the highway, with the eastern most extent being a stone boundary wall. The hedgerow which did border Burges Lane and the lower part of Heathstock Hill has now been removed and the new highway layout delivered.

The eastern site boundary with Heathstock Hill is formed by a grass bank which rises steeply towards the north of the site. Four dwellings sit on the opposite side of Heathstock Hill, accessed by private drives directly from the highway and all are set back, with the exception of Tor cottage which is built up to the highway edge.

The northern site boundary at its eastern end is defined by a hedgerow separating the site from an agricultural field beyond. The application site comprises only part of the western field, so the northern boundary is open at this point. The western site boundary is formed by a stone wall that separates the site from a public footpath and adjoining then the adjoining new housing built under phase 1 and 2.

Land to the west was allocated for development in the Taunton Deane Local Plan, under Policy WV1. This site has now been completed following a grant of planning permission for 52 dwelling in two phases – applications 49/12/0052 and 49/13/0001. As part of Phase 2 a link road has now been constructed from the adjoining estate through the current application site to Burges Lane, bypassing a narrow section of Style Road to the west of Golden Hill. Burges Lane has also been widened and the junction with Ford Road altered to improve visibility in the form also detailed in the current application. The former hedgerow boundary to Burges Lane has now been removed along with part of the hedgerow along Heathstock Hill. A public footpath separated from the site by a stone wall runs along the western boundary of the site. Approximately 120 metres to the north west of the residential site lies a sewage treatment works.

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

Ref. 49/17/0060 Outline application for erection of up to 71 dwellings with associated access and infrastructure on land off Burges Lane, Wiveliscombe. Approved subject to conditions and S.106 Agreement 08/04/2020  
The Section 106 legal agreement provided for: 25% affordable housing; Children's play space equipment contribution £19k; and Travel Plan Obligations.

Ref.49/15/0051\_Application for approval of reserved matters following outline application 49/13/0015 for associated layout, scale and appearance (Phase 3) on land to the north of Burges Hill, Wiveliscombe Conditional Approval 07/04/2016

Ref.49/13/0015 Outline application for the erection of up to 71 dwellings with associated access and infrastructure on land off Burges Lane, Wiveliscombe Approved subject to conditions and S.106 Agreement 27/02/2014

Ref.49/13/0001 Residential development comprising of 32 dwellings with associated works and landscaping and construction of a link road to Heathstock Hill at north of Style Road, Wiveliscombe Conditional Approval 19/08/2013

Ref.49/12/0052 Erection of 20 dwellings on land to the north of Style Road, Wiveliscombe, as amended. Granted conditional permission subject to a Section 106 legal agreement 30/05/2013

## **6. Environmental Impact Assessment**

NA

## **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 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 In response to this matter, a Habitat Regulation Assessment and Nutrient Neutrality Assessment have been submitted, which sets out a proposed mitigation strategy for offsetting the increased phosphate output associated with the development. The mitigation takes the form of new orchard planting within the catchment area, which would be managed and maintained in perpetuity.

7.9 The proposed mitigation strategy and associated reports have been scrutinised by the Council's Phosphates Team and Natural England, both of whom confirm that the proposed mitigation measures are acceptable.

7.10 In summary a Likely Significant Effect on Somerset Levels and Moors Ramsar has been identified as a result of water quality (phosphate) impacts, in isolation and in combination with other plans and projects. Mitigation in the form of orchard planting, secured through delivery of a Management Plan and s106 Agreement, would

ensure that phosphates generated by this Reserved Matters Site would be mitigated. It is considered that the Council can conclude that there would be no adverse effect on the integrity of the Conservation Objectives of the Somerset Levels and Moors Ramsar Site, either in in-isolation or in combination.

## 8. Consultation and Representations

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

8.1 Date of consultation:

8.2 Date of revised consultation (if applicable):

8.3 Press Date:

8.4 Site Notice Date:

8.5 **Consultees** the following were consulted:

| <b>Consultee</b>          | <b>Comment</b>  | <b>Officer Comment</b>   |
|---------------------------|---|--|
| WIVELISCOMBE TOWN COUNCIL | <p>Object to the proposals.</p> <p>Original objection:</p> <p>Congestion, potential danger and reduced flow of traffic along a main feeder road for north Wiveliscombe - The layout creates 27 additional driveways or parking spaces directly onto Burges Lane and Luxton Way. This is over and above the 2 vehicular access points to the main development and 1 from Burges Lane to the triangular plot that were approved at outline stage. There is no</p> | <p>Objections noted and issue discussed within the report.</p> |

|  |  |  |
|--|--|--|
|  | <p>ability for on site turning of vehicles – meaning that vehicles will either have to access or leave driveways in reverse gear.</p> <p>This is coupled with the fact that the parking provided is potentially up to 3 vehicles back to back, which will lead to additional vehicle movements. The resulting congestion along this route is unacceptable</p> <p>Parking – we note that with regard to the outline consent SCC Highways raised these points:</p> <p>‘The applicant states in the submitted TA that 227 car parking spaces are to be provided, on the assumption that all 71 dwellings will be three-bed. In addition, there is an intention to provide a 14 space car park as part of the development, to provide extra facilities for existing residents. The Highway Authority is aware that parking is at a premium in this location, and would not wish to see this made worse as a result of the proposed development. Therefore while the parking provision is above the optimum</p> |  |
|--|--|--|



|  |   |  |
|--|---|--|
|  | <p>level set within the SPS the Highway Authority would not raise an objection on this basis.</p> <p>However, while additional car parking facilities are proposed to address the existing parking issues on Burgess Lane, which it is understood may be causing particular concern at the junction with Heathstock Hill, waiting restrictions may also be required to encourage use of the proposed parking areas instead of the highway. It is recommended that a condition be applied to any planning consent requiring the applicant to apply for the necessary TRO as part of the off-site works for this development, should the Local Planning Authority determine this is required.'</p> <p>The additional 27 driveways and parking spaces will have a direct impact on the on road parking for existing properties. 14 parking spaces have been provided onsite to mitigate any impact, but this is not an acceptable solution for the potential loss of parking along Burges Lane. The developers have stated</p> |  |
|--|---|--|

|  |   |  |
|--|---|--|
|  | <p>that this design is due to the fact that people like to park directly outside their front doors. And yet they do not show this consideration to existing residents who will be forced to park some distance from their properties. The developer has provided some vehicle tracking plans that indicate manoeuvring with cars parked along the south side of Burges Lane will be very tight. It's therefore highly likely that the developer will apply for a TRO (Traffic Regulation Order) to limit the parking along the southern side of Burges Lane – an in particular on the corner of Burges lane and Heathstock Hill</p> <p>Design – Properties along Burges Lane and Durhams Cottages are mainly in blocks of terraces. This should be reflected on the north side of Burges Lane.</p> <p>Consideration should also be given to whether render is the best finish in this location.</p> <p>Climate mitigation – we cannot see any measures relating to use of renewable energy sources or supply of</p> |  |
|--|---|--|

|  |  |  |
|--|--|--|
|  | <p>Electric Vehicle Charging Points mentioned in the application. This is contrary to the Core Strategy to mitigate climate change as well as all tiers of government declaring a climate emergency. SCC Highways response to the outline application stated 'It is stated that electric vehicle charging facilities will be provided as deemed necessary by the Local Planning Authority, and in accordance with the SPS each dwelling should have access to such a charging point to encourage the ownership and use of such vehicles.' Inability for large vehicles to enter or exit the main access road to the site without crossing the central line of Luxton Way - The tracking plan provided indicates that turning a large vehicle into main site access road is only possible if the vehicle swings to the opposite side of the highway. This is will cause a hazard for other road users. Clearly the access road needs to be widened where it joins Luxton Way.</p> |  |
|--|--|--|

|  |  |  |
|--|--|--|
|  | <p>A TRO to extend the 30 mph zone further up Heathstock Hill (as indicated on the plans) should be in place prior to occupation of any properties directly accessing Heathstock Hill.</p> <p>We would also like to see more parking provided for existing residents. There is room for a parking bay along Luxton Way and on the grass area to the north of Durhams Cottages. We assume that both these sites are jointly owned by the developer and SCC. We would like to see this provided as part of the reserved matters</p> <p>We see a potential issue with potential Overlooking and certainly Overbearing as the north eastern end of Burges lane rises above the level of the existing properties in Wellington Terrace. New dwellings could adversely impact on the quality of life for existing residents. The properties will feel overbearing to the street scene.</p> <p>We do welcome the inclusion of parking for residents of Burges Lane, the single storey</p> |  |
|--|--|--|

properties to the rear of the site, the provision of allotments, the element of affordable housing and potential for mixed tenure.

Secondary Objection:

Wiveliscombe Town Council continue to strongly object to this application for reserved matters. We are extremely disappointed to see that the majority of our previous objections (attached once again) have not been addressed by the amended plans.

We welcome some attempt to address the issue of reversing onto the highway from the multiple additional driveways, compared to the outline application. However we do not see these as practical or enforceable solutions.

It's highly likely that in practice residents will simply either reverse in or reverse out onto the highway.

