

Application Details	
Application Reference Number:	<u>14/23/0012</u>
Application Type:	<u>Outline Planning Permission</u>
Earliest decision date:	14 March 2023
Expiry Date	<u>12 April 2023</u>
Extension of time	31 July 2023
Decision Level	Committee
Description:	Application for Outline Planning with all matters reserved, except for access, for the erection of up to 5 No. dwellings and formation of access on land to the north of Langaller Lane, Creech St Michael
Site Address:	<u>LAND TO THE NORTH OF LANGALLER LANE, CREECH ST MICHAEL E:326632 N:126839</u>
Parish:	14
Conservation Area:	NA
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
National Landscape (AONB):	NA
Case Officer:	<u>Andrew Gunn</u>
Agent:	
Applicant:	MR B JEFFERY
Committee Date:	
Reason for reporting application to Committee	PC objection and Chair call in.

1. Recommendation

- 1.1 Conditional approval subject to the signing of a s106 Agreement in respect of securing the appropriate implementation of the recommendations of the HRA. The proposed phosphate mitigation to include following 20 ha of permanent pasture in a temporary 5-year scheme, as outlined within the HRA and a Woodland Management Plan as agreed by SES for the proposed permanent land use change to woodland, with a minimum of 100 p/ha deciduous trees. and imposition of conditions recommended as part of the Habitats Regulation Assessment.

2. Executive Summary of key reasons for recommendation

- 2.1 The site is located within the defined development boundary for Taunton and outside of any designated Green wedge land. This outline scheme is seeking

consent for the principle of residential development for up to 5 dwellings and the means of access. For the reasons set out in this report, it is considered that the principle of development is acceptable, providing a sustainable form of development and a safe means of access.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

- 3.1.1 Submission of reserved matters
- 3.1.2 Approved Plans
- 3.1.3 Public Right of Way diversion order
- 3.1.4 Ecology - (Ecological survey compliance)
- 3.1.5 - Ecology (submission of a Construction Environmental Plan
- 3.1.6 Ecology (submission of a Landscape Environmental Management Plan
- 3.1.7 Ecology (external lighting)
- 3.1.8 Ecology (Hedgerow protection)
- 3.1.9 Ecology (vegetation removal)
- 3.1.10 Ecology (Groundworks)
- 3.1.11 Ecology (Bat/bird boxes / bee bricks)
- 3.1.12 Highway conditions (A-F)
- 3.1.13 Water consumption

3.2 Informatives (bullet point only)

- 3.2.1 Proactive Statement
- 3.2.2 Public Rights of Way
- 3.2.3 Ecology
- 3.2.4 Wessex Water

3.3 Obligations

- 3.3.1 A S106 Agreement will be required to ensure the agreed phosphate mitigation solution is secured.

4. Proposed development, site and surroundings

4.1 Details of proposal

This application seeks outline consent for the erection of up to 5 dwellings on land north of Langaller Manor Farm, Langaller. The site extends to 0.23 hectares and is located within the development boundary for Taunton. The means of access is sought for approval at this stage with all other detailed matters ie layout, scale, landscaping and appearance reserved for future approval. An indicative site layout plan has been submitted with the application to illustrate how the dwellings could be accommodated on site. Access into the site would be gained from the existing agricultural lane which

runs along the northern boundary of the site. This lane adjoins Langaller Lane to the east and the main road (North End) to the south.

4.2 Sites and surroundings

The application site is located within the small settlement of Langaller within the parish of Creech St Michael, approximately 0.5 miles to the north west from the village of Creech St Michael and on the western side of the M5 motorway. The site comprises a grassed area bordered by a number of mature protected trees and hedgerows. Langaller Manor House and Langaller Farmhouse along with a small group of dwellings are located to the north-east with Manor Farm and associated farm buildings to the south, on the other side of North End road. The north and west boundaries adjoin part of the eastern edge of the Monkton Heathfield mixed use allocation.

5. Planning (and enforcement) history Whilst there is no planning history on the application site, there is a current outline planning application and listed building application on land to the south of the application site, on the opposite side of Langaller Road. This is for the demolition of farm buildings, renovation and alterations to the listed farmhouse and erection of 33 No. dwellings with associated works on land at Langaller Manor Farmhouse, Creech St Michael. (Planning ref no: 14/23/0006/LB and 14/23/0007) Area West committee granted consent for the planning application in June subject to the signing of a S106. They are separate sites but with the same applicant. Moreover the agreed phosphate mitigation strategy covers both proposed schemes.

