



## Planning Committee

You are requested to attend a meeting of the Planning Committee to be held in The Castle School, Wellington Road, Taunton, TA1 5AU on 27 January 2016 at 18:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 6 January 2016 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 42/14/0069 Outline planning application with all matters reserved (except points of access) for a residential and mixed use urban extension at Comeytrove/Trull to include up to 2000 dwellings, up to 5.25 hectares of employment land, 2.2 hectares of land for a primary school, a mixed use local centre, and a 300 space 'park and bus' facility on land at Comeytrove/Trull as amended and the additional information received 04 September 2015 ( attached).
- 6 42/15/0042 Demolition of a section of wall on the western side of Honiton Road for creation of the access to the South West Taunton urban extension (under planning application no. 42/14/0069) on Honiton Road, Trull (attached).

Bruce Lang  
Assistant Chief Executive

05 April 2016

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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**Planning Committee Members:-**

Councillor R Bowrah, BEM	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor M Adkins	
Councillor W Brown	
Councillor M Floyd	
Councillor J Gage	
Councillor C Hill	
Councillor S Martin-Scott	
Councillor I Morrell	
Councillor S Nicholls	
Councillor J Reed	
Councillor N Townsend	
Councillor P Watson	
Councillor D Wedderkopp	
Councillor G Wren	

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors, Coles D Wedderkopp and M Adkins
- Clerk to Milverton Parish Council – Councillor Wren
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Home Services Furniture Trust, Trustee to Bishop Foxes Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls

42/14/0069

## Taunton Deane Borough Council

### Planning Officer's Report and Recommendations

**Applicant:** TAYLOR WIMPEY UK, MACTAGGART & MICKEL LTD, BOVIS HOMES LTD AND SUMMERFIELD DEVEL

#### Description of Development

OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT POINTS OF ACCESS) FOR A RESIDENTIAL AND MIXED USE URBAN EXTENSION AT COMEYTROWE/TRULL TO INCLUDE UP TO 2000 DWELLINGS, UP TO 5.25 HECTARES OF EMPLOYMENT LAND, 2.2 HECTARES OF LAND FOR A PRIMARY SCHOOL, A MIXED USE LOCAL CENTRE, AND A 300 SPACE 'PARK AND BUS' FACILITY ON LAND AT COMEYTROWE/TRULL  
AMENDED AND ADDITIONAL INFORMATION RECEIVED 04 SEPTEMBER 2015 AND JANUARY 2016.

#### RECOMMENDATION AND REASON(S)

The decision to GRANT OUTLINE PLANNING PERMISSION be delegated to the Assistant Director Planning and Environment subject to the planning conditions recommended below and planning obligations under s106 to secure the following items to the Council's satisfaction:

- 25% affordable housing
- Highway works comprising bus priority measures near school and at Silk Mills roundabout
- Heatherton Park Crossroads safety scheme
- Galmington/Trull Road improvements
- Provision of park and bus and associated junction works
- Comeytrove Lane Access junction including works to Comeytrove Manor Farm
- Honiton Road access junction
- Travel Plan and Car Club benefits
- Improvements to bus services serving the site
- Timing of spine road
- Provision of on- site play equipment and sports facilities.

*Should it not prove possible to agree these obligations the matter will need to be reported back to this Committee for further consideration.*

Recommended Decision: Conditional (outline) Approval

#### RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance, and landscaping of each phase of the Development (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase is commenced and the development of that phase shall (unless otherwise agreed with writing by the local planning authority) be carried out as approved. Application for approval of the reserved matters of

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

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

2. An application for approval of reserved matters shall not be submitted until there has been submitted to and approved in writing by the local planning authority a phasing and place-making strategy covering (where relevant) the phasing of the delivery of housing, infrastructure, transport links and community facilities within the Development. The Phasing Strategy shall set out information on how the delivery of these elements will be integrated through green infrastructure to ensure that a cohesive and high quality place is created. The strategy should identify any potential opportunities for the consultation with or the involvement of the local community or other stakeholders in the delivery and/or maintenance of community facilities. Thereafter each application for approval of reserved matters shall include an explanation of how the development of the phase or sub phase it covers relates the phasing strategy of the overall Development. The development should be carried out in accordance with the approved phasing and placemaking strategy unless otherwise agreed in writing by the LPA

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

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

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

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

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

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

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

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

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

7. No development shall take place in an Archaeological Mitigation Area (those areas hatched in pink in Figure J2: Outline Archaeological Mitigation Area Plan drawing number SDP 782/115 which appears at Appendix 13.5 to the Environmental Statement) or in its immediate vicinity until a written scheme of archaeological investigation for that Archaeological Mitigation Area has been submitted to and approved in writing by the Local Planning Authority. Thereafter the written scheme of archaeological investigation shall be implemented in accordance with its terms.

REASON: Areas of the site have been identified as of possible archaeological interest and therefore as requiring further archaeological investigation in

accordance with section 12 of the National Planning Policy Framework and policy CP8 of the adopted Taunton Deane Core Strategy.

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

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development. whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

10. Prior the commencement of each phase of the Development a foul water drainage strategy for that phase shall be submitted to and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The foul water drainage strategy shall include appropriate arrangements for the points of connection and the capacity improvements required to serve the phase to which it relates. The foul water drainage strategy shall thereafter be implemented in accordance with the approved details.

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

11. The first application for approval of reserved matters shall be supported by an updated outline surface water drainage strategy for the whole site covered by this outline permission based on the Flood Risk Assessment (Ref. 24721/020 and dated May 2015). This strategy (including the design) shall be submitted to and agreed in writing by the Local Planning Authority and shall incorporate



measures to manage flood risk and water quality utilising sustainable drainage techniques.

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

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

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

REASON: The application has insufficient details to determine if drainage matters are to be properly addressed. It is not possible at this time to know if the development of the site would have an adverse impact on flood risk elsewhere which might be contrary to the principles set out in section 103 of the National Planning Policy Framework, section 2 of the Technical Guidance to the National Planning Policy Framework and policies CP8 and DM1 of the adopted Taunton Deane Core Strategy. This condition is therefore required in order to prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

13. No phase or sub phase of development shall commence (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for that phase or sub phase has been submitted to and approved in writing by the local planning authority. In discharging this condition the following information shall be supplied:

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

The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

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

14. Before each phase of the Development is commenced the following shall in respect of that phase be submitted to and approved in writing by the local planning authority:
- (a) a plan showing the location of and allocating a reference number to each existing tree on the part of the site within that phase which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained, the crown spread of each retained tree and which are to be removed;
  - (b) details of the species, height, trunk diameter at 1.5m above ground level, age, vigour, canopy spread and root protection area of each tree identified in the plan prepared pursuant to paragraph (a);
  - (c) Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  - (d) Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site;

- (e) Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

(f)

The development of that phase shall thereafter be carried out in accordance with the approved scheme. In this condition “retained tree” means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

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

15. The development of a phase of the Development shall not be commenced until a scheme for prevention of pollution during the construction of that phase has been approved by the Local Planning Authority. The scheme should include details of the following:
- (a) Site security.
  - (b) Fuel oil storage, bunding, delivery and use.
  - (c) How both minor and major spillage will be dealt with.
  - (d) Containment of silt/soil contaminated run-off.
  - (e) Disposal of contaminated drainage, including water pumped from excavations.
  - (f) Site induction for workforce highlighting pollution prevention and awareness. Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

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

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

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

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

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

surveys 2012 and 2013, Amphibian survey 2012 and Reptile survey 2012.), and up to date surveys and include -

1. An Ecological Construction Method Statement (ECMS) containing details of protective measures to avoid impacts on protected species during all stages of development;
2. Details of measures to prevent pollution of Galmington Stream and other water courses on site
3. Details of the timing of works to avoid periods of work when protected species could be harmed by disturbance.
4. Arrangements to secure an Ecological clerk of Works on site.
5. Measures for the enhancement of places of rest for protected species.
6. A Landscape and Ecological Management Plan (LEMP) covering a period agreed by the LPA.
7. Details of a sensitive lighting strategy.
8. Use of protective fences, exclusion barriers and warning signs.
9. The preservation of the Galmington Stream corridor including that of any tributaries, in order to conserve the integrity of the watercourse and its riparian habitats as a linear feature, and to provide connectivity between the downstream Local Nature Reserve and the countryside beyond.

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

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

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

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

19. No more than 12 months prior to the commencement of works on a phase of the Development in which breeding sites or resting places of European Protected Species may be present, updated surveys for that phase shall be undertaken. The species in question include but are not necessarily limited to:
  - (a) Bats;

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

The survey results shall be submitted in writing to the Local Planning Authority together with details of any required mitigation measures and the appropriate mechanism for delivery of such measures.

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

20. No one phase of the Development shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall:
- (a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
  - (c) Show that street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be use where necessary to achieve the required light levels.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

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

21. Prior to the commencement of the phase of the Development within which the road bridge crossing the Galmington Stream will lie, a detailed specification for the bridge shall have been submitted to and approved by the Local Planning Authority. In discharging this condition the Local Planning Authority will expect to see design details which assist protected wildlife species associated with the Galmington Stream, particularly dormice and otters, to continue to disperse along the stream corridor unhindered. The agreed bridge specification shall thereafter be implemented in full and retained as such at all times thereafter.

REASON: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework,

ODPM Circular 06/2005 and Policy CP8 of the Adopted Taunton Deane Core Strategy.

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

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

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

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

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

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

25. In the interests of sustainable development none of the dwellings in the first phase (as will be agreed by condition 2 of this permission) shall be used or occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

26. No more than 150 dwellings within the development hereby permitted shall be occupied until a site of at least 2.2 hectares for a primary school (being one of the two sites shown on Land Use Parameter Plan drawing no. 9600 RWL) has been offered for transfer to the Education Authority, unless otherwise agreed with the Local Planning Authority. If the offer is accepted, the site once transferred shall be fully serviced, level and in a condition suitable for the immediate construction of the school with access to the public highway constructed to an adoptable standard in accordance with a timetable to be agreed with the Local Planning Authority.

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

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

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

28. No development shall commence on any phase until a proposed layout scheme to include the provision for access to other parts of the Comeytrove/ Trull site as identified in policy TAU1 of the publication draft of the Site Allocation and Development Management Plan has been submitted for approval in writing to the Local Planning Authority. The layout scheme will be in a form that is adequate to accommodate public transport, vehicles, cycleways and footpath linkages for the future development of the Comeytrove/Trull site. The development shall be carried out strictly in accordance with the approved details.

REASON: In order to ensure that other land that may come forward for development within the parameters of policy TAU1 of the Site Allocation and Development Management Plan are not unduly prejudiced.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

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

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement for each phase of the development clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
4. Dormice and bats are known to be present on site as identified in submitted ecological surveys. Both species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.
5. It should be noted that the protection afforded to badgers under the Protection of Badgers Act 1992 is irrespective of the planning system and the applicant should ensure that any activity they undertake on site must comply with the legislation.
6. Nesting birds are present on site and all operatives on site must be appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.
7. The point of water connection for the overall Comeytrove development has been identified as off the new 450mm diameter main near Cannonsgrove House. Temporary connections prior to the construction of a trunk main to the point of connection to the south will need to be agreed with Wessex Water under Section 41 of the Water Industry Act. Outline details as follows;  
Subject to application 100 – 150 dwellings at the northern extent of the site may connect at an agreed point to one of the mains in the A38 close to Stonegallows. This connection will necessitate some upgrade works to Stonegallows pumping station.



System valves are likely to be required with installation proposed at Heron Drive and Heron Close.

The remaining properties and ancillary development (subject to agreement of demand requirements and application, not exceeding 800 dwellings total, including the 100 - 150 above) will connect to the 300mm DI main in Comeytrove Lane.

Properties above 55mAOD seeking connection to the 300mm DI main will require an on site booster(s) station.

8. Somerset Industrial Archaeological Society (SIAS) have drawn attention to a relatively small but important industrial archaeological site at the former Comeytrove Farm. Research has traced sales particulars at the Somerset Heritage Centre dated 1901 which identifies the Mill House and the overshot waterwheel driving machinery via six pulleys, shafting and brackets. This particular example is worthy of consideration for retention within the overall planning scheme. It is understood that they are likely to be listed by virtue of being within the curtilage of Comeytrove Manor. If they are curtilage listed, Listed Building Consent would be required to demolish or alter any of the curtilage structures. If they are not curtilage listed, the water wheel would be classed as a non-designated heritage asset and the applicant would need to make provision for the water wheel within any reserved matters application, as clearly, its loss would represent substantial harm. Every effort should be made to retain this feature.
9. The applicants are advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm, cycle storage etc. in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website – [www.securedbydesign.com](http://www.securedbydesign.com)
10. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.  
A PROW being made less convenient for continued public use.  
New furniture being needed along a PROW.  
Changes to the surface of a PROW being needed.  
Changes to the existing drainage arrangements associated with the PROW.  
If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided.
11. It is noted that there is reference in the flood risk section of the Environmental Statement to the Routes to the River Tone Project. The applicant should be liaising with the Project team to ensure that the development contributes to the Project and vice versa.