2 properties close to the junction with Heathstock Hill now have driveways and garages to the rear accessed from an access road within the site. We note that the corner house appears to also have a driveway to the front and

|  |  |  |
|--|--|--|
|  | <p>this could prove problematic. Parking to the rear would be a sensible solution for all the houses fronting Burgess Lane. And would make it possible to better reflect the existing street scene. This would also make it possible for the existing properties to retain on street parking – Wellington Terrace have no off-street parking available to them and the replacement parking is some distance away. Design issues do not appear to have been addressed at all. We fully support and endorse the comments about design submitted by Wiveliscombe Civic Society.</p> |  |
| <p>SCC - TRANSPORT DEVELOPMENT GROUP</p> | <p>Objection raised</p> <p><u>Original detailed comments:</u></p> <p><b>Access</b><br/>The Highway Authority do not accept the current proposed access arrangements as detailed in supporting document Proposed Site Layout (190902 L 02 01), highlighting a number of concerns including (but not necessarily limited to):</p> <ul style="list-style-type: none"> <li>• No visibility splays and dimension details have been provided from the</li> </ul>   | <p>Comments noted and addressed by updated submission and discussed in report.</p> |

accesses proposed within the TA at outline stage to demonstrate safe access can be achieved. This was requested by the Highway Authority at outline stage.

- The multiplicity of access points along Luxton Way/Burges Lane, that also do not afford vehicles to safely park and turn and enter the public highway in a forward gear.
- No swept path analysis for the proposed parking arrangements off Heathstock Hill have been provided, where the parking appears contrived.
- The addition of another dwelling being served by another access onto Heathstock Hill in close proximity to the blind bend north of the site.
- The close proximity of the proposed accesses on the Burges Lane/Heathstock Hill junction in relation to plots 1&2.
- The provision of pedestrian access to/from the allocated parking for vehicles associated with dwellings along Burges Lane is unclear.

**Parking**

With reference to the

|  |   |  |
|--|---|--|
|  | <p>proposed Parking Layout, the applicant has proposed a total of 229 vehicle parking spaces, however 7 of these are to accommodate motorbikes.</p> <p>Whilst the supporting Design and Access Statement denotes the types of dwellings and number of bedrooms to be provided it is unclear how this will be reflected in the proposed parking layout.</p> <p>There does not appear to be a supporting parking matrix detailing the level of vehicle parking to each dwelling and the associated number of bedrooms. A clear parking matrix needs to be provided in the next submission whilst being mindful of our previous comments at outline stage, given the sensitive nature of parking arrangements in the nearby area. The applicant should consider the detail in Manual For Streets, regarding the proposal of garages as a parking space with the sensitivity of parking for this scheme in mind.</p> <p>The commitment to providing EVCs for all dwellings and cycle parking at a rate of 1</p> |  |
|--|---|--|



space per bedroom is expected and can be appropriately conditioned, should consent be granted.

**Estate Road**

The current layout is not suitable for adoption and therefore APC will apply to this development. The applicant should be mindful of the following going forward should the site be offered up for adoption through the S38 process (subject to planning consent being granted).

- A S278 legal agreement is required for the works on the existing highway. Any proposed Section 38 agreement will encompass the internal works only however the extent of the S278 would need to be looked at in more detail however, it currently bisects the proposed tactile crossing and would need to be moved further into the site so that it includes the entirety of the tactile crossing to be included as part of the S278.

- Drawing 1002 P01 indicates that the road serving plots 44-54 will be a bituminous road with no footways and a central drainage channel. This is not suitable for adoption,

|  |   |  |
|--|---|--|
|  | <p>and if a shared surface road is proposed, it will need to be constructed using block paving and incorporate a 1.0 metre hard surfaced margin on either side. The same comment as above also applies for the proposed road serving plots 21-41.</p> <ul style="list-style-type: none"><li>• The proposed footway provision adjacent to plot 56 will need to be reconsidered. One 2.0 metre footway in lieu of what has been shown would be more appropriate. Some private parking bays in this location seem to be shown as included within land to be dedicated as Highway land- they will need to be taken out of the proposed adopted limits.</li><li>• Provision may need to be made at the proposed footway serving plots 11-18 so that vehicles are unable to utilise it. The small parcel of land in front of plots 11 and 12 should not be included within proposed highway limits.</li><li>• Private parking bays shown at Plot 44 will not be part of the proposed highway limits.</li><li>• The Highway Authority need to ascertain what detail is shown on the footway stub opposite plot 41.</li><li>• Parking bays adjacent</li></ul> |  |
|--|---|--|

plot 35 to be removed.

- Drawing 1006 P01 indicates that SCC will be asked to adopt gullies and connections only, with Wessex Water taking the main carrier system?
- The current layout is not suitable for adoption. APC will apply to this development.

**Drainage**

Previous Highway Authority comments detailed at outline stage dated 17 January 2018 remain relevant and our reiterated below, however it is to our understanding that the landowner is currently negotiating the removal of the Deed of Easement referred to in the associated paragraph below.

Substantial alterations will be required to the kerb drainage system along the northern channel line of Burges Lane to accommodate the new access road junction and the shared/individual driveway/parking area entrance points. This kerb drainage system was installed to overcome the extremely slack longitudinal channel line gradients resulting from the road widening exercise

and any amendment to this element of the infrastructure could result in ponding. Further, as this kerb drainage system is constructed from one-piece units then the introduction of dropped kerbs will impact upon its performance and capacity. To reduce the potential for ponding it is advisable to design the junction of the new access road onto Burges Lane such that it falls northwards (back into the site) for at least 6 metres. This will help to encourage surface water run-off to discharge to the new channel lines as opposed to across the mouth of the junction. The highway authority would have no objection to the proposal to remove the existing highway drain crossing the development land (to discharge into the watercourse running along the northern land boundary) provided it can be proven by survey that it serves to convey surface water run-off from Burges Lane only. It is important to note however that this existing drainage run has the benefit of a Deed of Easement and as such Somerset County Council (SCC), as highway

authority, has a legal interest over a defined strip of the application site. Whilst the applicant has applied for planning consent, such consent if granted will not extinguish the rights SCC has over the land. SCC can expressly agree to release these rights/interests by entering into a Deed of Release with the owner(s) of the servient land. This will then formally terminate SCC's interest in that land and any related entries on their registered title can be removed. Therefore, should consent be granted the applicant is advised to make an initial enquiry with Somerset County Council's estates manager, Corporate Property.

**Travel Plan**

The Travel Plan and the associated obligations have been secured through the signed the S106 as detailed in the outline consented application 49/17/0060 which will need to be fulfilled as per the trigger points within the signed legal document.

**Conclusion**

With the above in mind, it is the view of the Highway Authority that the supporting detail in

insufficient for the Highway Authority to assess. The proposed accesses onto the existing public highway are materially different in terms of their proximity and volume, which based on the latest detail the Highway Authority do not accept.

Should this not be appropriately amended, the Highway Authority would have no alternative but to recommend refusal for the following reasons.

- The proposal in terms of its accesses is contrary to Section 9 of the National Planning Policy Framework (NPPF) and DM1 of the Taunton Deane District Core Strategy (adopted 2011-2028).
- The submitted information is not of sufficient quality and accuracy to enable the Local Planning Authority to make a full assessment of the proposal.

Secondary comments:

**Access**

Having assessed the amended layout as detailed in Drawing No: 190902 L 02 01 Rev T improvements have been made. Notwithstanding, there are still a number of

|  |   |  |
|--|---|--|
|  | <p>queries that need to be established in order to move the application forward:</p> <ul style="list-style-type: none"><li>• Visibility splays and any supporting information have not been provided to ascertain what visibility splays are to be proposed. (Including from the points of access on the classified highway – Heathstock Hill, which needs to be supported with robust speed surveys). This was raised in our previous comments dated 6 August 2020 and at outline stage. Furthermore, the Highway Authority need to understand if/what TROs are to be proposed to support the scheme (aside from the proposed TROs pursuant to condition 9 for outline application 49/17/0060). It should be noted that it cannot be assumed that such TRO applications will be successful and therefore the applicant would need to justify the visibility splays put forward through evidence based supporting information.</li><li>• There would appear to be a proposed raised table at the Burges Lane/Luxton Road intersection. This would need to be confirmed.</li><li>• The Highway Authority</li></ul> |  |
|--|---|--|

retains concerns over the proposed parking arrangement along the frontage between plots 15-18 and the additional risk of vehicles parking in between of vehicle parking spaces 15 & 16 and the existing highway. There would appear scope to revisit this element of vehicle parking and, ideally relocate the parking within the private parking courtyard to the rear of the plots that would also remove the potentially hazardous footway that fronts the proposed parking spaces for plots 15-18.

**Offsite works**

For avoidance of doubt, the proposed access points, and associated footpath as denoted on the aforementioned supporting drawing shall not result in the narrowing of the carriageway on Heathstock Hill.

Furthermore, the footpath in its current format is likely to remain under private maintenance responsibility. If the footpath is to be offered up as part of the adoption package, it will need to be designed, built, lit, and drained to an appropriate adoptable



standard.  
Across each respective access at this location tactile paving areas should be provided at the proposed development accesses to clearly indicate to visually impaired pedestrians that vehicles have priority movements and not pedestrians.

**Parking**

To reiterate, the Highway Authority require a clear parking matrix (which does not appear to have been provided), denoting vehicle parking levels for each respective dwelling and visitor parking spaces (e.g. - a tabled spreadsheet clearly denoting the plot number, number of bedrooms and number of vehicle parking associated to the plot, with a summary/total number of vehicle spaces) for the Highway Authority to appropriately assess. The Highway Authority are aware of the existing parking issues in the immediate area, as raised in previous dialogue during outline stage. There is an existing TRO obligation pursuant condition 9 for consented outline application 49/17/0060. The extent of which will need careful consideration

with the proposed parking areas in mind

**Estate Road**

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).