6. Environmental Impact Assessment

Not applicable.

7. Habitats Regulations Assessment

A Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) has been submitted and a Habitat Regulation Assessment (HRA) has been produced by Phosphates team. The proposed mitigation is for short term fallowing of land at Bathpool, with long term woodland planting forming the permanent solution. The cattle currently utilising the land that is due to be fallowed are to be moved to alternative farmland in Devon owned by the applicant, outside of the River Tone catchment. The proposed mitigation has been agreed by Natural England and endorsed through the HRA. Further information is provided under Section 10 (Material Planning Considerations) of this report.

8. Consultation and Representations

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

- 8.1 Date of consultation: 16 February 2023
- 8.2 Press Date: n/a
- 8.3 Site Notice Date: 21 February 2023
- 8.4 Consultees the following were consulted:

Consultee	Comment	Officer Comment
<p>CREECH ST MICHAEL PARISH COUNCIL</p>	<p>The proposal conflicts with the Council's adopted Development Strategy & Framework The Local Development Framework (LDF) and Taunton Deane Core Strategy 2012 through Policy SP1 sets out the most accessible and sustainable locations for development within the Borough. Creech St Michael is a Minor Rural Centre (MRC) as defined under the Core Strategy. The small-scale allocations required by Policy SP1 were put in place by the Taunton Deane Site Allocations and Development Management Plan 2016 (SADMP). That plan allocated three sites in Creech St Michael for 139 dwellings out of total allocations of about 290 dwellings in the Minor Rural Centres.</p> <p>Creech St Michael has in fact already provided c.150 dwellings and an application has recently been approved for a further 28 dwellings within the village (ref</p>	<p>See 10.1.1</p>