## **PROPOSAL AND APPLICATION UPDATE**

The proposal seeks to deliver a community which is sustainably connected and integrated with surrounding areas and complements the adjacent communities by providing an attractive place to live and work. The proposed development comprises:

- Up to 2,000 dwellings;
- An employment area of 5.25 hectares which could include offices, research and development facilities, light and general industry, and warehousing (i.e. use classes B1, B2 and B8);
- A local centre which could include shops, restaurant/cafés, hot food takeaways, housing and other residential type accommodation, offices, non-residential institutions and assembly and leisure uses such as a meeting hall/community hall (i.e. use classes A1 to A5, B1(a), C2, C3 and D1);
- A “Park & Bus” facility for 300 cars;
- A Primary School;
- Playing fields and associated facilities;
- New accesses for vehicles, pedestrians and cyclists (including new junctions on the A38, Honiton Road and Comeytrowe Lane);
- The creation of general amenity areas and formal open space, including allotments;
- Creation of landscape areas;
- Sustainable drainage measures including landscaped storage basins; and
- Creation of ecological habitat areas.

The application has been submitted in Outline with only the main points of access from the A38 and the Honiton Road as well as the secondary access onto Comeytrowe Lane being submitted for approval at this stage. All other matters, including the means of access within the site, appearance, landscaping, layout and scale are reserved for future consideration by a subsequent application or subsequent applications.

The application is EIA development and so includes an Environmental Statement.

Members will recall considering this application at their meeting on 4<sup>th</sup> November 2015, when it was resolved that -

“The application be deferred to allow sufficient time for the preparation of a comprehensive master plan by the applicants which involved engagement with relevant stakeholders; and placed particular (but not exclusive) emphasis on the issues of highways, education and health.”

Since that decision, the Applicants have produced a further document titled *“Applicant’s response to deferral of determination of planning application 42/14/0069 by TDBC on 4th November 2015”*. This was dated December 2015, but since then page 25 (only), which gives the indicative phasing strategy and dwelling numbers in each phase, has been amended. This change to page 25 is incorporated into a new version dated January 2016. This document is the applicants response to the discussions made at the last Committee meeting and to the reasons for refusal.

This Committee report looks at the reasons for deferral, discusses the applicants’ responses and gives recommendations on the various issues, as it is considered that the reason for deferral contains the primary issues that were of concern to Members. It does not discuss or address any of the other issues which have been previously covered by the original report and were discussed at the previous meeting. This report therefore needs to be read in conjunction with the report to the committee held on 04/11/15 which is attached to this report.

## **New Consultation Responses received since the last meeting on 04/11/15 and following the advertisement of the new submitted material.**

### *TRULL PARISH COUNCIL –*

Trull Parish Council continues to object to this application as it has done on two previous occasions in March and September 2015. The reasons given in both responses still stand.

Trull Parish Councils' greatest concern regarding this outline application is the fixed access point on the Honiton Road. The Parish Council is not convinced that a roundabout at this location is the best or the safest solution and believes there is scope for further consideration of this access. It has consistently made its opposition to this proposed access clear - the roundabout is too large and will have too great an impact on the historic centre of Trull. The Consortium is now proposing to re-phase the development so that delivery of the spine road linking this access to the primary school can be made earlier. Trull Parish Council has serious concerns over the impact of extra traffic using the spine road as a rat run especially in the years between its creation and the delivery of housing.

The Parish Council is also greatly concerned that this application does not address the destruction of the Trull Conservation Area. The proposed access here necessitates demolition of large sections of the wall which would destroy this important feature. The roundabout will decimate the pastoral land it contains, and a number of protected trees will be felled. The Trull Conservation Area is supposed to be protected under TDBC policy EN14 of the Adopted Taunton Deane Borough Council Local Plan and we do not feel that any importance has been attached to this. This outline application seeks consent for the points of access yet the detail for it is presented in a separate application to be determined afterwards. It is vital that the points raised in our response to application 42/15/0042 are considered when determining this access not afterwards. Trull Parish Council would appreciate the opportunity to engage in discussions over other options that would minimise the impact on our Conservation Area and provide a safer environment for pedestrians particularly the young and elderly. It would request that this fixed point of access is not agreed until further discussions have taken place.

Trull Parish Council has the following observations based on the Applicants response:

*1. The application is supported by a comprehensive masterplan for the new community of up to 2,000 dwellings. It phases and coordinates the necessary physical, social and green infrastructure needed to deliver that new community. Officers accept that the masterplan supporting the application meets the objectives of Core Strategy Policy SS7.*

Core Strategy policy SS7 says: "Comeytrowe / Trull is a broad location for a mixed use strategic urban extension for development after 2015 for between 1,000 and 2,000 dwellings up to 2028. A masterplan will be prepared to identify the full long term potential for comprehensive development in this south west sector of Taunton and the infrastructure required to provide a sustainable new community. The masterplan will phase and co-ordinate development to provide the necessary physical, social and green infrastructure. A piecemeal approach to development in this area before a comprehensive masterplan has been agreed will not be permitted." Trull Parish Council believes that master planning for this the largest development ever to be considered by TDBC should not be developer-led and should take into account the

wider traffic and education issues. The Core Strategy SS6 for a smaller proposed development at Staplegrove says “A masterplan will be prepared to co-ordinate development to provide the necessary physical, social and green infrastructure. A piecemeal approach to development in this area before a masterplan has been agreed will not be permitted.” It does not include the stipulations in SS7 and yet TDBC has worked with the developers here on a masterplan document that led to a public consultation document which was available widely for all residents of Taunton Deane to comment on. That framework masterplan was then subject to approval at the corporate scrutiny committee on 3<sup>rd</sup> November – one day before the Council’s planning committee was asked to approve a masterplan for Comeytrowe/Trull as part of a planning application. In that planning committee report on 4<sup>th</sup> November the officer admitted: “Ideally the masterplan would have been formally consulted on and considered by the Council and key stakeholders, prior to the submission of a planning application. However in adopting an alternative approach in preparing a Masterplan document and submitting this alongside the planning application, it is difficult to say to what extent the outcome would have been any different.” The Staplegrove consultation was Deane-wide. Points arising from that consultation led to a revised document taking into account a number of views expressed by the community and key stakeholders. Members of the Corporate Scrutiny Committee had their say. This is how the outcome may have been different. The master plan requirements for Comeytrowe/Trull are more complex yet they are being not being treated with due scrutiny.

The Core Strategy, in its justification on the same page as policy SS7, goes on to highlight the significant problems of providing physical infrastructure, particularly transport and drainage in this specific location; and is unequivocal on the following points:-

**5.79** *These complex and costly infrastructure elements will require a comprehensive master planning approach to ensure delivery and given the number of separate ownerships and scale of the potential development a land equalisation agreement is likely to be required. More studies are required to establish the most appropriate solutions to these infrastructure problems in order to facilitate the longer term potential growth in this area in the context of a comprehensive masterplan for a strategic mixed use urban extension to provide a sustainable new community after 2015.* The need for a “comprehensive” masterplan is mentioned here twice. How can the developers’ masterplan be considered “comprehensive” when by its own admission it does not address the “complex and costly infrastructure” elements which it says are the responsibility of SCC? The policy says more studies are required to establish the most appropriate solutions to these infrastructure problems. What is there to demonstrate that this requirement has been met? The developers acknowledge the existing traffic and secondary school problems but say it is not within their scope to address them. Has Somerset County Council as highways and education authority carried out studies to establish the most appropriate solutions?

**5.80** *For these reasons it would be inappropriate at this stage to allocate Comeytrowe /Trull as a strategic site, but rather it is identified as a broad location for growth after 2015 for between 1,000 and 2,000 dwellings up to 2028, depending on detailed master planning and phasing requirements. The masterplan will accompany the allocation of a strategic site at Comeytrowe /Trull in the Site Allocations and Development Management Plan.*

It is clear that the masterplan is supposed to accompany allocation of this site in the SADMP but as yet this document has not been adopted. This can only mean this application with its own masterplan is premature. Why is the masterplan coming as part of the application? Why can it not be considered in its’ own right with full public consultation, as with Staplegrove? It remains of great concern to Trull Parish Council

that TDBC is taking a different approach to this location at Comeytrove/Trull. It is not confident in the process that has been chosen in this instance. Trull Parish Council is not convinced that SCC has carried out enough research into the infrastructure problems which existed long before the Core Strategy was adopted and are recognised in that document. It is greatly concerned that arrangements for allocation of CIL payments which would deliver much of this infrastructure have not even been agreed by TDBC. Planning Committee members were not convinced that the developers' "masterplan" adequately addressed issues of traffic, education and health provision. They were not convinced that it was comprehensive and voted for deferral for meaningful consultation. This has not happened.

*2) The masterplan has been prepared on the basis of very extensive engagement with relevant stakeholders dating back to December 2011. Through that consultation, stakeholders have been able to shape and influence the proposals which have evolved to form the basis of the current planning application.*

Representatives from Trull Parish Council did take part in the stakeholder workshops organised by the Consortium but were unhappy with the level of "engagement". In fact Trull Parish Council wrote to the Consortium on several occasions expressing its discontent with the consultation process:-

a) May 2013: - "Having considered the Stakeholders Workshop Summary, Trull Parish Council wishes to register its concern over the content. There appears to be a lack of regard to some of the important issues raised by our delegates, who therefore feel that the document does not accurately reflect their input on the day." Furthermore, "We are happy to continue dialogue with the Consortium but expect that any of our views contrary to the consortium should be better reported in the conclusions that are published".

b) July 2015 on the draft summary: - "The organisers only seem to have summarised the parts of the discussion they wanted feedback on, and presumably these reports and summaries at some point will be used as part of the planning process. Therefore we would want the concerns voiced at these meetings to be recognised in print."

c) September 2014 following a presentation at Taunton Racecourse: - "TPC would like to respond with several concerns ahead of the application being submitted. The overriding issues are virtually the same as those highlighted in our letters of May and June 2013 arising from the stakeholder workshops and emerging masterplan. Despite giving the impression of wanting to work with the local community it is with regret that we feel our points have been largely ignored by the Consortium again. If anything the final proposal appears worse for Trull, and will significantly alter the identity of the village and the quality of life for its residents."

The most recent meetings with the Consortium have shown a potential for engagement but these have come after the application was submitted and have served only to frustrate the Parish Council.

*3) The application is supported by statutory consultees including Somerset County Council highways, Highways England, Historic England and the Local Education Authority which demonstrates that it will deliver the necessary physical and social infrastructure for a sustainable community.*

Somerset County Council has been notably absent from the workshops and presentations. A number of questions regarding the all-important roads and education provision therefore could not be answered at the time. The Consortium's response to many concerns was - that is a matter for the highways/education authority. Trull PC, Comeytrove PC and Bishops Hull PC all asked for a joint meeting which highways would attend but the response via the Consortium was no with no reason given. The same request was denied by the education department although they did at least answer questions put to them on all our behalves by Comeytrove PC. We

feel that SCC have neglected their part in the entire consultation process to date leaving important questions about the wider impact on Taunton unanswered.

4) *The masterplan will deliver the highways, education and health infrastructure required to provide a sustainable community. Wider coordination of highways, education and health infrastructure is beyond the scope of the masterplan required by Policy SS7 and is the responsibility of Somerset County Council and central government.*

Trull Parish Council maintains that the education infrastructure required to provide a sustainable community has not been delivered in terms of secondary education. There is no land allocated for future provision of a secondary school and there is no wider transport infrastructure or a solution proposed to enable children from this development safe access across Taunton to the secondary schools they would have to attend. It is inconceivable that a planning application of this size can be granted on the basis that SCC and central Government will address the wider impact that this sustainable community will have on Taunton. When will this happen? This wider context was recognised by councillors on 4<sup>th</sup> November and nothing has changed since then. In fact severe traffic congestion continues throughout Taunton (in particular backing up the Honiton Road as far as the Galmington Road roundabout), and there has been significant flooding in Comeytrove and Dipford in recent weeks. Surely this development coming ahead of any wider co-ordination of highways and education will “limit the delivery of the optimum solutions” as stated in policy 5.81 of the Core Strategy.

5) *What are the consequences of not approving the application? (page 31).*

It appears that the developers want to push a decision through ahead of the impending review of the Core Strategy and bizarrely ahead of adoption of the SADMP where allocation of this site would be approved. If members of the planning committee approve this outline application now they do so knowing that there are unresolved issues and fundamental flaws that will have implications for the whole of Taunton for many years to come. Members should be allowed time to consider this massive application carefully, preferably after they have agreed a masterplan, and not feel compromised.

#### ***BISHOPS HULL PARISH COUNCIL –***

Has given the following holding reply - The applicant's response to deferral of determination is inadequate. It does not meet TDBC's requirement and should be rejected. Bishops Hull Parish Council will not be meeting again until 21st January and that further comments will be sent in after then. I appreciate this means that they will not be included in the Committee Report, but will be included on the update sheet.

#### ***COMEYTROWE PARISH COUNCIL –***

Following the applicant's 'Response to Deferral of Determination of Planning Application 42/14/0069', the Parish Council wish to confirm the contents of their letters dated 12 October 2015 and 15 February 2015 and would also wish to highlight the following:-

1 The Parish Council are pleased the Applicant have removed altogether the access from the proposed development on to Comeytrove Lane close to Comeytrove Rise and would wish therefore to remove Paragraph 1 from their letter dated 12 October 2015, subject to the actual removal of the access.