Further to our initial comments, the applicant should be mindful of the following going forward should the site be offered up for adoption through the S38 process (subject to planning consent being granted).

- Appropriate adoptable forward visibility splays will be required throughout the inside of all carriageway bends and should be plotted on a drawing at a scale of 1:200 for consideration.

- A 2m overhang is required at the termination of the turning heads, however this is not being provided for some turning heads within the site.

Visitor parking spaces 13 and 14 could be appropriately relocated in order to provide this at this turning head.

- The width of the footway

appears inconsistent throughout and below standard requirements for adoptability.

- Parking bays to be a minimum of 5.0m long, when in front of a boundary wall 5.5m, or 6.0m when an 'up and over' garage door. Where 2 longitudinal parking spaces are used these will need to be a combined length of 10.5m.
- It is advised vehicle parking space 58, closest to the bell mouth is relocated to accommodate pedestrian visibility at the adjacent crossing point.

**Drainage**

Please refer to our previous comments dated 6 August 2020.

**Travel Plan**

Please refer to our previous comments dated 6 August 2020.

**Conclusion**

On balance based on the revised supporting information, the Highway Authority need to further information regarding the points raised above prior to moving the application forward and being in a position to provide a recommendation to the LPA.

Final details comments:

Previously the Highway Authority raised a number of concerns over the layout and arrangements proposed, which have largely been addressed by this latest submission as commented below:

It is noted that the parking spaces to the front of plots 15-18 have been removed and relocated elsewhere which is a better arrangement and one to be endorsed.

Other amendments to the general parking layout have been made, most notably the parking spaces located along the main estate road with the removal of the parallel parking spaces, again this is a better arrangement to that previously proposed.

Swept path drawings have been provided demonstrating the manoeuvrings of a large refuse vehicle around the development. In general this is acceptable, however, it is noted that the tracking overrides the kerb close to visitor space 8, this will need to be

|  |  |  |
|--|--|--|
|  | <p>addressed at technical design stage. Some visibility splays have now been provided, albeit without supporting speed surveys as previously requested. It is accepted however that sufficient details have been provided to reassure that adequate visibility splays can be achieved and secured for the accesses leading on to Heathstock Hill and Burgess Lane. As part of the outline permission the need for a TRO to extend the 30mph along Heathstock Hill was secured. The applicant should note that the 30mph limit will need to be extended beyond the point suggested on the Highway Strategy drawing (ref. 1001 P06).</p> <p>It is essential that the Plots with accesses leading on to Heathstock Hill have adequate space for turning so that vehicles can enter and leave the public highway in forward gear. The space available for turning for Plots 31-32 is limited and it appears that they will be dependent on utilising each other's driveways. A diagram to demonstrate that vehicles will be able to enter, park and turn for each of these</p> |  |
|--|--|--|

|  |   |  |
|--|---|--|
|  | <p>plots should be provided in the interests of highway safety so that this arrangement can be secured by condition.</p> <p>Other comments that the applicant should be made aware of include:</p> <ul style="list-style-type: none"><li>• The extent of the S278 works and S38 works have been shown however I would recommend that this is reviewed, in particular it is suggested that the extent of the S38 works are set further back into the estate road access and at the back of the tactile paving slabs (adjacent to Plot 18).</li><li>• Some parking bays have been shown coloured for adoption, they will not be adopted by SC.</li><li>• All of the visitor spaces that are parallel to the kerb should measure a minimum of 6.0m long by 2.0m wide, the ones provided are too short and as such should be amended. Visitor spaces 13 and 14 in particular are likely to be difficult to use given the limited space for manoeuvring. The applicant is advised to check that all parking spaces provided accord with the space requirements set out within the SC's Parking Strategy.</li><li>• Careful consideration</li></ul> |  |
|--|---|--|

|  |  |  |
|--|--|--|
|  | <p>needs to be given to how the levels are going to work at the ramped area, in conjunction with the adjacent parking bays.</p> <ul style="list-style-type: none"><li>• It is recommended that the shared surface areas are surfaced with coloured block pavers, including the service margins to either side. There should be no upstands within the shared surface areas, the surfacing needs to be laid at a grade so that pedestrians are able to use the full width of the carriageway without obstruction. Further details on shared surface design can be found within the Somerset Design Guide on the SC website.</li><li>• There are two sets of pedestrian crossovers proposed in very close proximity to each other at the development junction with Luxton Way (adjacent to Plot 18). A single pedestrian crossover positioned between the those currently proposed would suffice. Additional crossovers over Luxton Way either side of the development access should be included.</li><li>• For S38 submissions, all tactile pavers should be coloured as yellow/buff on S38 drawings.</li><li>• The applicant should be</li></ul> |  |
|--|--|--|

|                                   |   |              |
|-----------------------------------|---|--------------|
|                                   | <p>aware that the internal layout of the site, including private drives, will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980 the Advance Payments Code (APC) will apply.</p> <ul style="list-style-type: none"> <li>• Comments relating to drainage remain unchanged from that provided in our response dated 6 August 2020.</li> </ul> <p>Further to the above comments, should the LPA be minded to approve the application the Highway Authority recommends conditions</p> |              |
| <p>LEAD LOCAL FLOOD AUTHORITY</p> | <p>Original comments:</p> <p>Additional information required:</p> <p>Drawings have been provided but are not accompanied by relevant calculations to demonstrate that the current pond has been designed to accept the additional flows from this development – there is a discrepancy between the FRS which suggests that the pond has sufficient capacity and the drawing which suggests it and the flow control requires upsizing.</p> <p>The FRS states that infiltration testing has been done and is not</p>                          | <p>Noted</p> |



viable but no report has been provided for review. This may have been submitted under the previous application. The predominant treatment and storage is within the existing pond, with silt and pollution being managed using smart gullies. The site is not aspirational in terms of SuDS - it has no source control features and relies on a single end-of-pipe solution. Exceedance plan shown which should be confirmed as flows over and above the 1 in 100 year plus 40% climate change event Point of discharge - It is not clear if this was done as part of the design of the existing outfall. Some further clarity on the specific maintenance required for the pond and managed drainage features as well as construction phasing.

Secondary comments:

I would like to highlight that the applications for Phase 1 and 2 have limited details on the total capacity of the basin being able to accommodate the Phase 3 development. Furthermore, as part of the DOC for 49/12/0052, the response

|  |   |  |
|--|---|--|
|  | <p>dated 18/09/13 states “Of more concern is that it appears that the pond has only been sized to take attenuation storage from phase 1. What this means is that if flows from any subsequent phases are to be directed to the pond it will need to be made larger than currently proposed.”</p> <p>Whilst I am able to find a Masterplan under 49/13/0001 ((A1) DrNo 2013/200 Engineering Masterplan Phases 1-3), which includes Phase 3 in the proposals, and the Lone Star letter advises that the as-built confirms an available storage capacity of 1800m3. I am unable to find the background calculations and details to confirm that the area from Phase 3 has been accounted for in the detailed design of the basin.</p> <p>Therefore, I would advise that the applicant clarifies when the changes to the attenuation were proposed, and models the entire system incorporating the asbuilts of the remediated basin, and receiving pipework to demonstrate capacity within the system. If any</p> |  |
|--|---|--|

|  |  |  |
|--|--|--|
|  | <p>flooding is shown within the 100 year+ 40% climate change event, this must be retained on the site boundary within designed exceedance routes, as it is suggested that the sewers have been designed to accommodate the 1 in 30 year Return Period.</p> <p>It would also be useful for the applicant to advise that the discharge rate has been based on the most up to date plans and impermeable area.</p> <p>However, due to the letter from Lone Star, and assurances provided by the applicant, the above could be secured via an appropriately worded condition.</p> <p>However, listed below are details we would expect to see at this stage.</p> <p>Calculations for Phase 3 drainage network only.</p> <p>Key provided on remediation plan</p> <p>Clarification that appropriate pollution control measures are to be in place using Chapter 26 of the CIRIA SuDS Manual</p> <p>Consideration of any flood risk in the area, ensure that the site will not be at risk or increase flood risk elsewhere (as incident report sent through to the consultant) Volumes:</p> <p>clarification on the total</p> |  |
|--|--|--|

volume required for this phase, and how this relates to spare capacity within the attenuation, and clarification how much is already being used by Phase 1 and 2.

Clarification that the receiving pipework has been designed to take flow from the site.