	<p>14/21/0024). In the opinion of the Parish Council, Creech St Michael has therefore already exceeded the number of dwellings allocated by providing 178 dwellings.</p> <p>The site is also.</p> <ul style="list-style-type: none"> • Outside the development boundary of Creech St Michael and would be an unplanned extension of the village. • Is not on an allocated site and is in open countryside. The application is, therefore, not in accordance with the development plan, being contrary to Policies CP4, SP1 and SP4 of the Core Strategy. <p>In the Parish Council's opinion, the proposal is in conflict with Policies CP8 and DM1 of the Core Strategy in that it is outside of the settlement boundary and is inappropriate in terms of scale.</p> <p>The proposal does not protect, conserve or enhance landscape character and will harm the setting of Langaller. The proposal is also in conflict with Policy CSM4 (Quality of Design) which requires new residential</p>	<p>The site is located within the settlement boundary as shown on Taunton Inset Map 1 as part of the Monkton Heathfield mixed use allocation (Policy SS1).</p> <p>The application is in outline and all detailed matters, including the layout and design will be assessed at</p>
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	<p>development to be of a high standard of design quality that compliments and enhances the local character and rural context of the area.</p> <p>This proposal fails to respect and where possible enhance locally important and distinctive features and their settings. It will significantly impact the rural character of Langaller and potentially reduce and damage the quality of usable public open space that is available for recreational needs.</p> <p>Furthermore, as Policy SB1 of the SADMP cross references Policy CP8 within, it is also in conflict with that policy (which states that proposals outside the boundaries of settlements will be treated as being within open countryside to maintain the quality of the rural environment and ensure a sustainable approach to development).</p> <p>There is also conflict with Policy ENV1 of the SADMP which requires developments to minimise the impact on trees, woodlands and hedgerows of value to the area's landscape, character or wildlife, and seek to provide net gain</p>	<p>any subsequent reserved matters stage. A full and thorough assessment of impacts can be undertaken at reserved matters stage.</p> <p>The site is located within the development boundary as shown on Taunton Inset Map 1 (Monkton Heathfield Mixed use Allocation)</p> <p>The Council's Arborist and Ecologist have reviewed</p>
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	<p>where possible. This proposal reduces considerably the number of trees and scale of hedgerow and is likely to impact negatively on existing flora and fauna with the consequence of disturbance or displacement of badgers, bats, foxes, hedgehogs, deer etc. There would be harmful effects upon the character and appearance of the area.</p> <p>The application will have substantial adverse effects on the character and appearance of the hamlet of Langaller, including the setting of the listed Manor House. The application will have a significant impact on the approach to Langaller and the Manor House. The site is only 0.23 ha and is entirely rural and is a locally important and distinctive feature that should be enhanced.</p> <p>In the applicants related applications (14/23/0006 and 14/23/0007), the heritage consultant describes the location of the nearby listed Manor House as ‘a Grade II listed building’. It was first listed in May 1985. The Manor House lies within the nucleated</p>	<p>the scheme and raised no objection in principle subject to conditions. Comments and advice have been submitted as can be viewed in this report.</p> <p>See 10.1.2</p>
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	<p>historic core of the hamlet of Langaller.</p> <p>Historically, its position there connected the Manor House to both the settlement and its wider rural context, with strong visibility to fields, especially to its south and east.</p> <p>The Parish Council is concerned that the proposed development will have a significant impact on the approach to Langaller which comprises a vital, rural context to the approach to the hamlet and, therefore the Manor House.</p> <p><u>Footpath</u></p> <p>The small application site is bordered by footpath T10/21 which itself links to T10/22 and T32/14 from Monkton Elm and T10/28 passing the Manor House. These are paths that are used regularly and are a vital asset to the community. Users of the footpath are sensitive receptors and the impacts would be significantly adverse.</p> <p><u>Phosphate Mitigation</u></p> <p>In the Parish Council's view, Phosphates do not appear to have been dealt with adequately within the application.</p>	<p>The details of the scheme including the layout, scale and appearance of the dwellings and landscaping will be considered at reserved matters stage. A full assessment of the impacts of the details scheme on its wider setting will be assessed at that stage.</p> <p>The Public Rights of Way officer has reviewed the proposal and subject to any appropriate diversions to footpath T10/21 does not raise any objection.</p>
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		See 10.1
SCC - COUNTY ARCHAEOLOGY	As far as we are aware there are limited or no archaeological implications to this proposal and we, therefore, have no objections on archaeological grounds	Noted.
SCC - ECOLOGY(summary)	No objection subject to conditions in regard to submission of a construction environmental management plan and landscape plan, external lighting, removal of vegetation and installation of bat and bird boxes.	Noted
SCC - TRANSPORT DEVELOPMENT GROUP TREE OFFICER	<p>No objection subject to conditions.</p> <p>In principle, no objection, but with some reservations. The trees in this area are generally protected by two 'woodlands', W1 and W6, in TPO TD1082. The proposed dwellings have been located between the linear groups around the site boundary. The buildings have been located so that they are just outside the Root Protection Areas as given by BS5837 and shown in the Tree Constraints Plan.</p> <p>In principle it should, therefore, be possible to carefully install these buildings on the site without causing undue damage to the trees, but</p>	<p>Noted.</p> <p>Details of scheme including the layout is reserved for future approval. Any subsequent reserved matters scheme will need to take into account the advice given in respect of the protected trees.</p>

	<p>the development will need to adhere to a thorough Arboricultural Method Statement that clearly shows how this can be implemented in practice.</p> <p>The plot in the middle, P03, could be moved slightly north to bring it away from the RPAs and shading, and similarly plots 1 and 2 could be moved slightly to the south.</p> <p>The AMS will need to include details of surfacing within the RPAs ('no-dig'), as well as any proposed tree surgery. We will also need to see details of underground services, which will need to avoid the RPAs.</p> <p>Having mature trees surrounding these dwellings will inevitably cause issues in the future when there are people living underneath and near to them. There is currently a very low risk of them causing harm to people or property, but this will alter when five houses are built amongst them. They will cast shade, drop leaves, seeds and twigs, and may cause anxiety during extreme weather events, all of which will increase the likelihood of proposals to prune or fell. To that</p>	
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	end a fresh TPO could be served with more detail than the current TPO, to ensure that any future tree management works are justified and carried out in accordance with BS3998.	
Green Infrastructure Officer	No comments received.	
Nutrient Neutrality Officer	No objections subject to securing agreed mitigation.	Noted
CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE	No objections.	Noted
CONSERVATION OFFICER	No objections	Noted
NATURAL ENGLAND	<p>No Objection Subject to Mitigation. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the Somerset Levels and Moors Ramsar site. As Competent Authority it is your responsibility to ensure that you are confident that there is sufficient information to support the values used in the calculation, and that the nutrient budget calculation is correct.</p> <p>Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment</p>	Noted.