2 The Parish Council would not wish to see any vehicular access on to and off the new through road from Wellington Road to Honiton Road where it crosses Comeytrowe Lane close to the old Abattoir.

3 Although the Parish Council have some sympathy with the Applicant over issues such as (i) highways, including the problems along Wellington Road, Trull Road and Compass Hill and (ii) secondary education, their previous comments on these issues are still applicable and feel strongly that both Somerset County Council and Taunton Deane Borough Council must do more to come up with workable plans to alleviate these problems and work towards a Masterplan for the whole of Taunton before the application is agreed.

4 The Parish Council would like to draw attention to Paragraph 6 of their letter dated 12 October 2015 in view of the recent flooding around the country and especially in the local area, including the fields around the back of our Parish and along Dipford Road.

5 The Parish Council do not feel that the reasons for deferring the application at the Planning Committee on 4 November 2015, especially in respect of the Masterplan and consultation/engagement with relevant stakeholders, have been adequately dealt with.

Without the above and the other issues contained in their previous letters of 12 October 2015 and 15 February 2015 the Parish Council would still wish to oppose the application.

#### *SCC - TRANSPORT DEVELOPMENT GROUP -*

I have taken the opportunity to review the document and in particular section 4 which refers to highways and can advise that the Highway Authority has no additional comments to add to those set out in our detailed response to the Local Planning Authority.

I note that the applicant has proposed to accept a condition that stops any dwellings having access onto Comeytrowe Lane, which would be acceptable to the Highway Authority. Although this would mean additional traffic utilising both the A38 and Honiton Road this would not be significant (when compared to the overall level of vehicle movements for the proposal) and as such does not change our previous view.

#### *PLANNING POLICY TEAM.*

Policy update as at 11<sup>th</sup> January 2016

These policy comments are submitted as an update on the position outlined in the committee report dated 4<sup>th</sup> November 2015 and should be read in conjunction with the original policy comments.

#### 1. Site Allocations and Development Management Plan

The initial hearing sessions on the plan were held on 1<sup>st</sup> – 2<sup>nd</sup> December. These focused on ecology and heritage issues for the urban extensions at North and South West Taunton.

The Inspector's Initial Findings were received on Friday 15 January. The Findings confirm, that subject to a modification which was put forward through the Examination

Hearing Sessions making specific reference to a Heritage Conservation Strategy the proposed allocation would be sound insofar as it relates to heritage matters.

In reaching his conclusion on this matter the Inspector recognised there would be impacts on the historic environment and particularly the Trull Conservation Area. Whilst it is not for the Inspector to assess the planning application, he did note that: *“... it ought to be possible to arrive at a solution that balanced the requirements of traffic management with aesthetics to the point that the harm caused to the Conservation Area would be minimised. This might well permit a reasonable conclusion that it was outweighed by the public benefits of bringing forward housing, and associated forms of development.”*

The Initial Findings conclude that on the basis of the evidence before him, there is no need for the policy to make any further provisions in respect of transport, education or health than it does as currently drafted. The Inspector also asserts it is not within his remit in assessing the soundness of the SADMP to reopen strategic discussions about where housing and associated facilities are located.

With the above in mind and at present, it seems unlikely that further hearing sessions focussing on infrastructure matters will be scheduled as part of the examination. Remaining hearing sessions for the SADMP will be arranged in due course but substantial weight should be attached to the proposed allocation and it should be re-emphasised that save for the examples quoted in the original Planning Policy Response, the planning application accords with this Policy.

## 2. Trull Parish Neighbourhood Plan

The Trull Neighbourhood Plan has been submitted for examination. Following careful consideration of the issues, the Council has decided that the Draft Neighbourhood Plan should be subject to a Strategic Environmental Assessment (SEA) in view of the likely significant effects associated with it.

A full SEA will now be undertaken and consulted upon with statutory consultees: the Environment Agency, Natural England and Historic England. The findings of the SEA can, if necessary, be explored as part of the Examination process prior to any referendum and the Plan's subsequent adoption.

Whilst the plan has been submitted for examination, officers still consider that limited weight should be applied to the plan given the concerns raised by officers previously to the draft neighbourhood plan and the outstanding objections raised by consultees. These outstanding issues will need to be resolved through the Trull Neighbourhood Plan examination. Further, it is possible that following SEA, further amendments to the Neighbourhood Plan may be necessary prior to the document's adoption.

## 3. Issue of Prematurity

Given that the scale, location and phasing of the proposed development broadly conforms with both the Council's adopted Core Strategy and draft Site Allocation and Development Management Plan, officer's remain of the view that prematurity is not an issue for this application.

In the case of the Neighbourhood Plan, given the issues raised above, Officers would advise against reliance upon conflict with the Neighbourhood Plan / prematurity issues as a basis for resisting the planning application.



## Representations Received

Since Members deferred consideration of this application at their meeting in November 2015, the applicants have submitted new evidence and this has been re-advertised for public consultation purposes. Since Members last met to consider the proposal a further 49 letters of representation have been received from members of the public (as of date of compiling this report) and these are summarised below. The L.P.A. has also received representation from Cllr. Edwards and his comments are summarised after the public comments.

### Process.

- The Council is trying to 'push through' this appalling application with inadequate public consultation. This has been a particularly shocking feature of it in the views of a great many local residents.
- The new document has several references to stakeholders ability to shape and influence proposals. This includes a long list of consultations. There is a difference between declaring and listening. The so called consultations have not evidenced constructive responses to the concerns of residents.
- Objectors and others should be given an opportunity to assess and comment on the proposals in a meaningful manner.
- We [C.R.A.G.] do not accept that the wording of the deferral motion used by the Applicant correctly reflects the intentions of the Planning Committee.
- We [C.R.A.G.] assume that the re-advertisement process is inviting observations just about the modifications and that all previous objections remain (on file and summarised for Members).
- If the revised application does not address and offer any improved mitigation to the three elements the Planning Committee felt warranted deferment, how can the application be approved if the issue remains?
- I have not seen any change from my earlier observation. The consortium are not taking any notice of concerns of local inhabitants, in particular, those of Trull. There has been no consultation as promised and a total lack of appreciation for the impact of their proposed development.
- Engagement is rather different from "meaningful consultation". One can engage with no resulting consensus of opinion. It was evident at the planning committee meeting on November 4th that councillors agreed that "meaningful consultation" had not taken place.
- The Consortium were told to go away and consult meaningfully, with all key stakeholders who would be affected, not just the three Parish Councils and Neighbourhood Plan Group.
- There are only 14 days for Consultation. As the application makes several material changes to the Application, and is subject to the Planning (Listed Buildings and Conservation Areas) Act (paras. 67 and 73) and the Town and Country Planning (EIA) Regulations 2011 (para. 22), consultation should be for 21 days, following advertisement in an appropriate newspaper. No such advertisement has appeared, and no new Planning Site Notices have been posted.
- This application should not be allowed to come to Committee until it is unambiguously clear what is included in the Outline content, and what is left as Reserved Matters.
- The applicant has fallen foul of part 5, para 22 of the Environmental Impact Assessment Regulations, because it has failed to provide additional information required by the Local Planning Authority. *[Legal advice sought confirms that that Reg 22 is not considered to be relevant in this case. The additional information requested by the Committee – and also the actual additional information provided by the Consortium – does and did not generate a further requirement for additional EIA.]*

- The Council has fallen foul of part 5, para 22 of the Environmental Impact Assessment Regulations, because it has failed to advertise appropriately the additional information sought. *[Again, Legal advice sought confirms that that Reg 22 is not considered to be relevant in this case. The additional information requested by the Committee – and also the actual additional information provided by the Consortium – does and did not generate a further requirement for additional EIA.]*
- In accordance with the EIA Regs. 2011, the relevant planning authority shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.
- According to the EIA Regs. 2011, the likely significant effects of a project on the environment should be identified and assessed at the time of the procedure relating to the principal decision. If those effects are not identified or identifiable at the time of the principle decision, an assessment must be undertaken at the subsequent stage.
- The Planning Committee did not ask for clarification, they asked for additional information.
- The speed at which the so-called 'Response' was produced by the Applicants since the deferral reflects that the Developers have not taken this seriously, and have made a weak attempts to remedy a deeply flawed 'MasterPlan'.
- The timing of the Applicant's response, cynically/deliberately over Christmas and New Year, has probably distracted many from studying it and responding.
- Trull Neighbourhood Plan Group notes that there has been no meaningful consultation with them. Even if the applicant were now to attempt such consultation that could not possibly be concluded and properly taken into account in the decision making process by TDBC before 27th January 2016. The application should be either refused on the grounds of inadequate supporting information or deferred again to allow for meaningful consultation with all stakeholders.
- Local people do not feel that the consultation had been effective. Arguing that it has taken place does not prove its effectiveness which is surely necessary to make it 'meaningful'.
- How can the committee legitimately reach a different conclusion in January than they did in November when nothing has changed?

#### Principles, strategic comments and masterplanning issues.

- The latest submission does not take account of the bigger strategic implication in attempting to build such a large development in an inappropriate location.
- The masterplan remains incomplete in many areas.
- The core strategy requires either a different time scale or a further review, since the parallel developments of population growth and job creation in the town lag a long way behind the residential growth assumptions.
- We understand that at some point in the future, much or all of this land will be required for residential development and we do not oppose this. However, so many aspects of this proposal are incomplete or ill thought out that we must urge that it be delayed for fundamental reconsideration.
- It is quite clear that the Applicants are now blaming Somerset County Council and the NHS for not having the relevant infrastructure in place. Are we to presume now that SCC and NHS will have to fund the infrastructure (roads, schools and doctors) from their already overstretched budgets?
- Imagine the public outcry if the tax payers of Somerset have to contribute for something that is not generally wanted by the tax payer, as was clearly demonstrated at the last meeting
- Where are the jobs to support the new homes?

- Make an industrial site near the park and ride at Henlade and have more work for our inhabitants. Don't ruin Taunton with masses of new houses.
- If the demands of the major employment areas of the south-west, i.e. Exeter and Bristol, are to be met, they cannot be met by expansion of Taunton as a dormitory town.
- The current proposals do little to alleviate the huge increase and demand on local infrastructure and the subsequent disastrous impact on environmental issues.
- The current planning system must be deeply flawed because it allows developers to build without having to consider many areas of concern to the wider Taunton Deane residents and are allowed to consider only the community they intend to create.
- The consortium state that residents did not understand their original application, whereas we feel that it is they who do not understand the area they are proposing to develop.
- As public servants, the Council must do what the public have decided and stop this insane proposed development.
- Taking the application back to committee on the 27th, would result in objectors' comments on any published initial findings of the SADMP Inspector potentially not being considered. This would be contrary to the Principles of Natural Justice and therefore premature. TDBC should wait for the Inspector to publish his initial findings and consider its position.
- The SADMP is at an advanced stage. If it is found to be unsound by the Inspector on either historic environment or infrastructure grounds then granting the proposals planning permission would cause harm to the whole credibility of the plan led system as well as permitting development that, by definition, contained harmful elements within it.
- It is clear that there is an incompatibility between the Applicants' proposals and central proposals of the emerging Trull and Staplehay Neighbourhood Development Plan.
- A piecemeal approach is precisely what is currently being promoted, contrary to Adopted Core Strategy Policy SS7 which states that "A piecemeal approach to development in this area before a comprehensive masterplan has been agreed will not be permitted."
- By the developers' own admission their master plan is for the development of the site at Comeytrove only and ignores the rest of Taunton. As a result, Comeytrove could be considered "piecemeal"
- How can Taunton Deane Borough Council perpetuate the mistake in placing the site in the Core Strategy knowing the problems on the SW side of Taunton that existed at the time and knowing it to be something that will only be made worse if this development goes ahead without a credible highways solution. The Core Strategy was flawed and appears to have not taken into proper account at the time the issues that are obvious now and were then. We can't maintain that flawed judgement of the time knowing it to be wrong.
- Given the extent of local and wider opposition to the proposals, it is difficult to accept or understand the assertion that the consultation undertaken has offered a meaningful opportunity for local stakeholders to help shape the planning application and influence the principles underpinning the proposed new development. There may have been opportunities for input, but judging from attitudes towards the final proposal, they seem to have been largely ignored.
- The developers are of the opinion that a wider Taunton Deane masterplan is not a requirement upon them as. Taunton Deane has responsibility to positively ensure that coherent, workable, funded and properly agreed plans exist. Relying upon the developers' broad assertions is not adequate.