Third round of comments:

Previous correspondence has been undertaken with the LLFA, dated 22/12/2020, in which the following information was requested:

1. Calculations for Phase 3 drainage network only;
2. Key provided on remediation plan;
3. Clarification that appropriate pollution control measures are to be in place using Chapter 26 of the CIRIA SuDS Manual;
4. Consideration of any flood risk in the area, ensure that the site will not be at risk or increase flood risk elsewhere (as incident report sent through to the consultant);
5. Volumes: clarification on the total volume required for this phase, and how this relates to spare capacity within the attenuation, and

|  |   |  |
|--|---|--|
|  | <p>clarification how much is already being used by Phase 1 and 2; and</p> <p>6. Clarification that the receiving pipework has been designed to take flow from the site.</p> <p>Correspondence has been provided with the LLFA that confirms that the updated Flood Risk Statement clarifies points 3 and 4 above.</p> <p>Previously, it was requested that a key was provided for the remediation plan, however now an as-built plan has been provided, following the completion of remedial works, outlining the remediation that has been undertaken.</p> <p>Additionally, calculations for Phase 3 drainage network only were requested showing that any flooding within the 100year + 40% climate change event, is retained in the site boundary within designed exceedance routes, as it is suggested that the sewers have been designed to accommodate the 1 in 30 year Return Period. The calculations have been run up to the 100year + 30% climate change event and show multiple instances of</p> |  |
|--|---|--|

|  |  |  |
|--|--|--|
|  | <p>flooding in this event.<br/>Therefore, in line with the above, it is requested that calculations are run up to the 100year + 40% climate change event and any instances of flooding in this event are identified and demonstrated to be managed within the proposed system.</p> <p>The previously provided drainage strategy plan, available on the planning portal dated May 2020, does not contain any pipe or manhole details and therefore cannot be checked against the provided calculations for Phase 3. The proposed drainage strategy plan should be updated to provide details, cross-referenceable with the provided calculations. The calculations also fail to clarify the total volume required for this phase; how this relates to spare capacity within the attenuation; and clarify how much is already being used by Phase 1 and 2. The calculations should demonstrate the existing water depth and volume within the basin from the current Phase 1 and 2 Somerset County Council as the LLFA advises the Local Planning Authority (LPA) that the application</p> |  |
|--|--|--|

|                      |  |  |
|----------------------|--|--|
|                      | <p>documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:</p> <ol style="list-style-type: none"> <li>1. Calculations for the Phase 3 drainage network only, cross-referenceable with plan(s);</li> <li>2. Volumes: clarification on the total volume required for this phase, and how this relates to spare capacity within the attenuation, and clarification how much is already being used by Phase 1 and 2; and</li> <li>3. Clarification that the receiving pipework has been designed to take flow from the site.</li> </ol> <p><u>Fourth and final round of comments:</u></p> <p>The submission of further information is acceptable and no objection raised subject to conditions.</p> |  |
| <p>SCC - ECOLOGY</p> | <p>Initial comments:</p> <p>The application site is likely provided access to the wider countryside for commuting lesser horseshoe bats from a moderately sized maternity and hibernation colony and minor greater horseshoe</p>   |  |

bat roost located within Wiveliscombe. The masterplan would entirely block access to foraging resources for these horseshoe bats. An Ecological Appraisal carried out by Sunflower International Ecological Consultants was carried out in April 2020. Unfortunately this does not contain bat activity surveys which would have helped determine the importance on the application for this colony.

The letter referred to in Condition 13 (which appears to have been ignored in designing the masterplan) also states:

Draft wording for the condition is given below:

“Condition: No development or phase of development hereby permitted, including any site clearance or vegetation removal, shall commence until a bat and dormouse mitigation and enhancement strategy has been submitted to and agreed in writing by the local planning authority. The strategy is to be informed by the surveys set out in the email from GS Ecology to Larry Burrows



dated 19 January 2017. The measures in the strategy shall thereafter be implemented in full accordance with the submitted details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that bats and dormouse, which are protected species and a material consideration in the planning process, are not adversely affected by the proposals and that their favourable conservation status is not compromised as a result of the development.”

As discussed, the following surveys will be carried out to inform the bat and dormouse mitigation and enhancement strategy:

Dormouse surveys of the hedgerows within the development site and fields to the north – tubes (a minimum of 50) and nest boxes (a minimum of 5) to be installed in February or March 2018. Tubes and boxes to be checked for dormouse once per month from April until September.

Bat surveys – A minimum of two static bat detectors to be set within the

development site and, if access can be arranged, a comparison site such as the land to the west of the application site. The detectors are to be set once per month from April until October and are to record for a minimum of 5 nights per period. Three dusk transect surveys, one in spring, one in summer and one in autumn, will also be carried out, one of these will be a dusk and dawn transect survey.

Therefore, I have a holding objection to the application pending bat activity and dormouse surveys, an appropriately amended masterplan in accordance with Condition 13 and lighting strategy.

I also need to add that following meetings with Natural England this application will require a Habitats Regulations Assessment (HRA) due to recent case law. This is because the application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. There is a major issue with nutrients entering

|  |  |  |
|--|--|--|
|  | <p>watercourses which adversely changes environmental conditions for these species. New housing will result in an increase in phosphates contained within foul water discharge. As the designated site is in 'unfavourable' condition any increase, including from single dwellings is seen as significant, either alone or in combination with other developments. To carry out the HRA I shall need information from the applicant initially on whether the development is to be linked to the main foul water sewer or then how otherwise it would be treated. In the latter case there can still be discharge to ditches within the catchment. In the former case it would also be helpful if details of the Sewage Treatment Works (STW) and its current rate of phosphate discharge were also obtained.</p> <p>If required mitigation is likely to consist of habitat enhancement downstream of the STW. Natural England will be producing guidelines on the process in due course.</p> <p>The HRA will need to be submitted and commented on by Natural England prior</p> |  |
|--|--|--|

|                               |   |   |
|-------------------------------|---|---|
|                               | to a decision being made on the application.  |   |
| SCC - CHIEF EDUCATION OFFICER | No comments received.   | Noted. Education dealt with at Outline stage. |
| SCC - COUNTY ARCHIVIST        | As far as we are aware there are limited or no archaeological implications to this reserved matters proposal and we therefore have no objections on archaeological grounds.   | Noted.  |
| WESSEX WATER                  | No comments received.   | Noted   |
| LANDSCAPE                     | <p>Concerns raised:</p> <p>In a lot of cases the choice of tree species are inappropriate – see David Galley’s earlier comments - given their proximity to dwellings and their ultimate size. Smaller growing trees such as Field Maple and Birch should be no closer than 5-8m to a dwelling and larger growing trees should be no closer than 10-12m from dwellings. A re-think of the tree planting proposals is required.</p> <p>The choice of infill planting is not robust enough for the locations within the very dense housing mix and it is not sufficient to show the planting as part of a general mix. The planting needs to be more specific in terms of locations within each planting bed.</p> <p>There is too much</p> | Noted   |

|              |   |        |
|--------------|---|--------|
|              | <p>macadam throughout the scheme. It's use should be limited to road surfaces and access drives but not used for paving</p>   |        |
| TREE OFFICER | <p>With regards to arboricultural part of the soft landscaping, the choice of species is very lacklustre, and the locations of some of the trees such as <i>Fagus sylvatica</i> (beech) and <i>Tilia cordata</i> (small leaf lime) are inappropriate due to the ultimate size of these trees and their proposed proximity to new dwellings. The layout seems very dense and there's very little open space where these larger species, which I would normally encourage, can be accommodated and managed by management company (or adopted by us). Can these points be addressed?</p> <p>You asked me to look at the effect of plot 64 on the adjacent ash trees to the west.</p> <p>I note that these ash trees were shown as category U trees on the tree survey at outline stage, with a recommendation that they were removed. They are multi-stemmed trees, and at a glance appear to be reasonably healthy,</p> | Noted. |

although the predictions are that there is a 95% chance that they will succumb to Ash Dieback over the next few years.

The theoretical Root Protection Zone of these trees, as given by BS5837, would have a radius of about 4.5 metres by my calculation, although there is a wall along the boundary of the footpath that may have discouraged the growth of roots to the east slightly due to depth of foundations. The current spread of the trees is about 6 metres to the east. Plot 64 looks to be about 7 metres from the trees, so although I doubt whether the root systems would be significantly damaged by the new house (unless by service trenches), the canopies will be close and would probably need to be pruned back to facilitate the build. They are still relatively young trees that, if they survive Ash Dieback, will continue to grow considerably bigger than they are at present, so they will cast evening shade over 64, and may cause some concern to the new residents due to their

|                         |   |   |
|-------------------------|---|---|
|                         | <p>increasing size and proximity. The new house to the west of these ash trees appears to have been given more clearance from the trees.</p>  |   |
| <p>HOUSING ENABLING</p> | <p>The affordable housing (shown on drawing number (A1) 190902 L 02 01 Proposed Site Layout) is all clustered together in the south west corner of the site. This is contrary to the guidance provided in the Supplementary Planning Document that the affordable housing should be an integral part of the development in order to encourage a socially inclusive community. The location of the affordable housing in one block will make it easily distinguishable from the market housing on site. A pepper potted layout is advised. The type and size of the affordable housing units to be provided broadly reflect the distribution of property types and sizes in the overall development and the housing need requirements. The number of households registered for Wiveliscombe on</p> | <p>Developer contributions cannot be sought in relation to application for the approval of reserved matters. Contributions were secured at the Outline application stage. The proposals deliver affordable housing and the developer has appointed an RP partner to bring forward the affordable housing, as planned.</p> |

|   |   |               |
|---|---|---------------|
|   | <p>Homefinder Somerset in June 2020 is a total of 57 with 28 of these having a 2 bed or 3 bed housing need. The affordable homes on this development will help to meet this local housing need. It is unusual to see 2 bed 2 person apartments and it might be advisable to increase the sizes to 2 bed 3 person.</p>   |               |
| <p>POLICE ARCHITECTURAL LIAISON OFFICER</p> | <p>No objection.</p> <p>Design &amp; Access Statement – the ADS at Section 5.9 under the heading ‘Secured by Design’ states that this development has been considered with Secured by Design principles in mind. It refers to:- perimeter block layout enhancing surveillance; no blank gable ends (except where necessary to avoid overlooking); appropriate boundary treatments being used to improve surveillance, including the allotments; some plot orientation aiding surveillance and appropriate fenestration being used along western boundary to aid</p> | <p>Noted.</p> |