	<p>conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.</p> <p>In order to mitigate adverse effects and make the development acceptable, the following mitigation measures should be secured in perpetuity:</p> <p>Following 20 ha of permanent pasture in a temporary 5-year scheme, as outlined within the HRA.</p> <p>A Woodland Management Plan agreed by SES for the proposed permanent land use change to woodland, with a minimum of 100 p/ha deciduous trees. If another mitigation approach should be identified after 5 years, then Natural England will need to be re-consulted on the scheme. In addition, an exact location and full map of the land on which the mitigation scheme will occur must be provided.</p> <p>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures</p>	
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POLICE ARCHITECTURAL LIAISON OFFICER (summary)	No objection subject to advice in regard to designing out crime.	Designing out crime advice was given in regard to the layout of the houses, roads and footpaths, boundary treatments, landscaping and street lighting. These detailed matters are reserved for future approval.
SOUTH WESTERN AMBULANCE SERVICE	No comments received.	
SOMERSET WASTE PARTNERSHIP	No comments received.	
WESSEX WATER	No objection.	Advice given in regard to foul and surface water drainage and water supply connection.
WESTERN POWER DISTRIBUTION	No comments received.	
Torbay and South Devon NHS Foundation Trust	No comments received.	
Climate Change Officer	No comments received	
MS F WEBB	No comments received	
ENVIRONMENT AGENCY	No comments received	

8.6 Local representations

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

8.6.2 Five letters/e-mails have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer comment
Loss of green space and Langaller merging with Monkton Heathfield.	The scheme would result in the loss of a small area of green space. However, the site it is not part of the Green Wedge as set out in Policy CSM11 of the Neighbourhood Plan. Plus, the Monkton Heathfield allocation includes land to the immediate north and west of Langaller. With retention of boundary trees, and additional landscaping, it is considered that an appropriate development can be designed that would maintain a rural

	character that isn't harmful to the setting of Langaller
Contrary to Creech St Michael Neighbourhood Plan	The application site isn't located within the defined Green Wedge in the neighbourhood Plan. It is not considered that the NP rules against the principle of development on this site. Full details of the scheme ie design/layout and materials are to be determined at reserved matters stage where a full assessment can be undertaken against the relevant policies in the Neighbourhood Plan.
Design out of keeping with village. Harmful impact to wildlife No need for more housing Adverse highways impact Lack of local facilities	<p>Details of the scheme will be submitted at reserved matters stage where a full assessment of the design and layout can be made.</p> <p>The Ecologist has raised no objection to the scheme.</p> <p>The Highway Authority have raised no objection to the scheme.</p> <p>Given the location of the development, it is considered that future occupiers are likely to use the wide range of services and facilities within the area including Creech St Michael and Taunton.</p>

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 Deane Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

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:

ROW Rights of Way,
SD1 Presumption in favour of sustainable development,
CP8 Environment,
CP4 Housing,
CP6 Transport and accessibility,
SP1 Sustainable development locations,
SS1 Monkton Heathfield,
DM1 General requirements,
DM4 Design,
A1 Parking Requirements,
I4 Water infrastructure,
ENV1 Protection of trees, woodland, orchards and hedgerows,
D7 Design quality,

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:

Creech St Michael

9.1 National Planning Policy Framework

Chapter 5 Delivering a sufficient supply of homes
Chapter 12 Achieving well designed and beautiful places
Chapter 15 Conserving and Enhancing the Natural Environment
Chapter 16 Conserving and Enhancing the Built Environment

10. Material Planning Considerations

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

10.1 The principle of development

10.1.1 The site is located within the designated development area boundary as shown on Taunton inset Map 1 and outside of any designated green wedge area as defined in the Taunton Deane Core Strategy and Creech St Michael Neighbourhood Plan. Therefore, the principle of development is acceptable and should be approved except where the policies 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 relevant local and national policies taken as a whole. In this case, the application is in outline and only the means of access is sought for approval at this stage. Assessment of the relevant highway access matters will be considered later in this report.

The site is located within the parish of Creech St Michael and within the designated boundary of the Creech St Michael Neighbourhood Plan. The site falls outside of the designated green wedge which seeks to restrict development. It is not considered that there are any other policies within the Neighbourhood Plan that would prevent the principle of development being accepted on this site. There is a general presumption in favour of development where it is in accordance with the Development Plan.