- The problem with this planning application is that there is not the infrastructure of any sort to accommodate the overall increase of houses within Taunton as a whole, which includes, Monkton Heathfield, Norton Fitzwarren, Killams, Staplegrove and Comeytrowe. These new “communities” are not isolated but interdependent within the whole area.
  - As the developers further point out, it is not in their remit or control to plan, design and provide a master plan for Taunton but I would suggest that it is within the remit and control of Somerset County Council and Taunton Deane and until such time as they have at least some idea of how logistically they are going to facilitate such growth, the development of Comeytrowe or any other site not yet started, is premature and should be permanently deferred until such time as a plan is in place.
  - The indigenous population of Taunton are being left with housing estates totally lacking architectural merit or cohesion and without the necessary infrastructure (roads, drains, schools, buses, medical,) to support them.
  - A comprehensive masterplan would take into account all the “knock-on” effects across South West Taunton.
  - The highways proposals are reliant on CIL funding, a central pot which, one can predict, will not have sufficient funds to remedy the lack of appropriate road infrastructure within the area. This remains contrary to policy DM1.
  - Sustainable development can only be achieved when a comprehensive overview is employed. That overview cannot be based around profit for developers and shareholders. A genuine Masterplan is the only answer.
  - With the 1,500 new dwellings being proposed for the Staplegrove area, is such a vast development still required in the Trull/Comeytrowe area?
  - There is no strategic, long-term plan for southwest Taunton, and permitting this proposal would pre-empt that requirement.
- The SADMP remains a proposed Plan, and it is important to note that the application is not a Strategic Site. It would be premature to permit piecemeal development in this area before the masterplan for the strategic urban extension has been prepared.
- The Inspector’s report on the Core Strategy identified that only after a comprehensive masterplanning exercise has been undertaken will it be clear how the essential infrastructure for the wider area can be delivered. It also identified that it would be necessary to engage the landowners for the more southern part of the area. Drawing No 9001, Site Location Plan (wider area) shows the Applicant to control a larger area to the South of this application, as far as the motorway. It might be thought that even their Masterplan would consider this area.
  - How will the submitted ‘Masterplan’ will be evaluated? Is it to become Supplementary Planning Guidance as set out in the Delivery Mechanism in the Core Strategy? Has it been screened, as a plan or programme, for Strategic Environmental Assessment? The screening opinion must be made available. As part of the SEA process the Council is required to consult with the Consultation Bodies (Natural England, English Heritage and the Environment Agency) and the public on the environmental report and the draft plan. If the ‘Masterplan’ is not to be adopted, it is not clear how it can fulfil its purpose?
  - The ‘Masterplan’ as submitted patently does not meet the requirements of the Core Strategy, nor the expectation of Councillors. The Applicants have set themselves too narrow a scope and not addressed the social, environmental or economic consequences of their proposals.
  - The objections are not to the 2,000 houses promised in the Core Strategy, but to the non-sustainable approach to delivery. If 2,000 houses can be delivered in a sustainable way, supported by evidence, and that acknowledges Taunton, its landscape and its people, the objections fade away. This scheme does not meet that requirement.

- If the applicants or the Council cannot deliver the essential infrastructure of roads and schools, then the whole concept is unsustainable and must be rejected completely.
- The Planning Committee should refuse this application and invite the Planning Department to co-ordinate with Central Government and Somerset County Council to draft a new urban extension plan to the south east of Taunton, where the A358 can be updated (at Central Govt. expense) to take the additional traffic and infrastructure requirements.
- The statement that if the site is not approved it would leave the Core Strategy vulnerable to development in less sustainable and desirable locations is questionable and indicates that alternatives should be considered now.

#### Highways and transportation comments.

- My family and I all cycle into Taunton to access the services and shops. Please provide safe cycle paths on any and all new housing developments.
- The highway proposal for Trull and Honiton Road remains unacceptable. The fundamental issue here is the replacement of a presently green area by a busy, noisy roundabout.
- The spine road, wherever it may link to Honiton Road, will create so much additional traffic into a road which is already heavily used particularly at peak times. We are astonished that this should be so quickly dismissed by the Highway Authority and the matter should be revisited.
- This is an excessive development which will result in extreme traffic chaos. The roads are already gridlocked at times and 2000 houses probably means around 3000 extra cars.
- Site lies close to Musgrove Hospital and more traffic will mean delays to ambulances and emergency vehicles which could result in loss of life.
- Will there be speed restrictions and a crossing to help the elderly residents of Gatchell Oaks get to Trull village shops etc.
- The traffic on Wellington Road will still use Comeytrowe Lane as a rat run but to a greater degree than at present.
- The Developers are quite correct in pointing out that transport infrastructure is outside their control.
- Residents are concerned about the impact that this and other developments will have on traffic levels across the town.
- The objection is not so much the building of new homes, but the expansion of the town without suitable expansion of the transport infrastructure.
- There needs to be an urgent review of transport infrastructure across Taunton.
- A Southern Outer Distributor Road would seem to be a pre-requisite for this development to take place.
- Without a southern distributor road to the M5 an extra 2000 to 3000 vehicle movements from this development would cause gridlock on the A38 and the Trull Road.
- The district and county politicians need to work together to solve Taunton's severe traffic problems before agreeing plans to make it worse.
- A new park and ride will have little impact on the increase in traffic due to a significant proportion of residents working either out of the town centre or out of the town altogether.
- Although the offer to withdraw the Comeytrowe access is welcome, most of the other concerns raised by local residents simply have not been addressed.
- I have failed to find any reference in the proposal's documentation to construction traffic and Heavy Goods Vehicles generated by residential and non-employment land uses.

- Development proposed to be served via the Honiton Road Roundabout will necessitate HGVs delivering large quantities of building materials and possibly removing large quantities of excavation material. No mitigation measures are proposed. The alternative routes of Galmington Road and Parkfield Road are equally unsuitable to accommodate additional HGV. The proposals should be refused on the grounds that the highway network cannot safely accommodate additional HGV traffic.
- The proposals should be refused permission on the grounds that congestion is misrepresented and under-estimated in the submissions. The Arcady and Picady modelling use a uniform demand flow throughout the peak hour without justification. The Junction 25 Linsig analysis is based on the off-slip roads each having the capacity to accommodate 180 vehicles, thereby overestimating the capacity of the junction. The micro-simulation model Paramics is incapable of modelling bicycles using the highway either within or without a bus lane.
- There is more engineering detail about the proposed link road (which will require subsequent approval as a reserved matter) than about the two roundabouts providing access to the proposed development that are not reserved for subsequent approval. It is unacceptable for such matters to be left to be determined as part of a S106 Agreement.
- The present traffic flows in and around Taunton are already suffering as a result of new housing developments in the periphery e.g. at Silk Mills Road and Monkton Heathfield.
- Many people cannot travel on park and ride as they need to get to and from work outside of Taunton.
- There are already hundreds of houses in the Comeytrove/Galmington areas and further housing will push up the numbers excessively and result in serious backlogs.
- It is currently stressful trying to get into Taunton using the A38. Any further excess traffic is likely to cause mayhem.
- It is currently difficult to access our drive as cars do not comply with the 30 MPH speed limit. Any further traffic will make access impossible.
- At peak times, the A38 out of Taunton is utterly backlogged.
- Before more estates and schools are given precedence there needs to be a survey of which roads these additional proposals are going to use and whether these roads are viable for increased traffic. If not will alternative routes cause mayhem elsewhere.
- It is a ridiculous assumption that a park and ride facility will make a huge difference to the traffic problem.
- To reduce capacity for cars on roads already at breaking point by using bus gates and sending cars on longer detours, will just move the congestion elsewhere and add to the problem.
- You will not get people out of their cars. You might not like it but get used to it and plan accordingly.
- Current severe congestion on the A38 and the Honiton/Trull road means that siting this number of new homes on this side of town is unsound thinking.
- It is very difficult to turn right out of Galmington Road and Comeytrove Lane onto A38. Increased traffic from 2000 extra dwellings will make this even more difficult. The junctions need traffic light control.
- Deane Drive is already a rat run when traffic builds up on the A38.
- The park and bus facility has not been considered practically. Is it likely that such a facility will be used bearing in mind the already inadequate bus service?
- On page 25 I notice that the spine road does not join up. Is this a mistake or an oversight?
- It is stated that highways concerns are the responsibility of the County Council but this issue is too big and will impact upon too many people to be merely dismissed in this way.

- The diagram on page 25 of the latest document differs significantly from its equivalent in the original Environmental Statement, in that the Honiton Road connection is made earlier, BEFORE Phase 2b (315 houses). Is SCC Highways department aware of this re-phasing, and do the resultant traffic-flow projections meet with their approval?
- The applicants are now proposing not to allow direct access to Comeytrowe. Have they, and SCC Highways, now re-calculated how this will increase traffic-flow onto the A38 and Honiton Road?
- The traffic projections put forward by the developer are not an accurate representation.
- Galmington will become a giant rat run for commuters and locals seeking alternative routes to the congested main roads.
- The applicants claim that Highways England, and SCC Transport Development Group, support the application. They do not. They have merely removed their earlier objections.
- The Travel Plan has all the practicality of “A Hitchhiker’s Guide to the Galaxy”, but none of its, intended, hilarity.
- SCC cannot assess the impacts of site-generated traffic without remodelling the new construction-phasing, the proposed closure of the Comeytrowe access, and the apparently revised timing of the Honiton Road connection.
- SCC should confirm that their assumptions for greatly-improved public-transport provision are still realistic, given the imminent cuts to subsidy-payments for buses.
- It was agreed with SCC that Compass Hill would be scoped out of the transport assessment for a development of 2,000 homes. Can we see that scoping opinion?
- The Transport Study Area (Fig 9.1) covers only half the Application site!
- The Staplegrove proposals show traffic using the A38, but is not included in the Cumulative Development Plan Fig 2.1.
- An assessment of trips from all directly relevant committed development in the area and data about current traffic flows on links and at junctions within the study area should be included in Transport Assessments.
- The Applicant merely restates in respect of the access at Honiton Road, the earlier conclusion that 2c is the best option. Evidence is not provided. 2c does not assess the Church Road traffic, it classifies the ‘shared-space’ as not-a-road, and so ignoring the junctions, and neglects the traffic from the development which will use Church Road as the route to J25 of the M5.
- The road safety audit for the Honiton Road junction is not provided, and for all road users – cars, cyclists, pedestrians (mothers with children walking to school) – this choice presents real danger.
- The following changes and issues have not been addressed in the Environmental Statement - the crossing point of the proposed Spine Road and Dipford Road; the impact on Lipe Hill Lane; the impacts on the other junctions of no access to Comeytrowe Lane for 100 houses.
- Who will pay for the local bus services, the Park and Bus service, any buses proposed for new routes through the development, the landscaping and facilities of the proposed sports field, the Trull Conservation Area shared-space scheme, the health services, and the Local Centre?
- The Inspector’s report on the Core Strategy identified that there had been meaningful and constructive dialogue on the details of the Comeytrowe proposals, but important matters relating to the provision of a sustainable transport package to reduce the impact on the existing road network remain unresolved.
- This development if it is to proceed must have proper highway infrastructure in first, not just the limited tinkering they propose.

- The proposed park and bus facility is an outdated initiative that was proposed by John Prescott during the last labour Government and has proven to be unpopular and unused in other parts of the Country. No evidence has been provided that a park and bus facility would be successful in Taunton.
- Junction 25 of the M5 is almost at capacity and the additional traffic proposed by this development would result in tailbacks on the motorway.
- This development would have been suitable years ago when a southern relief road was planned or when a northern relief road and a new motorway junction (24a) was planned, but not now.
- No reference is made to the design of the junction leading onto the A38 between Taunton and Wellington.

### Education

- The proposal acknowledges that 286 secondary school places will be generated from the development but no secondary education provision is made. With three of the Taunton comprehensive schools effectively full and new demands currently from Heathfield, this will present a major problem.
- The time scale for building the school and local centre is crucial if this plan goes ahead because without it there will be overcrowding in our schools.
- Whilst it is accepted the 2000 houses may not generate sufficient pupil numbers for a new secondary school, the impact on traffic levels for student cross town travel, and the impact on existing school catchment areas does need to be clarified.
- The building of a school would be another drain on a limited CIL pot.
- It is quite clear that neither the Applicant nor Taunton Deane nor Somerset County Council can/will provide the necessary schools. If the essential facilities cannot be delivered when needed, the application is not sustainable and must be refused.
- A secondary school was included in the ES Scoping Request (8. 2. 2012).

### Green and environmental issues.

- We shall lose very valuable and attractive green space which will spoil a lovely area.
- The fauna and flora will be affected and many wild life habitats will disappear if this goes ahead.
- A clear green wedge between Trull village and the development is the clear wish of the local community and is reflected in the Neighbourhood Plan.
- I oppose this atrocious, deplorable and absolutely appalling destruction of open green land
- The scale of earthworks associated with the proposed roundabout will also have relevance to the impact of the proposals on the Rumwell Ridge.
- The application should be refused on the grounds that it provides insufficient information about earthworks, levels and drainage provision for an adequate assessment of its impacts on landscape and hydrology to be made.
- There is no foreseeable end to building on valuable agricultural land in some of the most outstanding areas of natural beauty in the south west.
- This Application is subject to EIA Regulations. It must, therefore, include adequate, up-to-date baseline surveys of wildlife and vegetation. Before determination, the applicants must demonstrate that their survey-data is current and adequate.
- The Arboricultural Assessment Survey has now lapsed and is misleading. It states that "no part of the site is believed to lie within a designated Conservation Area".



- The proposed Spine Road junction with Honiton Road would destroy a minimum of 46% of the important landscape feature (trees). The Plantation is already suffering benign neglect, because TDBC has chosen not to enforce the Tree Protection Order to which the Plantation is subject; that would have ensured that the trees, damaged by gales in 2014, were replaced within 6 months.
- The loss of open space and I believe arable land, inevitably gives rise to the increased need to import food.