|  |   |  |
|--|---|--|
|  | <p>surveillance of public footpath. This indicates to me that the applicant is aware of this police approved initiative and has borne in mind certain designing out crime principles in developing this proposal.</p> <p>Layout of Roads &amp; Footpaths - vehicular and pedestrian routes appear to be visually open and direct and are likely to be well used enabling good resident surveillance of the street.</p> <p>The use of physical or psychological features i.e. surface changes by colour or texture, rumble strips and similar features within the development would help reinforce defensible space giving the impression that the area is private and deterring unauthorised access. The proposed pedestrian route linking the development to the existing PROW increases the permeability of the development and consequently the potential for crime to affect nearby dwellings.</p> <p>Orientation of Dwellings - all the dwellings appear to overlook the street and public open spaces which</p> |  |
|--|---|--|

|  |  |  |
|--|--|--|
|  | <p>allows neighbours to easily view their surroundings and also makes the potential criminal more vulnerable to detection. A proportion of the dwellings also appear to be 'back to back', which is advantageous in that this can help restrict unlawful access to the rear of dwellings, which is where the majority of burglaries occur.</p> <p>Dwelling Boundaries – it is important that all boundaries between public and private space are clearly defined and it is desirable that dwelling frontages are kept open to view to assist resident surveillance of the street and public areas, so walls, fences, hedges at the front of dwellings should be kept low, maximum height 1 metre, to assist this. More vulnerable areas such as exposed side and rear gardens need more robust defensive measures such as walls, fences or hedges to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as adjacent fencing and lockable. The Boundary Treatment plan indicates that these recommendations will be</p> |  |
|--|--|--|

|  |   |  |
|--|---|--|
|  | <p>complied with. Communal Areas –have the potential to generate crime, the fear of crime and ASB and should be designed to allow surveillance from nearby dwellings with safe routes for users to come and go. The only POS appears to be the allotments, which are adjacent to a PROW and potentially more vulnerable. Plot 48 appears to back onto the allotments which potentially makes this plot more vulnerable to burglary from the rear and also restricts surveillance of the allotments and the associated parking spaces. The DAS makes reference to the rear of this plot being heavily glazed to assist surveillance and consideration being given to the rear boundary treatment but does not appear to say what form this might take. Allotments are regularly targeted by thieves for tools contained in sheds, produce or both. In view of this, I recommend the rear boundary treatment for Plot 48 enables an element of surveillance through it by using 1.5 metre closeboard fencing topped by 300 mm trellis or ‘hit &amp; miss’fencing or</p> |  |
|--|---|--|

|  |   |  |
|--|---|--|
|  | <p>similar. The gates at the entrance to the Allotments should also be lockable.</p> <p>Car Parking - appears to be a mix of on-plot garages and parking spaces, which is the recommended option, communal on-street parking spaces and two parking courtyards. The communal on-street parking spaces appear to be few in number, close to and overlooked from homes, which is also recommended. Rear parking courtyards are discouraged as they enable easy access by the potential criminal to the rear of dwellings and vehicles parked in the courtyards. A FOG has been included to screen the Burges Lane residents' parking courtyard, which does enable some surveillance of it. However, I have some concerns as to whether this courtyard will be used by existing residents, as vehicles parked in it will be out of sight of owners which could lead to neighbour disputes concerning parking.</p> <p>Landscaping/Planting - should not impede opportunities for natural surveillance and must avoid potential hiding</p> |  |
|--|---|--|

|                                 |  |  |
|---------------------------------|--|--|
|                                 | <p>places. As a general rule, where good visibility is needed, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. This is particularly relevant in respect of the allotments.</p> <p>Street Lighting – all street lighting for adopted highways and footpaths, private estate roads and footpaths and car parking areas should comply with BS 5489:2013.</p> <p>Physical Security of Dwellings – in order to comply with Approved Document Q: Security – Dwellings, of Building Regulations, all external doorsets providing a means of access into a dwelling and ground floor or easily accessible windows and rooflights must be tested to PAS 24:2016 security standard or equivalent.</p> |  |
| LEISURE DEVELOPMENT             | No comments received.  | Noted. Leisure contributions not triggered by RM applications. |
| ENVIRONMENT AGENCY              | No comments received.  | Noted. Site not at risk of flooding.                           |
| SOUTH WESTERN AMBULANCE SERVICE | No comments received.  | Noted.   |
| NHS SOMERSET,                   | No comments received.  | Noted.   |

|                             |   |   |
|-----------------------------|---|---|
| SOMERSET PRIMARY CARE TRUST |   |   |
| NATURAL ENGLAND             | <p><u>Initial comments:</u></p> <p><b>Objection</b></p> <p>Somerset Levels and Moors Ramsar Site<br/>The Somerset Levels &amp; Moors Ramsar Site is in unfavourable condition due to excessive phosphate loading within its catchment. Natural England advises that this proposal has the potential to add to nutrient loads (phosphorous) within the catchment of the Ramsar Site, and therefore it may require mitigation and be subject to a Habitats Regulations Assessment (HRA).</p> <p>Insufficient Information Provided – Habitats Regulations Assessment<br/>We have reviewed the submitted Phosphorous Budget Calculator and note that the calculations are based on the wastewater being handled by a Package Treatment Plant. However, and as pointed out in the application, there is a viable connection to a Wastewater Treatment Works. The calculations need to be undertaken again, this time selecting</p> | Noted Phosphate mitigation strategy to be secured by s106 Agreement |

2a (sewage to be handled by Wastewater Treatment Works) in Stage 1. A Nutrient Management Plan will also be required in order for the County Ecologists to carry out an HRA.

Secondary comments:

**No objection**

Please see below for our advice, based on SES adoption of the sHRA. Thank you for confirming that you have chosen to adopt the sHRA, produced for this development.

Habitats Regulations Assessment Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. We note that in this case your authority, in consultation with Somerset Ecology Services, has chosen to adopt this HRA to fulfil your duty as the Competent Authority.

An appropriate assessment of the proposal has been undertaken, in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England

|  |  |  |
|--|--|--|
|  | <p>is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.</p> <p>Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.</p> <p>Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.</p> |  |
|--|--|--|

## 8.6 Local representations

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

45 number of letters have been received making the following comments (summarised):

### **Environmental Impact and Sustainability:**

- Development will not preserve biodiversity and habitats.
- Impact on existing wildlife corridors.
- Destruction of ancient hedges and trees will occur.
- Lack of sustainability measures like solar panels and electric car chargers.
- Need for building materials and designs that are eco-friendly and energy-



efficient to address the climate emergency.

- The Council should be pushing for carbon neutral housing.
- Concerns about climate change and carbon emissions not addressed by design.
- Suggestions for habitat creation and permeable paving to mitigate environmental impact.
- Specific wildlife concerns, including endangered species like bats and owls raised.

### **Transportation and Infrastructure:**

- Concern about the lack of parking provision for the existing and new residents, and the potential impact on traffic safety and congestion on Burges Lane, Ford Road, and Heathstock Hill.
- Parking provision needed for existing residents of Burges Lane.
- Insufficient provision for parking, leading to congestion and safety concerns.
- Strain on local infrastructure and services like schools and medical facilities.
- Need for improved transportation infrastructure, including safer cycling routes and public transport options.
- Loss of parking spaces along Burgess Lane and potential congestion due to increased traffic.
- Concerns about road safety, particularly regarding blind corners and narrow roads, exacerbated by additional vehicle access points.
- Residents of Golden Hill frequently park in Burges Lane, the proposed development will mean that there will be even less parking spaces available for residents.
- Double yellow lines will be required.
- Demand for more community facilities like allotments and recreational spaces, particularly for older children.

### **Design and Community Impact:**

- Disagreement with the proposed layout of houses and their impact on traffic flow and safety.
- Design and layout of the development as poor, dull, and uninspiring, and not reflecting the local character and distinctiveness of Wiveliscombe.
- The development is too dense and cramped and would reduce the privacy and light of the existing residents.
- Loss of privacy for existing residents due to overlooking.
- Impact on personal property, such as loss of privacy and disturbance from

construction activities.

- Requests received for reassurance regarding safety and quality of life for current residents.
- Concerns about the character of the area and maintaining low-density housing.
- Calls for more innovative and sustainable urban design approach, which is not addressed by the proposed design.
- There is a lack of wheelchair accessible dwellings in the development, and the council should make a calculation of how many such dwellings should be constructed according to the policy DM10 of the SADMP.
- The lovely rural setting of the town is being destroyed by developers who do not listen to the people who live here.
- Importance of community consultation and involvement in the planning process not addressed.
- More green space is needed. Unfair that residents should pay for the public open space available to all comers. Residents of Willow Mead were supposed to contribute yearly, but are in dispute.
- The local authority should adopt the green space. The issue should be resolved before any development takes place. Suggest parking and allotments on the triangle with more landscaping.