Concern has been raised that Creech St Michael has provided more than sufficient housing given its defined role as a Minor Rural Centre. It is understood that circa 178 houses have been built in the settlement within the current plan period. This exceeds the circa.150 dwellings envisaged by the Local Plan. Whilst it is accepted that the parish has exceeded the indicative number of dwellings, these are identified as minimums not maximums. As set out above, the NPPF requires sustainable development is approved unless any adverse impacts significantly and demonstrably outweigh the benefits of the scheme. This scheme would make a contribution, albeit small, to housing provision to meet need. Importantly, it is located adjacent to the mixed use allocation at Monkton Heathfield which is currently being developed and therefore considered to be sustainable.

Given the location for the reasons set out in this report, there is no principle objection that would significantly and demonstrably outweigh the benefits of the scheme. The scheme would provide a sustainable form of development in terms of location and accords with the Development Plan when read as a whole.

10.1.2 Heritage

The site is not located within a Conservation Area although there is a listed building (Manor House) located to the north east of the application site further along Langaller Road. Consideration has been given to the potential impact on the setting of this building and no objection is raised by the Conservation Officer. Given the location of the site whilst the proposal would be visible from the adjoining listed buildings it is considered that the setting of the listed Manor House could be preserved by an appropriately designed and landscaped scheme to accord with the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Subject to a suitable final scheme design (being secured through reserved matters and highlighted by condition) there would be no harm to the setting or significance of the Heritage Asset.

10.1.3 Design of the proposal

Detailed matters including the design and layout of the scheme are reserved for future approval and thus are not being considered at this outline stage. Given the information submitted, including the indicative plans, it is considered that given the proposed small number of dwellings proposed, this would be comparable with the scale of dwellings in the small settlement of Langaller, and much smaller in scale than the 33 dwellings approved to the south of the site. Thus, a suitable scheme for up to 5 new dwellings could be designed such as not to have a material adverse impact on the character or the appearance of the area.

10.1.4 Access, Highway Safety and Parking Provision

The means of access is sought for approval at this outline stage. The application was supported with a Transport Statement. The Highway Authority have reviewed the submitted information and have not raised an objection to the scheme.

Access into the site is proposed from the lane running along the northern boundary of the application site which is located to the west the junction with Langaller Lane. A new footpath is proposed to be created at this junction joining up with the existing pavement running along the main road (North End) located to the south of the site heading towards Monkton Heathfield. This will provide safe pedestrian and vehicular access to Monkton Heathfield and Taunton.

Visibility splays and trip generation

In regard to parking, whilst the layout of the scheme is reserved for future approval, it is considered that a policy compliant scheme is achievable on site to accord with Policy A1 of the SADMP. A visibility play will be provided of 2.4m x 120m onto the main road and 2.4m x 43m from the site onto Langaller Lane. The scheme would generate a total average of 22 trip movements over a week which would result in a small increase to the overall level of traffic using the local highway network and would not cause any adverse impact to the local highway network. The Highway Authority consider that the splays and trip generation is acceptable. It is considered that given the relative small scale of the development, the scheme would not give rise to any adverse highway issues in accord with Policy DM1 of the Taunton Deane Core Strategy.

10.1.5 The impact on the character and appearance of the locality

The site occupies a rural location within the parish of Creech St Michael with mature tree and hedgerow coverage on the site boundaries. A residential development will inevitably change the appearance and character of the site. The wider character and appearance of the area is defined by a mix of traditional houses, new dwellings and

a farm with modern farm buildings. Thus there is a mix of dwelling types of differing ages and other forms of development.

The proposal would seek to retain the existing trees and provide additional planting and given the size of the site it is considered that an appropriately designed scheme can be satisfactorily assimilated into the site which would respect the character of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy. It is also important to note that the Monkton Heathfield allocation is located to the west and north of Langaller, which is gradually being developed altering the character and appearance of the wider setting which would then be more accommodating for this type of development.

10.1.6 The impact on neighbouring residential amenity

Details of the design and layout of the dwellings are reserved for future approval. An assessment of any impact in regard to residential amenity will be taken at that stage. However, it is considered that given there are no immediately adjacent dwellings, the nearest dwellings over 50 metres to the east and north-east, plus an orientation that faces away from the application site, a scheme of up to 5 dwellings can be accommodated on site without adverse harm to residential amenity.