#### Issues relating to Comeytrove Park.

- Making a bus route through the park is crazy. It will devalue the local area.
- The park is used regularly by all sorts of people and is a natural and safe place for children to play.
- With the Health Service in cash crisis the well being the park offers is positive and important for the future health of the population.
- Traffic issues with buses running through a park where young children play.
- There are other routes the bus can take which will mean the park can stay as it is.

#### Flood risk.

- This latest document does not address the issue of flood risk.
- The Environment agency has recently admitted that their current calculations are not fit for purpose. I urge Taunton Deane to delay any approval until after the results of the Government's review of current flood prevention resources.
- The Consortium have ignored information about recent flood events for example on Comeytrove Lane.
- The plans represent a flooding risk to a wider area due to increased run-off into Galmington Stream.
- We see the Galmington Stream regularly break its banks yet the applicants make the claim that water flows into Taunton will reduce following the development (without justification).
- We would have expected the Council to be as concerned as we are about the flood risk to Taunton and the lack of planning detail, but it seems not to be the case.
- The flooding of the A38 over the Christmas holiday in the immediate vicinity of the proposed access highlights the need for three dimensional information to be made available and to be assessed prior to the application being determined.
- The developers have said that the status quo will remain the same, but we are currently experiencing flooding.
- Previous flood probability calculations in a changing climate are no longer statistically valid.
- As a condition of planning, the developer and the Local Authority, who give the permission, should be legally and financially responsible for any damage and/or expense incurred in the event of flooding. It is high time authorities recognised their responsibilities to the local population and the developers acknowledged they have a duty of care to those in need of a home. Perhaps the possibility of litigation may focus their minds.
- Building on flood plains in the light of climate change is totally irresponsible especially taking into account out of date environmental guidelines.
- Forecasts based on past history can no longer be used as a basis for waterflows or to justify current planning decisions (reference Cumbria this month).
- The construction of retaining ponds based on past historic rainfall patterns makes no provision for future climatic conditions which are likely to get worse.
- If additional flood waters pour into the river Tone as ma result of this development, then this will only aggravate flooding on the Somerset Levels.

- No modelling has been carried out on the behaviour of the Galmington Stream which flooded Dipford Road this month to a depth of over two feet.
- Given the flaws in the consortiums proposal on the provision of adequate drainage, the planning committee should defer any decision pending a full review of the flood risk assumptions and the measures that are being proposed.
- The amended proposal makes no mention of any possible flooding risk to the area of Comeytrove. Localised flooding already occurs and I am not happy that this concern has been addressed.
- The demonstrably false assumption in the applicants flooding calculations that the existing ground is impermeable, the restriction of the 2l/s/ha to developed land and the absence of any data on current discharge makes the flood risk assessment a meaningless commitment.
- This is clearly a flood plain and building on it will cause problems such as has recently occurred in Lancashire and Yorkshire.
- Dipford Road in Trull flooded on 9<sup>th</sup> January and was impassable for cars throughout the day. This is at least the fourth time this winter. When will the developers and TDBC grasp this?

### General.

- The only people who seem to want this entirely inappropriate planning application are the developers and TDBC, both parties being driven by purely financial motives.
- Elected officials at TDBC should represent the interests of the general electorate rather than follow their own agendas with little or no regard to those affected by their appalling decisions.
- We find the veiled threats in red print in the Developers submission offensive.
- TDBC, the developers and planners are destroying the very essence of Taunton and will not rest until we are one giant dormitory town for somewhere progressive like Bridgwater.
- Infrastructure and jobs must come before the building of thousands of new homes.
- This is absolutely disgusting. Please will someone with some common sense put a stop to this now.
- It should be inappropriate to approve this development without explicit plans for improvement to the rest of Taunton's cultural, environmental and business infrastructure.
- To describe the 110,000 (from the developers' document) who did not respond to the proposals as a reliant silent majority is facile.
- A further point is that with an aging population there seems to be a lack of suitable new housing for the retired wishing to downsize, let alone those with disabilities.
- The tone of the introduction to the new document is astonishingly condescending as it refers to "misconceptions" and "misunderstandings". No neutral observer of the proceedings on the 4th of November would conclude that Councillors, or the general public, failed to understand what they read or heard.
- The Applicants are now, conceding the need for a medical facility (not, of course, that they would design or build it). They describe it as "a doctor's surgery and chemist/pharmacy". A lawyer would, construe that to mean, that only one doctor is required. 2000 new residents might disagree.
- SCC and TDBC are required by statute, and their constitutions, to be demonstrably impartial, and their professional staff are, additionally, bound by their individual Codes of Conduct.
- The increase to 2,400 houses set out in the Indicative Phasing Strategy has not been assessed.
- The "Employment Quarter to be commenced and completed over larger market led period" has not been assessed.

- The local centre will be commenced at the end of Phase 1 (815 dwellings). We do not know whether there is a plan ever to finish it.
- Draft condition 6 purports to be an Outline Application yet it will accept detail which is not supported by Environmental Information or statutory consultation and is worded to maximise leeway for the developer.
- I and many others I know, are not convinced of the 'need' in or around Taunton for a development of this size. There is a huge part-finished development at Monkton Heathfield, and other new developments in and around Taunton, where take-up appears to have been minimal. Developers are finding them a 'hard sell', despite the Help to Buy Scheme. This has been a 'developer driven' rather than 'plan driven' application.
- This development would put a tremendous strain on the resources of Musgrove Park Hospital and the practice at College Way Surgery when the NHS is already being pushed to the limit financially.
- The Taunton area is supplied by a strained and aging power infrastructure already struggling to supply the current demand. A new complex of this size with its increased consumption will draw more power through this and cause an increased number of high order failures and outages.
- Can present sewerage treatment plants cope with the anticipated increase in volume? Especially during periods of adverse weather where raw sewerage is already being flushed into local waterways.
- An additional 2000 homes in the Taunton Deane area will place increased pressure on our already stretched emergency services. This will no doubt have a detrimental effect on the response times from emergency vehicles and increased waiting times at A&E.
- Where is the evidence that up to 850 net extra jobs would be created.

In addition to all of the above, Councillor Edwards has responded and makes the following comments –

- I continue to hold a number of concerns over the wider development and its impact and the lack of consistency in the master planning.
- I am also concerned that rather than listen to the concerns of the previous planning meeting the consortium have spent more time producing yet another glossy document than really listening to the wider concerns.
- Rather than try and engage and understand the concerns they have opted to the threat of appeal.
- To my knowledge there has not been any discussion with regards not allowing the future development as it is a broad location for growth, but what is brought forward should be in appropriate manner with the wider implications considered.
- I am concerned that if the planning committee decides to agree to the proposals, the access from Honiton Road and specifically the roundabout sited in a conservation area will be lost in the overall application and it will be approved without the detailed consideration required.
- I therefore ask for an adjustment to the recommendation, with the final detail of this point of access to be considered under reserve matters once proper consideration has been given to the wider consequences (e.g. respect for the conservation area, appropriate landscaping and consideration to the thoughts of the Neighbourhood Plan group).
- The connectivity of the site, whilst understood needs to exist, is presently completely unacceptable as proposed.

Councillor Edwards then reiterates important views expressed by the Parish Council, as follows -

- Trull Parish Councils' greatest concern regarding this outline application is the fixed access point on the Honiton Road.
- The Parish Council is not convinced that a roundabout at this location is the best or the safest solution and believes there is scope for further consideration of this access.
- It has consistently made its opposition to this proposed access clear - the roundabout is too large and will have too great an impact on the historic centre of Trull.
- Trull Parish Council has serious concerns over the impact of extra traffic using the spine road as a rat run especially in the years between its creation and the delivery of housing.
- The Parish Council is also greatly concerned that this application does not address the destruction of the Trull Conservation Area. The proposed access here necessitates demolition of large sections of the wall which would destroy this important feature. The roundabout will decimate the pastoral land it contains, and a number of protected trees will be felled.
- Trull Conservation Area is supposed to be protected under TDBC policy EN14 of the Adopted Taunton Deane Borough Council Local Plan and we do not feel that any importance has been attached to this.
- This outline application seeks consent for the points of access yet the detail for it is presented in a separate application to be determined afterwards.
- Trull Parish Council would appreciate the opportunity to engage in discussions over other options that would minimise the impact on our Conservation Area and provide a safer environment for pedestrians particularly the young and elderly.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are as given in the original committee report (considered 4<sup>th</sup> November 2015).

The Site Allocation and Development Management Plan is currently undergoing its public examination and the Inspector released his preliminary findings on 15<sup>th</sup> January 2015.

## **Local finance considerations**

Considerations in this regard have not changed since the last report and so Members are asked to refer to the previous committee report for finance considerations.

## Determining issues and considerations

The applicants have made it clear that they believe each of the issues raised in the reasons for deferral (masterplanning, stakeholder involvement, highways, education and health) have been fully addressed by the application proposals. They also state that (in their opinion) some of these issues are largely outside of their control in any event. On this basis, they have prepared a report which seeks to clarify the “*misunderstandings*” [their choice of words in italic] in order to dispel the “*misconceptions of the general public*” allowing Members to reconsider the basis for their reasons for deferral. In looking at the issues raised by the deferral, the applicants responses and officers comments upon them, will be based on this document.

It is made clear at the start of this report that its purpose is to look at the reasons for deferral, discuss the Applicants’ responses and give recommendations on these various issues. Members will of course need to take on board all of the considerations when reaching any further resolution. However, all of the other issues have been previously covered by the original report and many of these were discussed at the previous meeting. It is not therefore the purpose of this report to go over those issues again, instead Members are referred to the original report, which is attached, for consideration and comment on those issues.

In respect of the reason for deferral, there are five primary issues which Members asked the applicant to reconsider.

- The preparation of a comprehensive masterplan;
- Further involved engagement with relevant stakeholders;
- Highways;
- Education; and
- Health.

These will be discussed below, together with other issues that arose when this application was last considered by Members. The Council is now also in receipt of the Inspectors preliminary findings on the Site Allocations and Development Management Plan Examination. In the case of draft Policy TAU1: Comeytrowe/Trull, he confined his comments to the Historic Environment. However, the findings will need to be referred to (as appropriate) because they are a relevant and important consideration.

### **The preparation of a comprehensive masterplan.**

Applicants Response: The applicant makes the case that, although policy SS7 of the adopted Core Strategy states that “*A masterplan will be prepared to identify the full long term potential for comprehensive development in this south west sector of Taunton and the infrastructure required to provide a sustainable new community*”, this refers to the preparation of a masterplan for an urban extension of up to 2,000 homes at the broad location ‘Comeytrowe/Trull’. In their view, this is made clear by the title of Policy SS7 “Comeytrowe/Trull” and the policy wording “this south west sector,” which is a reference to the broad location for the strategic urban extension of up to 2,000 homes. On this basis, the applicants maintain that the definition of a “masterplan” in the context of Policy SS7 is not, as has been suggested, a requirement for the completion of a much more wide-ranging masterplanning exercise for the wider sub-region of Taunton that identifies strategic highway, education and health infrastructure across that area. The applicants make the case that, as required by Policy SS7, the masterplan submitted with the application identifies the infrastructure needed to provide a sustainable new community.

The Applicants also point out that their masterplan (as originally submitted) was developed on a collaborative basis with the LPA, the local community and other stakeholders. It is their opinion that the consultation undertaken has offered a meaningful opportunity for local residents, businesses and other stakeholders to help shape the planning application and influence the design principles underpinning the proposed new development. They go on to make the case that they are confident that any separate masterplanning process led by Taunton Deane Borough Council would not have engaged different stakeholders, nor necessarily engaged in a different way. Furthermore (in their opinion), a council-led consultation process would have been unlikely to have run for more than 2 years and would have resulted in a masterplan that is similar to the current proposals.

The applicants conclude by stating that the masterplan which forms part of their proposal will deliver the highways, education and health infrastructure required to provide a sustainable community at this point. Wider co-ordination of highways, education and health infrastructure is beyond the scope of the masterplan required by Policy SS7 and is the responsibility of Somerset County Council and Central Government.

#### Officer's comments

The process followed by the applicant's in preparing a masterplan is not that which was initially advised by the Council and this is also reflected in some of the responses from local residents and many of the comments made at the last committee meeting. However, at that meeting, officers made it quite clear that the important issue was the outcome and not the process involved. It is acknowledged by officers that a number of consultation workshops were provided to allow input from key stakeholders in the development of the submitted Masterplan. The planning application process also allows for input into the Masterplan from key stakeholders and the Council. This is a crucial part of a masterplanning process and has been conducted as officers would have wished. The end product is a document that sits alongside the planning application, satisfies the policy requirements of the submitted SADMP, and has the necessary stakeholder input. It cannot be construed that there are suitable reasons for rejecting the planning application on the grounds of a poor or inappropriate masterplanning process. The Principles and Parameters Plan, submitted as part of the outline application, will ensure that the Reserved Matters application stage (the detailed proposals) deliver what is envisaged in the submitted masterplan and the policy requirements in Policy TAU1.