#### **Infrastructure Management and Maintenance:**

- Lack of communication and verification from the Local Flood Authority (LLFA) regarding the capacity of the attenuation pond.
- Questions whether the main drains will be large enough to cope with the runoff from excess rainwater.
- Houses will link into the water retention pond owned by Willow Mead residents. Question whether they will be liable for the maintenance costs. We pay as service charge and own it.
- Responsibility for the retention pond should be taken over by the council and not down to the existing residents of Willow Mead.
- Absence of a suitable management program and Section 106 agreement to ensure equitable distribution of costs and responsibilities for maintenance of attenuation pond and play area.
- Issues regarding the adoption of sewers and highways without defined time scales or conditions.
- Comments expressed doubts about the capacity and quality of the local services and infrastructure, such as the schools, the medical centre, the bus

service, and the recycling centre.

Willow Mead Residents Association - Object to the proposals for the following reasons (summarised)

Transport:

- There is not enough parking for local residents' - as evidenced by regular ticketing for dangerously parked vehicles
- The access onto Healthstock Hill will be dangerous
- Bus services are inadequate therefore everyone needs a car
- The proposal reduces the potential for on-street car parking and makes insufficient space for visitors
- Concern about access for emergency and utility vehicles
- The junction of Luxton Way and Burges Lane looks dangerous with additional housing
- Parking is a big issue on Willow Mead estate and surrounding areas. Further development without adequate car parking will make matters worse
- Currently many people travel down Ford Road in excess of the 30mph speed limit
- The triangle of land near Style Road should be used for parking
- New plans must include parking for those on-street parking displaced

Amenity:

- Detrimental noise impacts to existing residents' that front onto the play area that was never accounted for in the earlier applications
- If there is a need for additional play equipment above what has previously agreed then it makes more sense to have this entirely in phase 3
- The proposal would reduce light and impinge on the privacy of residents on the whole of Burges Lane
- The potential for burning of waste on Allotments a concern

Drainage

- The planning statement explains incorrectly that the connection Phase 3 is to the public sewer
- Houses will link into the water retention pond owned by Willow Mead residents. Questions whether they will be liable for the maintenance costs. We pay as service charge and own it. Responsibility for the retention pond should be taken over by the council and not down to the existing residents' of Willow Mead.
- Question whether the attenuation basin can accommodate Phase 3 flows
- As this residents' association, we must stress that there is no suitable programme of management, as there is no Section 106 agreement submitted

at both this reserved matters or outline planning application that binds Phase 3 owners to the management of their surface water

- Furthermore, preexisting SUDS arrangements for Phases 1 and 2 were based on a much smaller attenuation basin (600 compared to 1800m<sup>3</sup>) with therefore increased costs regarding maintenance. Whilst there is an existing management company, we are only obliged to contribute towards maintenance of the smaller volume. This means the surface water drainage scheme cannot be considered as adequate without an additional agreement reached with the developer at Phase 3 that will bind future owners / occupiers in shared maintenance for this asset.
- We have also made enquires with the freeholder of the land where the attenuation basin is located that we do not agree to any easement being granted regarding access or drainage into the pond unless there are adequate arrangements made on maintenance that extends also to the owners/occupiers at Phase 3.

### Biodiversity

- Disputes the claim that no survey is needed for the presence of bats
- The land is an important feeding ground for a healthy population of swifts
- There should be a biodiversity net gain according to national planning policy
- Species rich hedgerows will be destroyed by development
- Lesser horseshoe bats use the site flight path between roosts and feeding sites .

### Design

- This sort of unimaginative , dormitory style housing estate isn't what future developments should be. Too many houses for Wiveliscombe
- Communal areas needed for people to grow things workshops for people to play and socialise
- The most people crammed into the smallest space for the maximum profit of the developer , with no consideration for the real needs in a living space of either the average family or those in need of social housing
- Suggest houses set further back and gardens reconfigured to be south facing

### Developer Contributions

- Phase 3 are not being asked to contribute to the management costs which fall only to Phases 1 -2
- Would like to see a greater proportion of social housing in the scheme
- Compliments the developers on the inclusion of allotments
- Will local people be able to afford to purchase affordable homes
- Sorry to see that only a quarter of the housing is deemed affordable

- Phases 1 and 2 of the Willow Mead development of 52 dwellings is subject to a management company to look after the attenuation pond, public open space and children's play equipment.
- Maintenance of the pond forms the largest proportion of the management fees. For this reason, this Residents Association would expect that there is a contribution from Phase-3 towards the management company who look after these shared assets.

### Sustainability

- The absence of solar panels or any attempt to encourage a reduction in carbon emissions is disappointing
- In the context of the Council's decision to declare a climate Emergency, questions how this development will help achieve carbon neutrality
- It is essential that the development is a flagship for sustainability
- Services and infrastructure in Wiveliscombe are not prepared for such an influx of population and cars
- The Declaration of a Climate Emergency should mean more efforts should be made towards zero carbon emissions.
- Solar powered charging stations for electric cars needed throughout
- Solar panels should be added
- No information regarding in the sustainability of building materials or the use of renewable's

## **9. Relevant planning policies and Guidance**

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

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

SD1 - Presumption in favour of sustainable development,  
SP1 - Sustainable development locations,  
SP4 - Realising the vision for rural areas,  
CP1 - Climate change,  
CP4 - Housing,  
CP5 - Inclusive communities,  
CP6 - Transport and accessibility,  
CP7 - Infrastructure,  
CP8 - Environment,  
DM1 - General requirements,  
DM4 - Design,  
A1 - Parking Requirements,  
C2 - Provision of recreational open space,  
C5 - Provision of Community Facilities,  
D7 - Design quality,  
D10 - Dwelling Sizes,  
I4 - Water infrastructure,  
MAJ1 - Style Road / Burges Lane, Wiveliscombe,

#### Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

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

#### Neighbourhood plans:

No NHP

#### National Planning Policy Framework

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

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

### 10.1.1 The principle of development

Outline permission has been granted for 71 dwellings under permission 49/17/0060. Along with the principle of development this approved the means of access only. This permission therefore seeks matters of scale, appearance, landscaping and layout.

The principle of development was considered under the outline application, and permission for 71 dwellings approved on that basis. The permission placed a number of conditions which are required to be approved before development can commence.

A section 106 Agreement was also secured to deliver the required infrastructure for the site, including drainage, off site highway works, affordable housing and play area. Objections raised regarding the need for the developer to contribute towards SuDs and the play area are noted but these arrangements fall outside the scope of the application and were secured by the s106 Agreement at the Outline stage. Various rights and agreements were then put in place when the various parcels were sold and it would not, therefore, be reasonable or necessary for this application to impose further requirements or to seek additional financial contributions.

The application makes provision of the required affordable housing stock and the developer has a Registered Provider working alongside them to deliver the affordable units.

The principle of development is established and this application must focus attention on the Reserved Matters only, being layout, appearance, scale and landscaping.

### 10.1.2 Heritage

The application site is not within a conservation area and is not considered to affect any heritage assets

### 10.1.3 Design of the proposal

Whilst the principle of 71 dwellings in this location and within the limitations of the application site was established by the outline application, details of layout and appearance are required to be submitted with this application.

The submitted layout is based broadly upon the concept masterplan submitted in support of the Outline application, though that was indicative only and does not differ significantly from the approved design pursuant to Reserved Matters application 49/15/0051. The evolution of the design strategy is described within the supporting Design & Access Statement and this follows the general approach recommended within the District Design Guide.

The primary change since the Outline stage is the repositioning of the site access further west off Luxton Way as opposed to Burges Lane. Within the site, the layout comprises of a clear hierarchy to the streets, with the principal spine road providing opportunities to create small cul-de-sacs and courtyard style grouping to dwellings. These cul-de-sacs form secondary streets with urban frontages and are landscape lined to present a softened edge to the street scene.

Upon the triangulated site located to the south west corner of the development, a small terrace forms provides a key frontage to Luxton Road, whilst the corner plot would front in 3 directions, responding to the junction of Burges Lane, Luxton Road and the extended lane leading to Golden Hill.

Dwellings have been orientated to front the principal highway along Burges Lane and Luxton Way, which creates an active street scene that reflects the linear form established by historical development in the area.

Elsewhere, bungalows have been located to the rear (northern) part of the site, where the development interacts with the open agricultural landscape to the edge of the settlement. Such is an appropriate approach and will reduce visual dominance of built form to the rural fringe of the development.

Ordinarily it might be seen as appropriate to have a focal building at the end of the main spine road, visible along the street scene upon entering the site off Luxton Way. However, in this instance, the development creates a central avenue that terminates with a view into the adjoining agricultural field, thereby retaining a visual link between the development and the open landscape and rural setting of the site, to the north east.

The proposals represent a low density development (25-30 per hectare) with 27.3 dwellings per hectare, approximately. Such is suitable and reflects the edge of settlement location.

Plots vary across the site with a strong mix of terraced, semi-detached and detached dwellings; the latter of which are generally located to the edge of the site, reducing the overall massing of built form to the rural edge.

All properties have gardens to the rear with a mix of close boarded fences and brick walls; plot frontages are to be enclosed by sections of low walling finished in stone or render, grassed banks and railings.

Materials are a mixture of render and brick elevations with sections of local stone, with tiled and slate roofs, similar to the existing housing along Burges Lane and



within the new development to the west.

Overall, the design strategy for the proposed development is considered to reflect local character and distinctiveness, with a modern approach to house building. The development on the whole represents high quality design and complies with Core Strategy Policies DM1, CP8, SADMP Policy D7 and the District Design Guide.