10.1.7 The impact on trees and landscaping

The site contains a number of protected trees around the boundary of the site. The Council's Arborist has reviewed the proposal and has concluded that it should be possible to erect dwellings within the site without causing undue damage to those trees. A detailed Arboricultural Method Statement will need to be submitted with any reserved matters application to ensure the appropriate protection of the trees. A condition to secure an Arboricultural Method Statement shall be attached accordingly.

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

The application was supported by an Ecological Impact Assessment report which included a Preliminary Ecological Appraisal and Protected Species Survey. This assessment set outlined that the site has the potential to accommodate a number of different species and thus the proposed development represents an initial negative ecological impact due to the removal of grassland within the site which those species may use. However, the scheme would provide a net gain for habitats through the addition of tree planting and retained grassland within the site. The Council's Ecologist has reviewed the assessment and raised no objection subject to a number of conditions to ensure that the scheme provides the required ecological mitigation, compensation and enhancement. With these measures in place, the scheme is considered to be acceptable in respect of biodiversity in accord with the NPPF and Policy CP8 of the Taunton Deane Core Strategy.

In regard to the impact on the Somerset Levels and Moors RAMSAR site, a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) has been submitted and a Habitats Regulation Assessment (HRA) has been produced by Phosphates team.

The proposed mitigation is for short term fallowing of land at Bathpool, with long term woodland planting the permanent solution. The cattle are to be moved to farmland owned by the applicant in Devon which is outside of the River Tone catchment. This has been undertaken in conjunction with a current application to the south at Manor Farm and shall be secured via a s106 Agreement. This has been assessed by the Nutrient Neutrality team and has been endorsed by Natural England.

The mitigation will be secured via Section 106 agreement and subject to this and the imposition of conditions, it is concluded that the proposal will not result in adverse effects on the integrity of the Somerset Levels and Moors Ramsar site.

10.1.9 Waste/Recycling facilities

Details of the design and layout of the proposed dwellings are reserved for future approval. However, it will be expected that appropriate space shall and can be provided within the scheme for the provision of waste and recycling facilities for each household. Highways have raised no objection to the access arrangements (have they been tracked and can you confirm if a bin lorry can get in/out)

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of dwellings is CIL liable regardless of size.

This proposed development measures approximately 480 sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £33,750.00. With index linking this increases to approximately £50,750.00.

12 Planning balance and conclusion

12.1 The general requirement of paragraph 11 of the NPPF is that all planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan, unless material considerations indicate otherwise. In this instance, the proposal is considered to provide a sustainable form of development within a defined development boundary. The site is within reasonable distance of a range of local services and facilities and close to the Monkton Heathfield major strategic housing and employment allocation. The scheme would make a contribution, albeit relatively small to the supply of housing and appropriate phosphate mitigation has been agreed. Detailed elements of the scheme including layout, scale, landscaping and the number of dwellings (up to 5), would need to be assessed and determined at reserved matters stage. It is not considered that the proposed scheme would generate

any adverse impacts that would significantly and demonstrably outweigh the benefits.

12.2 The scheme would provide a sustainable form of development and accords with the Development Plan when read as a whole. Therefore, the principle of development is acceptable and accords with the Taunton Deane Core Strategy, SADMP, the NPPF and the Creech St Michael Neighbourhood Plan.

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 and a S106 Agreement to deal with phosphate mitigation.

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

Appendix 1 – Planning Conditions and Informatives

Conditions

1. Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A3) DrNo 21.21.200 Location Plan
(A3) DrNo 21126-SK08 Proposed Northern Site Access
(A2) DrNo 21.21.212 Proposed Site Access Arrangements

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

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

Reason: To ensure that a footpath diversion order has been made and obtained.

4. All ecological measures and/or works shall be carried out in accordance with the details contained in the recommendations section of the Ecological Survey [Ecologic 2022] as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: In the interests 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 Local Plan Core Strategy.

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

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

Reason: This condition is pre commencement in the interests 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 Local Plan Core Strategy.

6. 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 the development. The content of the LEMP shall include the following:
 - a Description and evaluation of features to be managed.
 - b Ecological trends and constraints on site that might influence management.
 - c Aims and objectives of management.
 - d Appropriate management options for achieving aims and objectives.
 - e Prescriptions for management actions.
 - f Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g Details of the body or organization responsible for implementation of the plan.
 - h On-going monitoring and remedial measures.