Concern has been expressed that the masterplan only deals with this current proposal and does not address the wider south west Taunton area. This is believed to arise because early studies such as the Taunton Sub Area Study of 2005 (which informed the draft Regional Spatial Strategy) identified a much larger geographical area in which it identified the potential for between 6,000 and 8,000 new dwellings in what it called the south west sector of Taunton. That is not part of the adopted Core Strategy, where policy SS7 makes clear that the broad location for growth will be the Comeytrowe/Trull area only, with between 1,000 and 2,000 dwellings up to 2028. This is carried forward into the Site Allocation and Development Management Plan (SADMP) which clearly identifies an area for growth in the south west of Taunton, an area which is very similar to that now the subject of this current application. The SADMP is currently undergoing its public examination and therefore will have significant weight in decision making processes. Officers believe that it would be entirely unfair and unnecessary to insist that the applicants for this proposal be required to undertake masterplanning for an area that does not form part of any current planning policy for at least up to 2028. Indeed adopted policy SS7 makes clear that "*....a masterplan will be prepared to*

identify the full long term potential for comprehensive development in this sector of Taunton....”, i.e. the area the subject of policy SS7. It is reasonable to ask the masterplan to address issues that arise from this proposed development, and it does. However, it is not considered reasonable to expect it to address wider issues that are not part of the development proposal and are not part of the strategy of the currently adopted Core Strategy.

ATLAS (the Government’s Advisory Team for Large Applications) have assisted the Council in assessing the masterplanning element of the application. ATLAS have worked closely with Taunton Deane and the applicants to consider the extent to which the masterplanning work, undertaken by the applicants, is consistent with the Core Strategy and SADMP policies. The outcome of this work, has resulted in the submission of a Masterplan Parameters and Principles document by the applicants. This document clarifies what the outline application seeks to establish and what issues will remain outstanding for consideration in a Reserved Matters application. ATLAS considers that the proposed application submission can meet the following objectives:

- Delivery of the project vision;
- Compliance with Core Strategy policies in term of use, quantum of development, key characteristics and design, including sustainable design;
- Delivery a comprehensive and coordinated approach to development, particularly in relation to phasing and delivery of infrastructure; and
- Inclusion of a suite of plans and documents that provide an appropriate level of detail and information to enable the development to be properly considered in the light of relevant policies and guidance, site constraints and opportunities.

This is considered to be perfectly sound and reasonable requirements for a masterplan, and the submitted document achieves all this. Therefore it is considered that the end product is fit for purpose and that it would be unreasonable to refuse the proposal on the basis of a preference for a different masterplan process.

The Inspector, in his preliminary findings on the SADMP examination, published 15<sup>th</sup> January 2016, noted (para. 3.12) the application for outline planning permission before the Council for development of the allocation proposed in Draft Policy TAU1. He also noted the recommendation from Officers that outline planning permission be granted, and that the Planning Committee resolved to defer the application for the reasons given. However, it was his opinion (in para. 3.14 of his preliminary findings) that “*there is nothing in Draft Policy TAU1 to suggest that in highway terms the development of the site need do more than manage its own impacts, or that in terms of education it need do more than reserve land for a 14 class, 2 form intake, primary school with pre-school facilities. There is no mention at all in the draft policy of health provision. On the basis of the evidence before me, I see no necessity for Draft Policy TAU1 to do any more than that.*” This supports the contention that the submitted masterplan needs only to consider its own impacts and not that of a wider area, because a wider area is not part of the policy consideration.

### **Involved engagement with relevant stakeholders.**

Applicants Response: In their recently submitted document, the applicants make the case that the masterplan for SW Taunton was developed on a collaborative basis with the Local Planning Authority, the local community and other stakeholders. They believe the design process was comprehensive and transparent and resulted in amendments and refinements to the masterplan to address a number of matters raised. For these reasons, they conclude that the consultation undertaken has offered a meaningful

opportunity for local residents, businesses and other stakeholders to help shape the planning application and influence the design principles underpinning the proposed new development. In their view, the application proposals have undergone extensive public consultation with the wider community, stakeholders, and officers of Taunton Deane Borough Council and Somerset County Council, which has included over 50 meetings (their assertion) with local people, stakeholders, the Neighbourhood Planning Group, Parish Councils and officers at Taunton Deane and Somerset County, since 2011. The submitted document, designed to address Members concerns, makes reference to the meetings that were held, shows the changes that have been made to the process as a result and confirms a continued commitment to engage.

### Officer's comments

There has been extensive engagement with officers and with the relevant stakeholders throughout. The question should be the extent to which the plans submitted have been shaped by this engagement. It is my conclusion that those meetings have been considered, detailed, comprehensive and responsive. I am satisfied that professional and appropriate outcomes were reached. For this reason, I am also satisfied that the proposal before Members now is both acceptable and workable on all of the key issues that it addresses, and that approval would be appropriate. It is important though, to remember that this is an outline application (except for the means of access into the site), and matters of a more detailed nature would be considered, debated and decided upon at the reserved matters stage.

### **Highways.**

Applicants Response: The applicants (in their latest submission) start by making it quite clear that the County Highway Authority supports the planning application and that they have agreed with them a package of transport mitigation measures. They also state that Highways England have no objection to the proposed development in terms of the impact on the motorway network.

The applicants note that some of the objectors at the last meeting were requesting wider highways improvements beyond those required to mitigate the proposed development. They state that these would be a matter for the Local Transport Plan which is prepared by the County Council and are not matters that should or could be addressed or funded by this application.

The applicants have responded to comments made at the committee meeting about the suitability of the proposed site access from Honiton Road. They state that a considerable amount of work and consultation has been undertaken to identify the best access situation. They note that the adopted Core Strategy and draft Site Allocations Plan require the provision of an access onto Honiton Road at Trull village. This was first tested to assess whether the junction proposal could be designed to meet highway design standards, including visibility splays and highway design and safety and also whether the proposed junction could operate within capacity when the development is in place. Following that assessment, the acceptable junctions (5 in number) were then considered against the impact on the character of the Honiton Road Conservation Area (including impact on the Group TPO, and against urban design and place-making.

Of the 5 junctions assessed as being technically acceptable, the following conclusions were made. Junction 1a (an improved priority junction using the existing Dipford



Road) could not be provided without third party land and was forecast to operate well over capacity, leading to large queues at the junction. Junction 1b (a new priority right-turn lane junction to the south of Dipford Road) could not be provided without creating potential conflict between traffic using the existing and proposed junctions in the locality, which could lead to highway safety issues. In particular there would be a potential for conflict between traffic using the proposed junction and the existing lay-by on Honiton Road, where increased traffic flows on Honiton Road would impact upon the safety and operation of the existing Church Road junction. Junction 1c (a new priority right-turn lane junction in the vicinity of Gatchell Green) could not be provided without creating potential conflict between traffic using the existing and proposed junctions in the locality, which could lead to highway safety issues. Junction 2a (change of priority and right-turn lane junction on to Honiton Road) could not be provided without the need to remove existing on-street parking provision and was forecast to have insufficient capacity to carry the additional development traffic and would lead to significant queuing at the junction. Junction 2b (new priority junction arrangement with site access road as major arm) could not be provided without removing or relocating the existing lay-by on Honiton Road and was forecast to operate over theoretical capacity with the additional development traffic and would lead to queuing at the junction. This just left Junction 2c (new 3-arm roundabout). This was forecast to operate within capacity with development traffic and did not have any adverse impacts on highway safety, which has been confirmed with a Road Safety Audit. This junction was therefore found to be the only proposal capable of providing sufficient capacity for the baseline and forecasted development traffic. This proposal was therefore the one carried forward and submitted as part of the proposal. All of these alternatives are detailed in the applicants' submission.

On this basis, Junction 2c was then considered in terms of its impact on the character of the Honiton Road Conservation Area and urban design. Negotiations took place with the Council's Conservation Officer who was able to agree a solution in principle such that he raises no objection to the application proposals. Crucially, this scheme he agreed retains the existing alignment of Honiton Road (an historic axis) which also allowed for access to Church Road. Access to the existing alignment of Honiton Road will, therefore, be retained for access to Church Road and shops. The applicants are proposing that further details of the shared space on Honiton Road should be prepared following a public consultation event with local shopkeepers and residents.

The submitted application proposals allowed for 100 dwellings to be accessed off Comeytrove Lane. The applicants have noted comments made by the public during the last committee and have stated that they are willing to accept a condition which reduces the number of homes accessed off Comeytrove Lane to zero. The applicants are willing to accept a condition to this effect.

Officers Comments: The Core Strategy does support up to 2000 new homes in this location, although it does highlight likely issues in providing physical transport infrastructure.

It must be the case that the applicants are not responsible for solving existing transportation difficulties in the south west of Taunton. They only need to demonstrate that their proposal will not give rise to severe impacts. A number of proposals have been put forward to meet this aim and both Highways England and the County Highway Authority have confirmed that they now have no objection (subject to delivering the schemes agreed in principle).

Officers at the Highway Authority are satisfied that the proposed new junctions on the A38 and at Honiton Road, together with the proposed spine road, work and are

acceptable in highway engineering terms. They have also stated clearly that the package of works offered is acceptable to mitigate any impact caused directly by the proposed development. Officers at the Borough Council are satisfied that the proposal including the mitigation package does meet the terms of the highway requirements of the adopted Core Strategy, particularly in respect of policy SS7. Borough Council officers are also satisfied that sufficient safeguards have been built into the scheme to protect the Conservation Area and the historic environment of Trull. This will be discussed further in the concurrent application for demolition of a section of the wall along Honiton Road.

Officers remain of the opinion that in terms of -

- the points of entry into the new community;
- the proposed 'park and bus' facility;
- details within the environmental statement;
- traffic impact;
- travel planning; and,
- offsite highway works;

the proposal remains acceptable in highways and transportation terms. This opinion is clearly supported by the relevant authorities at both County and National level.

Officers recognised that the proposal will result in a significant increase in vehicle movements on the highway network. However the TA and addendum has shown that if all the mitigation measures which are proposed are secured and delivered, then the impact is unlikely to be considered to be severe as set out in section 4 of the National Planning Policy Framework (NPPF) and the impact of the development can therefore be considered acceptable. Regarding the off-site works, the points of access proposed on the A38 and Honiton Road are considered to be acceptable in principle although it should be noted that these would need to be secured via a S106 and also subject to a full safety and technical audit. Full details of the proposed highways works and implications have been set out in the original report to Committee and Members are asked to refer to that.

Since the last meeting of the Committee, the applicants have offered to remove all residential access from Comeytrowe Lane. This can be controlled by condition, and a new suggested condition (no. 27) has been added to the recommendation to cover this.

It is also relevant to note the preliminary findings of the Inspector concerning the Site Allocations and Development Management Plan Examination. These were released on Friday 15<sup>th</sup> January 2016. Although he was primarily dealing with issues relating to historic environments and natural habitats, in the case of Comeytrowe/Trull and proposed policy TAU1 of the SADMP, he did make some informative comments on highways issues. With regards to the proposed new junction at Honiton Road into the site, he commented that *"I am of the view that if sufficient attention is paid to the design of the access, it ought to be possible to arrive at a solution that balanced the requirements of traffic management with aesthetics to the point that the harm caused to the conservation area would be minimised. This might well permit a reasonable conclusion that it was outweighed by the public benefits of bringing forward housing, and associated forms of development."* – [para. 3.8]. The Inspector continued by stating in paragraph 3.11 that *"I am satisfied that with the changes proposed, it is realistic to expect that the potential impacts on the historic environment can be mitigated to the extent that they are of an order that would allow the decision-maker to decide that, in the light of the public benefits involved in bringing forward the housing and other forms of development proposed, they can be accommodated. As a consequence, considerations around the historic environment need not act as a barrier*

*to delivery of the proposed allocation.” This will be more important to Members when they come to consider the application for demolition of a section of the wall at Honiton Road. However, it is worth noting that the Inspector does not see the historic environment as an insoluble barrier to the access proposal. Finally, and most relevant here, he concludes in paragraph 3.14 that “There is nothing in Draft Policy TAU1 to suggest that in highway terms the development of the site need do more than manage its own impacts.....On the basis of the evidence before me, I see no necessity for Draft Policy TAU1 to do any more than that.”*

On the basis of all of the above, there can be no justification to refuse the application on traffic or transportation grounds, so long as the suggested conditions are incorporated into any approval and subject to the required off-site measures being secured. This is achieved via the proposed conditions and s106 obligations as necessary.

## **Education.**

### Applicants Response

The applicants make the case that the County Council’s Education Officer addressed Members of the Planning Committee at the last meeting and confirmed that the Education Authority supported the planning application. The County Council accepted that the size, location and timing of primary school provision is acceptable but that there was no requirement for a secondary school on this site. In their latest submission, the applicants state that there is no requirement for a secondary school to be provided as part of the south west Taunton urban extension in either the adopted Core Strategy or the draft Site Allocations Plan. They state that their proposed site would generate the need for up to 286 secondary school places which is not large enough for a new secondary school. A site of between 6,000 – 8,000 homes would be needed to justify the construction of a new secondary school. The applicants state that the County Council have confirmed that there are sufficient secondary school places available in Taunton to accommodate the 286 secondary places required for the residents of the new homes over the life of the development. The latest submitted document does make clear that education provision is a CIL matter and that the developers cannot influence education funding decisions beyond making CIL payments in accordance with the Council’s adopted charging schedule.

The applicants make it clear that they are willing to accept a planning condition requiring the provision of the part of the spine road up to and including the school frontage within the timescales envisaged by the Education Authority.