#### 10.1.4 Quality of Accommodation

The size of the dwellings ranges from 50 square metres for the smallest 1 bed apartment to 138 square metres for the largest 4 bedroom property. These properties are above the minimum floor space standards set out in Policy D10 of the SADMP.

All dwellings have a rear garden, with an acceptable degree of separation between the rear of dwellings in order to maintain a suitable level of privacy, light and outlook for future occupiers. Properties have level access and would have access to nearby open space within the previously built out phase of housing to the west.

It is considered that the design reflects the immediate area, as proposed within the Design Guide, whilst the grouping of dwellings around the centre of the site seeks to establish a sense of place. The proposal therefore accords with policies DM1 and DM4 of the Core Strategy, and D7, D10 and D12 of the SADMP.

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

The outline permission requires further details of the proposed access, highway engineering, and construction management to be submitted in order to discharge conditions and in most instances for the details to be agreed prior to commencement of works.

The application proposes to access the site from the new section of highway known as Luxton Way, which in turn links directly into Burges Lane where a new junction with Ford Road has been created. The development also proposes 3 private points of access directly from Heathstock Hill serving private dwellings.

Site access was approved as a detailed matter as part of the Outline planning consent. The objections raised on grounds of highway safety are acknowledged, however the Highway Authority do not object and given the previous acceptance of the new highway network and site access, these objections cannot be sustained. As such, the detail to be considered at this stage is the level and arrangement of parking provision together with the impact of the layout upon highway safety. The

amended access location is considered to be acceptable.

A total of 230 parking spaces are proposed across the development, which offer off road parking for future occupiers of the development, 14 visitors spaces, 6 allotment holders spaces and 14 spaces for residents of Burges Lane.

All plots generally have between 2 and 4 parking spaces, either in parking courtyards, individual spaces on plot or roadside or within a single or double garage.

The level of parking provision is in keeping with the parking standards shown in Appendix E of the SADMP and the proposals therefore accord with Policy A1 of the SADMP.

Concern has been raised by objectors in regard to the reduction in parking along Burges Lane, which will impact upon existing residents who have historically relied upon the highway for resident parking provision. These concerns were also raised at the Outline stage and it is acknowledged that the formation of private/shared access points off Burges Lane, as proposed, will reduce the ability of residents to park along the northern carriageway edge of Burges Lane.

In response to this issue, the application proposes to provide replacement parking provision for existing residents within the application site. The detailed site layout makes provision for a 14 bay resident parking area to the southern side of the development and with pedestrian access directly onto Burges Lane. The applicant has confirmed that these spaces will be reserved explicitly for existing residents of Burges Lane.

The applicants have sought to engage with the local community and Parish Council on several occasions in order to deliver a viable solution to this issue, but the application continues to receive opposition to the loss of parking on Burges Lane. Whilst it is acknowledged that this will likely cause some inconvenience for residents, the provision of the 14 bays being offered by the applicant goes beyond what might reasonably be provided by any other house builder. The alternative parking provision is considered to provide a suitable and deliverable solution to the loss of parking and whilst it may not offer a 1 for 1 replacement in regard to the number of spaces, the impact upon parking availability for existing residents is considered to be mitigated in a satisfactory manner.

Overall, the means of access, highway layout and level of parking provision are considered to be acceptable and would comply with CS Policies CP6 and DM1 together with SADMP Policy A1. Furthermore, the development would not give rise to any severe adverse impact upon highway safety and the proposals therefore comply with paragraph 115 of the NPPF.

#### 10.1.6 The impact on the character and appearance of the locality

The application site is allocated for residential development and has Outline permission for the erection of 71 dwellings. It is therefore accepted that subject to detailed matters, the site will be developed and that the design should be suitable for this edge of settlement location.

As discussed at 10.1.3 above, the proposed houses and garages are designed to reflect the existing local distinctiveness. Given that the development will be on the edge of the village, and visible across views from the north and west, a soft approach has been shown to the edge of the development, by the placing of bungalows with hedgerow retained and soft planting between groups of buildings.

Phases 1 and 2 have been built out to the west and the design approach for this application is not dissimilar. The adjoining residential development provides a strong link between the application site and contiguous built-up area of the settlement, and building out of this development will provide a continuation of built form along the northern side of Burges Lane.

It is considered that the proposed development conforms with policies DM1 and CP8 of the Core Strategy and the development will not give rise to any significant harm to the character and appearance of the landscape or built environment.

#### 10.1.7 The impact on neighbouring residential amenity

There are a number of plots which front on to the proposed development along the southern side of Burges Lane and to the edge of Luxton Way. However, there is sufficient separation distance between windows within existing and proposed dwellings to ensure that privacy protected.

Concerns raised over the construction phase are noted, however, the Outline consent requires a construction management plan to be agreed and this will be used to control impacts from the development phase.

The development, once constructed, is not considered to give rise to other unacceptable impacts upon residential amenity, either for existing residents or occupiers of the 71 dwellings proposed. The development will not generate unacceptable impacts through noise, odour, vibration or other forms of potential nuisance; the proposals are considered to conform to CS Policy DM1 in relation to the impact on residential amenity.

#### 10.1.8 The impact on trees and landscaping

The existing boundary hedges to be retained, though the removal of the hedgerow within the site is proposed. Landscape buffers are proposed, with considerable tree planting proposed along street frontages together with green spaces at key focal points along Burges Lane and Luxton Way. Other areas of low planting within the site are also proposed.

Whilst approval of landscaping is sought, concern over the species of trees to be planted has been raised along with some other minor issues. Overall, the initial landscaping scheme identified on the soft works plan would make a positive contribution towards softening the impact of the development, though further work is required on the species. As no condition was placed on the outline permission for further details of landscaping to be agreed, one is now proposed to ensure this matter is appropriately dealt with.

Subject to the agreement of the planting schedule, the proposals will provide a suitable soft landscaping strategy for the residential development of the site. The proposals are considered to be in accordance with Policy CP8 of the Core Strategy.

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

The County Ecologist and members of the public have objected to the proposal, raising concern with the impact of development upon biodiversity. The County Ecologist also objects on the basis that the design scheme does not accord with the requirements of condition 13 of the Outline consent. It is important to recognise that this application does not seek the approval of details required in relation to ecology conditions imposed on the Outline consent and that this matter is separate to the consideration of layout, scale, appearance and landscaping, which are the details for which the application seeks approval of.

Notwithstanding, on 2 April 2024 an application to discharge condition 13 was received by the local planning authority and is currently being assessed. This demonstrates the applicant's willingness to comply with conditions imposed on the Outline consent and to deliver suitable mitigation for bats and dormice within the development.

A condition is recommended now, seeking to deliver additional ecological enhancement measures across the development site, which will provide further benefits to bats, birds and other species within the area.

At Section 7.0 of this report, the proposed mitigation strategy for ensuring the development does not impact upon the Somerset Levels and Moors Ramsar site is

discussed. The applicants have entered into a private agreement to secure off-site mitigation downstream of the application site and within the same River Tone catchment at the Cothelstone Estate. The submitted HRA identifies that the calculated phosphate increase associated with the proposed development could be off-set by creating 15.47ha of woodland.

The site will be managed in-house by the Cothelstone Estate and a Section 106 agreement will be agreed between the LPA and the estate to secure the management of the orchard in perpetuity. A draft s106 Agreement is being reviewed by the Council's legal team at this time and subject to the agreement being entered into, and the imposition of a condition restricting occupation of any dwelling until the before 1 January 2025, which is the date by which the statutory undertaker must legally have completed the AMP7 upgrade works to the local sewage treatment works. This is tied into the proposed mitigation scheme, which bases its land take on the post AMP7 P-loading generated by the development.

Overall, it is considered that ecology is afforded suitable consideration by the proposals and that the need to comply with conditions imposed on the Outline consent ensure that a favourable conservation status will be maintained for protected species in the area. The development successfully mitigates the impact of the new homes upon the Somerset Levels and Moors Ramsar site such that a likely significant effect can be ruled out. The proposals comply with CS Policy CP8.

#### 10.1.10 Flood risk and drainage

The application proposes to drain impermeable areas to a network of surface water drains and pipework, with a connection to an existing attenuation basin on land to the northwest, which provides a controlled outfall of water into a local watercourse. Foul drainage will connect into the adopted sewage network in the vicinity of the site.

The principle of delivering a sustainable urban drainage strategy for the site was accepted at the Outline application stage and conditions applied requiring the submission of detailed drainage, including engineering, for approval through the discharge of conditions. An application to discharge the relevant condition, condition 10, was made in October 2023 and following various amendments, the LLFA have confirmed that the condition can be discharged and that the surface water drainage strategy is acceptable.

It is the same surface water drainage strategy that has been submitted alongside the application and as noted in the report at Section 8.5, the LLFA have confirmed their acceptance of the proposed drainage strategy. It is noted that local objectors are concerned that the surface water from the application site will be discharged and managed through an attenuation basin within an earlier phase of the residential

allocation, to the west of the site. The concerns raised over management costs and the like are civil issues that were agreed by the previous landowner and the applicant and it is understood that rights were reserved for this phase to connect into the adjacent attenuation basin. This is not uncommon and it has been demonstrated that the drainage strategy meets the technical design standards of the LLFA, such that the development will not increase flood risk off site or downstream.