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 Local Plan Core Strategy.

7. Where external lighting is to be installed, prior to construction, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed. Lux levels should be below 0.5 Lux. 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 local policy CP8

- 8 Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy NH6 of the West Somerset Local Plan

9. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period –some species can breed outside the time frame given.

10. Prior to any works, including groundworks, commencing on site, vegetative clearance will be carried out in strict accordance with the following procedure, either:
 - a In October when dormice are still active but avoiding the breeding and hibernation seasons. A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using handheld tools only. If an above-ground nest is found it shall be left in

situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per method.

- b The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week; or
- c Between December and March only, when dormice are hibernating at ground level, under the supervision of a licensed dormouse ecologist.

The hedgerow, scrub and/or trees will be cut down to a height of 30cm above ground level using hand tools. The remaining stumps and roots will be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat. No vegetative clearance will be permitted between June and September inclusive when females have dependent young. Written confirmation of the operations will be submitted to the Local Planning Authority by a licensed dormouse ecologist within one week of the work

Reason: This condition is pre commencement in the interests of the strict protection of a European protected species and in accordance with policy CP8

11. The following ecological measures shall be installed prior to the first occupation of the dwellings hereby approved:

A [Habibat 001] bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation

A [Beaumaris Woodstone maxi bat box] or similar will be mounted under the apex of the west elevations of xx and maintained thereafter.

A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation [of Plots xx]. Installation of 8 x Schwegler No. 10 swallow nesting cups, or similar, to be erected on a main beam of the open side buildings such as car ports/garages and large porches, at a height above 3m.

Provision will be made for nesting swallows, for example within a structure providing shelter, such as an open fronted log store or bespoke box attached to the wall, and with the provision of artificial two artificial nest cups within.

5 x bee bricks would contribute to the Somerset Pollinator Action Plan. The bricks have a solid back with the cavities placed on the outside wall. Photographs of the installed features will be submitted to by the Local Planning Authority prior to first occupation of the dwelling

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

12. A) The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 21.21. Access shall be available for use prior to first occupation of the dwellings hereby approved. (including show homes etc.). Once constructed the access shall be maintained thereafter in that condition in perpetuity.
- B) There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use and shall thereafter be maintained in perpetuity.
- C) Prior to the construction of any part of the development above damp-proof course level a scheme showing full details of the number and location of charging points for plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development (along with a timetable for their provision), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and timetable.
- D) Prior to commencement, a plan showing a revised turning area catering for all vehicles reasonably associated with the site/development and electric vehicle charging shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided, marked out and consolidated prior to first occupation and maintained thereafter specifically for vehicles in connection with the development hereby permitted.
- E) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to development above damp-proof course level and thereafter maintained in perpetuity.
- F) No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24 hour emergency contact number;
 - Hours of operation;
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud being carried onto the highway;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- G) No part of the development hereby permitted shall be occupied or brought into use until the proposed footway and access arrangements have been delivered in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

Reason: In the interests of highway safety.

13. 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).

Notes to applicant.

1. 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.
2. Development, insofar as it affects the right of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
3. The Ecologist has recommended/advised the following:

The application site lies within Band C of the Bat Consultation Zone for the Hestercombe House SAC which is designated for its lesser horseshoe bat feature. However, the proposed development is highly unlikely to have an effect on lesser horseshoe bats and therefore I do not propose to carry out a Habitats Regulations Assessment for the application.

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.

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.

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that

works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity

4. Wessex Water has no objections to this application and can advise the following information for the applicant:

Foul drainage

As noted in the Planning Statement, foul drainage is to be disposed of in conjunction with the wider Manor Farm development. The nearest public foul sewer available for connection is 500m south west of the site. We will provide separate comment to 14/23/0007 in due course. In principle we accept a pumped discharge to the public foul sewer. The Planning Authority must be satisfied that these 5 dwellings can be adequately drained if constructed before the wider development site.

Surface water drainage

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution. There are currently no surface water drainage plans to review. Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations. Land drainage run-off shall not be permitted to discharge to the public sewerage system. Wessex Water do not permit surface water connections into the foul sewer network.

Applying for new drainage and water supply connections

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found here.
development.west@wessexwater.co.uk

Are existing public sewers or water mains affected by the proposals?

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the attached map for advice on what to do if an uncharted pipe is located.

If you need more information please contact:
development.west@wessexwater.co.uk