Officers Comments: The application proposals seek to reserve land for 2.2 hectares of land for a “14-class, 2-form intake primary school with pre-school facilities”. This meets the Government’s Design bulletin guideline. Negotiations have not taken place with the County Education Authority in respect of a secondary school because they have made it clear that one is not required. Taunton as a whole has sufficient capacity.

Education appears on the Council’s CIL Regulation 123 list and the provision of the primary school cannot therefore be justified as a reason for refusal as the developers will have met their obligation in this respect by paying their CIL contribution.

## **Health.**

### **Applicants Response**

The latest document submitted in response to the deferral makes clear that the developers consider that they are meeting their responsibility for health provision by making land available for a doctors surgery and chemist within the local centre. They make the case that the strategic planning of healthcare for the wider area is outside of their control, and is in fact the responsibility of NHS England via the Local NHS Estate Strategy Plan. The submitted document reminds Members that this provision is funded through general taxation. Since the application was last considered, the applicants have now made it clear that they would be willing to accept a S106 obligation which required land to be reserved for a doctor's surgery and chemist/pharmacy for a suitable period of time whilst a marketing exercise was undertaken for potential operators.

### **Officers Comments**

Legal advice given to officers before the meeting in November stated that caselaw suggested that this type of infrastructure should not be funded through s106 monies. Officers' position in this regard has not altered. It should also be made clear that healthcare does not specifically appear on the Council's regulation 123 (CIL) list. However, healthcare funding could still theoretically be delivered through CIL if the Council wished, although in light of the many competing demands on CIL funding, it is officers' opinion that it is highly unlikely that this will be the case.

Given the above, officers are of the opinion that the best that can be achieved here would be to reserve land for medical/health purposes and for the Council to continue to negotiate with NHS England on future provision. In this regard, it is considered to be helpful that the applicants have now offered to reserve such land. It is considered that this would be best achieved in the local centre. Subject to this being agreed within the s106 legal document, Officers feel that there is no more that could be reasonably achieved in respect of healthcare, as part of this proposal.

## **Other issues that arose at the last meeting.**

The applicants have also responded on a number of other issues that arose from the last meeting in November. The recently submitted response document also asks Members to consider and be aware of the following issues.

**Applicants Further Comments on CIL-** The provision of necessary infrastructure is a shared responsibility between public and private sectors. In this context the application should distinguish between that which is within the applicant's control and that which is in the public sector's control. The payment of CIL by the developers is an extensive financial contribution to Taunton Deane of around £12m. This will come to the Council along with a New Homes Bonus of around £13m. The expectation from the applicant is that Taunton Deane will meet its CIL infrastructure requirements and provide the necessary infrastructure in step with the development.

CIL is designed to help fund infrastructure identified in Taunton Deane's Infrastructure Delivery Plan and needed to deliver the Core Strategy. CIL can be spent on the provision, improvement, replacement, operation or maintenance of a wide range of infrastructure needed to support the development of the area. Decisions about how to spend CIL are made by Taunton Deane Borough Council or, in the case of CIL that devolves to a Parish Council, that Parish Council. Regulation 123 of the CIL Regulations prevents planning obligations being used in relation to things that are intended to be funded through CIL by the Council. This is to avoid the developer

paying twice. Where infrastructure is listed on the Council's Regulation 123 list, the developers' only obligation in respect of it, is to pay CIL at the appointed time. Accordingly, delivery of the following items of infrastructure will be funded by CIL:

- Primary and secondary education;
- Sports pitches and changing rooms;
- Community hall;
- Allotments; and,
- Strategic transport improvements.

The Section 106 Agreement for the proposed development will cover:

- Delivery of site accesses;
- Travel Plan and Transport Improvements such as improved bus services and priority measures which are derived from the travel plan.
- Affordable housing;
- Delivery of children's play areas; and,
- Future maintenance of on-site open space

Officers' comments - The applicants' comments (above) are an accurate representation of the discussions that have been held.

Full details of the CIL/s106 split and how the funding of infrastructure will work is contained in the original report to Committee. The headline facts are that the proposed development is likely to generate between £11-£12m in CIL receipts over the lifetime of the development. The CIL Regulations, as amended (Reg 59A), requires Taunton Deane as the charging authority to pass 25% of the CIL receipts to a relevant parish council with an adopted Neighbourhood Plan and 15% in the absence of an adopted Neighbourhood Plan. It will be for the relevant councils to decide how best to spend the money they obtain from CIL funding.

In respect of the s106 infrastructure items, the detail will still need to be confirmed and ratified in a legal agreement. Officers are recommending to Members that the detailed wording of the s106 obligations should be determined by the Assistant Director under his delegated powers in consultation with the Chair/Vice-Chair of the Planning Committee. However, in the event that agreement cannot be reached, the application would be referred back to the Planning Committee for their further consideration.

Applicants further comments on Public Open Space - The applicants want to respond to a number of comments made at the meeting last November in relation to the proposed public open space across the scheme. They make clear that the submitted application provides a total of 41 hectares of public open space across the site. This exceeds the Council's latest standards for public open space provision (up to 25.89 hectares) in the TDBC 'Green Space Strategy (2010)'. The open space and play provision for the site is based on the principles and requirements set out in the Green Space Strategy which supports the Core Strategy. Open space equates to approximately 35% of the total site area.

Officers' comments - Officers have already made clear in the previous report to committee and verbally at that committee, that they are satisfied that the amount of public open space (P.O.S.) being offered by this application is both appropriate and in conformity with the requirements of the Core Strategy. Negotiations on the funding for play areas and on-site open space is still on-going, but officers are satisfied that a suitable and workable solution will be reached. Officers are close to resolving all outstanding P.O.S. issues, and the recommendation to Members is that this element of the proposal is acceptable.

Applicants further comments on Comeytrowe Park - The applicants make it entirely clear that they have never proposed a bus route, nor any other interventions, through Comeytrowe Park. The application does not propose any intervention through the park nor is it required as part of the application submission. They feel that this simple misconception was not addressed at committee.

Officers' comments - Confusion on this issue appears to have occurred as a result of the Urban Design Framework Plan on page 13 of the 'Masterplan, Parameters and Principles' document dated September 2015. This plan is showing access points into the site, and shows one for buses off Comeytrowe Road, the arrow for which does go over Comeytrowe Park. This is an unfortunate draughting error as the arrow is meant to indicate a proposed point of entry into the site and not how the buses might reach that point. The 'key' on the proceeding page does make quite clear that this arrow is indicating a "*Potential bus only access point*" and it even clarifies that this part of the proposal is "*Not for this planning application*". So Members are clearly not being asked to approve it as part of this application anyway. Officers are quite clear that the current proposal does not include any plans to take a bus route through Comeytrowe Park, and as it is a Council owned park, the Council does have the power of veto in any event.

Applicants further comments on Jobs - When the development is finished it is expected to provide between 327 and 805 net jobs within the employment area and local centre. In addition, it is anticipated that 3,300 jobs would be created in the local economy over the 13 year build Period, equating to an average of 254 jobs per year.

Officers' comments - These are noted and not contested.

Applicants further comments on the local centre - The applicants wish to remind Members of the following. The application proposed a 1.6ha local centre. This could include shops, restaurant/cafés, hot food takeaways, residential accommodation, offices, non-residential institutions and assembly and leisure uses such as a meeting hall/community hall. The applicants are now also willing to enter into a planning obligation reserving land in the local centre for a doctors' surgery and chemist. The future design and layout of the local centre would be considered by members as part of reserved matters submissions after outline planning permission is granted.

Officers comments - Condition 5 as suggested above seeks the submission of a Design Brief for various areas of the proposals site, including the Local Centre, before the reserved matters are submitted. The Design Brief will provide information on the principles for the detailed design; areas of public open space and public realm, and the landscaping of those spaces; streets; buildings including the proposed approach to architectural design and material; and 'Key Buildings'. This is the opportunity to explore land use options within the Local Centre and officers are satisfied that requirements for health provision can be incorporated at that stage.

Applicants further comments on the consequences of not approving the application - The applicants maintain that if this application site was not a commitment within the Site Allocation Plan, then the council would need to find additional land for up to 2000 homes in the local area. The implications of this are significant for Taunton. The application is central to the delivery of Taunton Deane's adopted Core Strategy and draft Site Allocation Plan. If planning permission was refused, the application site would no longer be a commitment within Taunton Deane's 5 year housing land supply - which would leave Taunton Deane extremely vulnerable to residential planning applications in far less sustainable and desirable locations.

Officers' response - It is officers' opinion that this application should not be refused in principle. To do so would be in conflict with your own adopted policy in the form of the Core Strategy and the emerging SADMP allocation. However, the consequences of any other reason for deferral or refusal based on any other matter would be dependant on the nature of that reason.

### **Conclusions.**

Officers explained in the previous committee report and at the meeting of Committee in November that in their opinion the applicants have demonstrated that a high quality, sustainable development is achievable and deliverable. This has not changed. Officers generally agree with the findings of the applicants' recently submitted document and find it to be helpful in clarifying the issues and areas that were expressed as concerns by Members at their November meeting. Members will recall that officers originally recommended approval and it is felt that the latest submitted document reinforces that recommendation.

It is considered that the development of the proposed allocation site will be largely visually contained within the landscape and will form a natural and sensitive urban extension to Taunton. The proposed development will be well-connected to the surrounding area and the proposed mix of uses will complement the existing uses in the immediate and wider area. The transport strategy has demonstrated that the site is both accessible and permeable and is supported by both Highways England and the County Highway Authority. A comprehensive green infrastructure network demonstrates an appropriate landscape setting for the development as well as providing a green interface between the new neighbourhood and nearby existing residential areas. The application relates to the vast majority of the area allocated for a mixed-use urban extension in the emerging Site Allocations and Development Management Plan (currently undergoing its public examination) and in the adopted Core Strategy. The site itself is proposed for allocation in the SADMP which is therefore already agreed Taunton Deane Council policy. The planning application is broadly compliant with the Council's Plan and this must weigh heavily in favour of granting permission. The Council also relies upon the early delivery of new homes from this site in its identified five year deliverable supply of housing land, all of which are factors that weigh in its favour of approval. The application proposal is in accordance with development plan policy (Core Strategy policy SS7) and would deliver the sustainable comprehensive mixed use urban extension that Taunton needs. The application should, therefore, following NPPF paragraph 14, "be approved without delay".

The decision on this application also needs to take account of the recently released preliminary findings of the Inspector examining the Council's Site Allocation and Development Management Plan (SADMP). The Inspector makes clear that the planning application is not a matter for him. Nevertheless, he does helpfully state that there is nothing in Draft Policy TAU1 to suggest that in highway terms the development of the site need do more than manage its own impacts, or that in terms of education it need do more than reserve land for a 14 class, 2 form intake, primary school with pre-school facilities. He also points out that there is no mention at all in the draft policy of health provision. Therefore, on the basis of the evidence before him, he sees no necessity for Draft Policy TAU1 to do any more than that. This is an important consideration.

Members are now asked to make a decision on this application, and in doing so they will need to take on board all of the issues and considerations covered by both committee reports, the ancillary documentation and considerations that have arisen

since the last meeting in November. Officers are satisfied that the level of detail supplied and the responses to requests have provided a scheme that can be accepted by Members, subject to the delegation of various matters in terms of Planning obligations and conditions as indicated. The recommendation is therefore one of conditional approval, subject to conditions and the agreement of planning obligations under the Assistant Director's delegated powers.

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

**Contact Officer: Mr J Burton**



42/14/0069

TAYLOR WIMPEY UK, MACTAGGART & MICKEL LTD, BOVIS HOMES LTD AND SUMMERFIELD DEVELOPMENTS

**OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT POINTS OF ACCESS) FOR A RESIDENTIAL AND MIXED USE URBAN EXTENSION AT COMEYTROWE/TRULL TO INCLUDE UP TO 2000 DWELLINGS, UP TO 5.25 HECTARES OF EMPLOYMENT LAND, 2.2 HECTARES OF LAND FOR A PRIMARY SCHOOL, A MIXED USE LOCAL CENTRE, AND A 300 SPACE 'PARK AND BUS' FACILITY ON LAND AT COMEYTROWE/TRULL AMENDED AND ADDITIONAL INFORMATION RECEIVED 04 SEPTEMBER 2015**

Location: STREET RECORD, COMEYTROWE RISE, TAUNTON

Grid Reference: 320582.122911

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

The decision to GRANT OUTLINE PLANNING PERMISSION be delegated to the Assistant Director Planning and Environment subject to the planning conditions recommended below and planning obligations under Section 106 to secure the following items to the Council's satisfaction:

- 25% affordable housing
- Highway works comprising bus priority measures near school and at Silk Mills roundabout
- Heatherton Park Crossroads safety scheme
- Galmington/Trull Road improvements
- Provision of park and bus and associated junction works
- Comeytrove Lane Access junction including works to Comeytrove Manor Farm
- Honiton Road access junction
- Travel Plan and Car Club benefits
- Improvements to bus services serving the site
- Timing of spine road
- Provision of on- site play equipment and sports facilities.