The application satisfies the necessary policy tests in demonstrating that the proposed development will not give rise to any adverse harm from flood risk or drainage matters either off site or downstream and the proposals are considered to comply with CS Policy DM1.

## **11 Local Finance Considerations**

### **11.1 Community Infrastructure Levy**

Creation of dwellings is CIL liable.

Proposed development measures approx. 7700sqm

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £962,500.00. With index linking this increases to approximately £1,366,750.00

## **12 Planning balance and conclusion**

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

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

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

## Appendix 1 – Planning Conditions and Informatives

### Conditions

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

DrNo 190902 D D 01 - Boundary Treatments Details 1

DrNo 190902 D D 02 - Boundary Treatments Details 2

DrNo 190902 D D 03 - Boundary Treatments Details 3

DrNo 190902 GT 01 01 B GT 01 Double Garage Elevations and Floor Plans

DrNo 190902 GT 02 01 A GT 02 Twin Garage Elevations and Floor Plans

DrNo 190902 GT 03 01 A GT 03 Single Garage Elevations and Floor Plans

DrNo 190902 GT 04 01 A GT 04 Twin Garage Elevations and Floor Plans

DrNo 190902 HT 01 01 B HT A Floor Plans

DrNo 190902 HT 01 02 B HT A Elevations

DrNo 190902 HT 02 01 B HT B Floor Plans

DrNo 190902 HT 02 02 B HT B Elevations

DrNo 190902 HT 03 01 B HT C Floor Plans

DrNo 190902 HT 03 02 B HT C Elevations

DrNo 190902 HT 04 01 B HT D Floor Plans

DrNo 190902 HT 04 02 B HT D Elevations

DrNo 190902 HT 05 01 A HT E Floor Plans

DrNo 190902 HT 05 02 A HT E Elevations

DrNo 190902 HT 06 01 C HT F Floor Plans

DrNo 190902 HT 06 02 B HT F Elevations

DrNo 190902 HT 06 03 C HT F Elevations

DrNo 190902 HT 06 04 C HT F Elevations

DrNo 190902 HT 06 05 A HT F Elevations

DrNo 190902 HT 07 01 C HT G Floor Plans

DrNo 190902 HT 07 02 C HT G Elevations

DrNo 190902 HT 07 03 HT G Floor Plans

DrNo 190902 HT 07 04 HT G Elevations

DrNo 190902 HT 08 01 B HT H Floor Plans

DrNo 190902 HT 08 02 B HT H Elevations

DrNo 190902 HT 10 01 C HT J Floor Plans

DrNo 190902 HT 10 02 C HT J Floor Plans

DrNo 190902 HT 10 03 C HT J Elevations

DrNo 190902 HT 10 04 C HT J Elevations

DrNo 190902 HT 10 05 HT J Floor Plans

DrNo 190902 HT 10 06 HT J Elevations

DrNo 190902 HT 11 01 B HT L Floor Plans

DrNo 190902 HT 11 02 B HT L Elevations

DrNo 190902 HT 12 01 B HT K Floor Plans  
DrNo 190902 HT 12 02 B HT L Elevations  
DrNo 190902 HT 12 03 B HT L Elevations  
DrNo 190902 HT 13 01 HT M Floor Plans  
DrNo 190902 HT 13 02 HT M Elevations  
DrNo 190902 L 01 01 A Location Plan  
DrNo 190902 L 01 02 A Existing Site Plan  
DrNo 190902 L 02 01 V Proposed Site Layout  
DrNo 190902 L 02 02 D House Type Layout  
DrNo 190902 L 02 03 E Boundary Treatments  
DrNo 190902 L 02 05 D Parking Layout  
DrNo 190902 L 02 06 D Bin Storage Strategy  
DrNo 190902 E 02 01 C Proposed Street Elevations 1 of 3  
DrNo 190902 E 02 02 B Proposed Street Elevations 2 of 3  
DrNo 190902 E 02 03 B Proposed Street Elevations 3 of 3  
DrNo 190902 R 01 - - Design and Access Statement  
DrNo 190902 S 02 - G Register of drawings  
DrNo 190902 LAN 03 01 - F Softworks Proposals  
DrNo 190902 LAN 04 01 - F Hardworks Proposal

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

2. Prior to the construction of any dwelling above damp proof course, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the area

3. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of development hereby permitted. The content of the LEMP shall be based on the details provided within the PEA report and an up to date bat and dormice survey report and shall include the following:
  - a) Provision of bird and bat boxes on at least 50% of all buildings and the establishment of vegetated dark corridors
  - b) Description and evaluation of features to be retained/ created and their management
  - c) Ecological trends and constraints on site that might influence



management.

- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h) Details of the body or organization responsible for implementation of the plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy CP8 of the Taunton Deane Core Strategy 2011 -2028.

4. Where external lighting is to be installed, prior to the first occupation of any dwelling hereby permitted, a lighting design for bats, following Guidance Note 08/23 Bats and artificial lighting in the UK (ILP and BCT 2023), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed. Lux levels should be below 0.5 Lux on key and supporting features or habitats. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

5. No works shall be undertaken on site above foundations level (other than those required to fulfil this condition) unless there has been full implementation for the approved surface water drainage works. The works shall be carried out in

accordance with the approved details and shall be thereafter be retained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

Reason for pre-commencement: To ensure the development does not cause surface water to be displaced off site and to ensure the provision of drainage infrastructure

6. For the estate road access leading on to Luxton Way, there shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the associated dwelling is occupied and shall thereafter be maintained at all times.

Reason: To ensure suitable access to the site is provided and retained.

7. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres to either side of the accesses serving Plots 05, 06, 07, 08, 09, 11, 12, 31, 32, 33, 59, 60, 61, 62, 63. Such visibility shall be fully provided before the associated dwelling is occupied and shall thereafter be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

8. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres to the south side of the access and 56 metres to the north side of the access serving Plot 34. Such visibility shall be fully provided before the associated dwelling is occupied and shall thereafter be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

9. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres to the west of the access and 36 metres to the east of the access serving Plots 03 and 04. Such visibility shall be fully provided before the associated dwelling is occupied and shall thereafter be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

10. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level forward of the front elevation of Plot 64 across the entire plot frontage. Such visibility shall be fully provided before the associated dwelling is occupied and shall thereafter be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

11. Prior to construction of Plots 31 and 32 above damp proof course, plans showing the parking and turning areas for the Plots shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the approved parking and turning areas have been laid out and properly consolidated in accordance with the approved details and thereafter such areas shall not be used other for the parking and turning of motor vehicles.

Reason: To ensure suitable parking and turning is provided in the interest of highway safety.

12. No dwellinghouse hereby approved shall be occupied until space has been laid out, drained and surfaced within the site in accordance with the approved plans and parking matrix for the parking and turning of vehicles, and such areas shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway, in the interests of highway safety.

13. The bin and cycle storage facilities shown on the approved plans shall be constructed and fully provided prior to the first occupation of any dwellinghouse, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of bins and cycles, in the interests of good design and sustainable transport.

14. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and measures to avoid traffic congestion impacting upon the Strategic Road Network;
- Protection of retained features and surface water bodies on or adjacent to the site, including control of surface run-off;
- Details of waste management and offsite disposal.

The approved Construction Environmental Management Plan shall be implemented throughout the period of work on site including any preparatory works.

Reason: In the interests of highway safety, environmental protection and residential amenity, and in accordance with Policies SD1 and CP1 of the Taunton Deane Core Strategy.

Reason for pre-commencement: To ensure the development does not cause unacceptable impacts upon the local environment and amenity during the construction phase.

15. 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 (the Supplemental Planning Document – Districtwide Design Guide) and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (Sept 2023).

16. A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

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

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

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

17. No dwelling hereby permitted shall be first occupied before 1<sup>st</sup> January 2025.

Reason

The proposed development site falls within the catchment flowing into the Somerset Levels and Moors Ramsar site. The Ramsar site is classified as being in 'unfavourable' condition and new developments which could lead to an increase in phosphates would further contribute to the poor status of this important designation, and therefore Likely Significant Effects, cannot be ruled out.

A Habitats Regulations Assessment (HRA) has been provided to establish whether the proposed development is likely to lead to adverse effects on the interest features of the Somerset Levels and Moors Ramsar site as a result of potential increases in phosphates arising from the proposals. It is possible to

mitigate the effect of increased phosphate load through appropriate land use change and habitat creation at an off-site location, providing it is within the same water catchment.

The Somerset West and Taunton (SWT) Phosphate Calculator indicates that the proposed development will produce an additional phosphate load of 8.35kg/yr (after AMP7) that will be mitigated by the creation of a high-quality habitat that is a mosaic of traditional orchard and shrubby woodland. This will be protected in perpetuity through a S106 agreement with the Local Planning Authority. Given the above, it can be concluded that, with the mitigation in place, post AMP7 there will be no significant effect on the integrity of the Somerset Levels and Moors Ramsar site. The water authority are required to complete the AMP7 upgrade works by December 2024. Therefore to ensure nutrient neutrality on the site is preserved, first occupation of each dwelling hereby permitted should not take place before 1<sup>st</sup> January 2025.

#### Notes to applicant.

1. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
2. The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
3. The applicant is advised to make provision for facilities to charge electric vehicles within the curtilage in order to promote sustainability and mitigate against climate change.
4. Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.

5. In accordance with paragraph 38 of the National Planning Policy Framework 23 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