*Should it not prove possible to agree these obligations the matter will need to be reported back to this Committee for further consideration.*

**RECOMMENDED CONDITION(S) (if applicable)**

1. Approval of the details of the layout, scale, appearance, and landscaping of each phase of the Development (hereinafter called "the reserved matters") shall

be submitted to and approved in writing by the Local Planning Authority before any development in that phase is commenced and the development of that phase shall (unless otherwise agreed with writing by the local planning authority) be carried out as approved. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. An application for approval of reserved matters shall not be submitted until there has been submitted to and approved in writing by the local planning authority a phasing and place-making strategy covering (where relevant) the phasing of the delivery of housing, infrastructure, transport links and community facilities within the Development. The Phasing Strategy shall set out information on how the delivery of these elements will be integrated through green infrastructure to ensure that a cohesive and high quality place is created. The strategy should identify any potential opportunities for the consultation with or the involvement of the local community or other stakeholders in the delivery and/or maintenance of community facilities. Thereafter each application for approval of reserved matters shall include an explanation of how the development of the phase or sub phase it covers relates the phasing strategy of the overall Development.

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

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

REASON: To ensure high standards of urban design and comprehensively

planned development to accord with policies DM1 and DM4 of the adopted Taunton Deane Core Strategy (March 2012).

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

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

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

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

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

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

7. No development shall take place in an Archaeological Mitigation Area (those areas hatched in pink in Figure J2: Outline Archaeological Mitigation Area Plan

drawing number SDP 782/115 which appears at Appendix 13.5 to the Environmental Statement) or in its immediate vicinity until a written scheme of archaeological investigation for that Archaeological Mitigation Area has been submitted to and approved in writing by the Local Planning Authority. Thereafter the written scheme of archaeological investigation shall be implemented in accordance with its terms unless otherwise agreed by the local planning authority.

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

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

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development. whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local Planning Authority gives written consent to any variation.

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

10. Prior the commencement of each phase of the Development a foul water drainage strategy for that phase shall be submitted to and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the

sewerage undertaker. The foul water drainage strategy shall include appropriate arrangements for the points of connection and the capacity improvements required to serve the phase to which it relates. The foul water drainage strategy shall thereafter unless otherwise agreed in writing by the Local Planning Authority, be implemented in accordance with the approved details.

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

11. The first application for approval of reserved matters shall be supported by an updated outline surface water drainage strategy for the whole site covered by this outline permission based on the Flood Risk Assessment (Ref. 24721/020 and dated May 2015). This strategy (including the design) shall be submitted to and agreed in writing by the Local Planning Authority and shall incorporate measures to manage flood risk and water quality utilising sustainable drainage techniques.

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

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

The approved scheme will need to meet the requirements of both the

Environment Agency and the Parrett Internal Drainage Board. Prior to occupation of each phase it shall be demonstrated to the satisfaction of the local planning authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: The application has insufficient details to determine if drainage matters are to be properly addressed. It is not possible at this time to know if the development of the site would have an adverse impact on flood risk elsewhere which might be contrary to the principles set out in section 103 of the National Planning Policy Framework, section 2 of the Technical Guidance to the National Planning Policy Framework and policies CP8 and DM1 of the adopted Taunton Deane Core Strategy. This condition is therefore required in order to prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

13. No phase or sub phase of development shall commence (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for that phase or sub phase has been submitted to and approved in writing by the local planning authority. In discharging this condition the following information shall be supplied:
  - (a) Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of that phase or sub phase;
  - (b) Construction vehicle routes to and from site including any off site routes for the disposal of excavated material;
  - (c) Construction delivery hours;
  - (d) Expected number of construction vehicles per day;
  - (e) Car parking for contractors;
  - (f) A scheme to encourage the use of Public Transport amongst contractors; and
  - (g) Measures to avoid traffic congestion impacting upon the Strategic Road network.
  - (h) Details of all bunds, fences and other physical protective measures to be placed on the site including the time periods for placing and retaining such measures;
  - (i) The control and removal of spoil and wastes;
  - (j) Measures to prevent the pollution of surface and ground water arising from the storage of plant and materials and other construction activities;
  - (k) The proposed hours of operation of construction activities;
  - (l) The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;

- (m) Sound attenuation measures incorporated to reduce noise at source;
- (n) Details of measures to be taken to reduce the generation of dust; and
- (o) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice

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

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

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

The development of that phase shall thereafter be carried out in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority. In this condition “retained tree” means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

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

15. The development of a phase of the Development shall not be commenced until a scheme for prevention of pollution during the construction of that phase has been approved by the Local Planning Authority. The scheme should include

details of the following:

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

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

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

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

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

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

1. An Ecological Construction Method Statement (ECMS) containing details of protective measures to avoid impacts on protected species during all stages of development;
2. Details of measures to prevent pollution of Galmington Stream and other water courses on site



3. Details of the timing of works to avoid periods of work when protected species could be harmed by disturbance.
4. Arrangements to secure an Ecological clerk of Works on site.
5. Measures for the enhancement of places of rest for protected species.
6. A Landscape and Ecological Management Plan (LEMP) covering a period agreed by the LPA.
7. Details of a sensitive lighting strategy.
8. Use of protective fences, exclusion barriers and warning signs.
9. The preservation of the Galmington Stream corridor including that of any tributaries, in order to conserve the integrity of the watercourse and its riparian habitats as a linear feature, and to provide connectivity between the downstream Local Nature Reserve and the countryside beyond.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the mitigation planting and maintenance of the hibernacula, bat, dormice and bird boxes and related accesses have been fully implemented. Thereafter the new planting and the wildlife resting places and agreed accesses shall be permanently maintained

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

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

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

19. No more than 12 months prior to the commencement of works on a phase of the Development in which breeding sites or resting places of European Protected Species may be present, updated surveys for that phase shall be undertaken. The species in question include but are not necessarily limited to:
  - (a) Bats;

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

The survey results shall be submitted in writing to the Local Planning Authority together with details of any required mitigation measures and the appropriate mechanism for delivery of such measures.

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

20. No one phase of the Development shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall:
- (a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
  - (c) Show that street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be use where necessary to achieve the required light levels.

Unless otherwise agreed in writing by the local planning authority all external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

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

21. Prior to the commencement of the phase of the Development within which the road bridge crossing the Galmington Stream will lie, a detailed specification for the bridge shall have been submitted to and approved by the Local Planning Authority. In discharging this condition the Local Planning Authority will expect to see design details which assist protected wildlife species associated with the

Galmington Stream, particularly dormice and otters, to continue to disperse along the stream corridor unhindered. The agreed bridge specification shall thereafter be implemented in full and retained as such at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

REASON: To ensure that the spine road will eventually link between the two approved points of access on to the A38 and the Honiton Road, which it has been established is required in order to prevent traffic congestion and danger

APPENDIX 1

on the highway elsewhere on the local road network, particularly in Taunton

town centre. This is in accordance with policy CP6 of the adopted Taunton Deane Core Strategy.

25. In the interests of sustainable development none of the dwellings in the first phase (as will be agreed by condition 2 of this permission) shall be used or occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

26. No more than 350 dwellings shall be occupied on the development site as a whole prior to the primary school and pre-school facility having been built in full in accordance with plans that shall previously been submitted to and approved by the Local Planning Authority, and the school and land transferred to the Local Education Authority at Somerset County Council.

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

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

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

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

3. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement for each phase of the development clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
4. Dormice and bats are known to be present on site as identified in submitted ecological surveys. Both species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.
5. It should be noted that the protection afforded to badgers under the Protection of Badgers Act 1992 is irrespective of the planning system and the applicant should ensure that any activity they undertake on site must comply with the legislation.
6. Nesting birds are present on site and all operatives on site must be appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.
7. The point of water connection for the overall Comeytrove development has been identified as off the new 450mm diameter main near Cannonsgrove House. Temporary connections prior to the construction of a trunk main to the point of connection to the south will need to be agreed with Wessex Water under Section 41 of the Water Industry Act. Outline details as follows;  
Subject to application 100 – 150 dwellings at the northern extent of the site may connect at an agreed point to one of the mains in the A38 close to Stonegallows.

This connection will necessitate some upgrade works to Stonegallows pumping station.

System valves are likely to be required with installation proposed at Heron Drive and Heron Close.

The remaining properties and ancillary development (subject to agreement of demand requirements and application, not exceeding 800 dwellings total, including the 100 - 150 above) will connect to the 300mm DI main in Comeytrove Lane.

Properties above 55mAOD seeking connection to the 300mm DI main will require an on site booster(s) station.

8. Somerset Industrial Archaeological Society (SIAS) have drawn attention to a relatively small but important industrial archaeological site at the former Comeytrove Farm. Research has traced sales particulars at the Somerset Heritage Centre dated 1901 which identifies the Mill House and the overshot waterwheel driving machinery via six pulleys, shafting and brackets. This particular example is worthy of consideration for retention within the overall planning scheme. It is understood that they are likely to be listed by virtue of being within the curtilage of Comeytrove Manor. If they are curtilage listed Listed Building Consent would be required to demolish or alter any of the curtilage structures. If they are not curtilage listed, the water wheel would be classed as a non-designated heritage asset and the applicant would need to make provision for the water wheel within any reserved matters application, as clearly, its loss would represent substantial harm. Every effort should be made to retain this feature.
9. The applicants are advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm, cycle storage etc. in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website – [www.securedbydesign.com](http://www.securedbydesign.com)
10. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.  
A PROW being made less convenient for continued public use.  
New furniture being needed along a PROW.  
Changes to the surface of a PROW being needed.  
Changes to the existing drainage arrangements associated with the PROW.  
If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided.
11. It is noted that there is reference in the flood risk section of the Environmental Statement to the Routes to the River Tone Project. The applicant should be

liaising with the Project team to ensure that the development contributes to the Project and vice versa.

## **PROPOSAL**

The proposal seeks to deliver a community which is sustainably connected and integrated with surrounding area and complements the adjacent communities, as well as providing an attractive and place to live and work. The proposed development comprises:

- Up to 2,000 dwellings;
- An employment area of 5.25 hectares which could include offices, research and development facilities, light and general industry, and warehousing (i.e. use classes B1, B2 and B8);
- A local centre which could include shops, restaurant/cafés, hot food takeaways, housing and other residential type accommodation, offices, non-residential institutions and assembly and leisure uses such as a meeting hall/community hall (i.e. use classes A1 to A5, B1(a), C2, C3 and D1);
- A “Park & Bus” facility for 300 cars;
- A Primary School;
- Playing fields and associated facilities;
- New accesses for vehicles, pedestrians and cyclists (including new junctions on the A38, Honiton Road and Comeytrowe Lane);
- The creation of general amenity areas and formal open space, including allotments;
- Creation of landscape areas;
- Sustainable drainage measures including landscaped storage basins; and
- Creation of ecological habitat areas.

The application has been submitted in Outline with only the main points of access from the A38 and the Honiton Road as well as the secondary access onto Comeytrowe Lane being submitted for approval at this stage. All other matters, including the means of access within the site, appearance, landscaping, layout and scale are reserved for future consideration by a subsequent application or subsequent applications.

The application is EIA development and so includes an Environmental Statement provided with the planning application. This document has assessed the following topics:

- Landscape and Visual Amenity;
- Ecology and Nature Conservation;
- Transport and Access;
- Air Quality;
- Noise and Vibration;
- Water Resources and Flood Risk;
- Archaeology and Cultural Heritage;
- Ground Conditions and Contamination;
- Socio Economics; and
- Agricultural Land.



## **SITE DESCRIPTION AND HISTORY**

The application site comprises approximately 118 ha (292 acres) of land adjacent to the existing settlement limit of south-west of Taunton, approximately 1.5 miles from the town centre, within the parishes of Comeytrowe and Trull. The land lies within an area of landscape contained to the west by the Stonegallows Ridge. The site is bounded by the A38 Wellington Road to the north-west and the suburb and parish of Comeytrowe to the north and north-east. To the south, the site adjoins the farmland of Higher Comeytrowe Farm. Comeytrowe Road defines part of the eastern site boundary and provides connections to Taunton and the wider area towards the east. To the south-east, the site is bounded by Dipford Road and the parish of Trull. Manor Industrial Estate is located in the northern part of the site next to Comeytrowe Manor, catering in the main for light-industrial operations. The site also adjoins Honiton Road to the south-east which is another strategic movement corridor into the town centre. A former abattoir site lies just outside of the application site alongside Comeytrowe Lane.

The majority of the site is in agricultural use, with small groupings of housing and farms scattered along the existing lanes. It is characterised by a rolling landscape, with a number of substantial hedgerows and trees that help to define the existing field boundaries of the site. It gently undulates with the highest points in the north and north-west and lowest points around Galmington Stream in the centre. There are some other high points to the south near Dipford Road around existing farms, but these are relatively less visible compared to the northwest area. Although there are no woodlands of note within the site, there are a small number of trees, mostly along the Galmington Stream and within the hedgerows.

The site is separated into two broadly equal areas by both Comeytrowe Lane which runs diagonally through the site and the Galmington Stream. Some routes also remain in the northern part of the site connecting Higher Comeytrowe Farm to the west and settlement areas of Comeytrowe to the northeast. A number of Public Rights of Way and historic lanes cross the site connecting the scattered farms in the west to residential settlements of Trull and Comeytrowe in the east. The most significant of these forms a continuous connection between Trull in the southeast to Rumwell in the northwest.

There is no significant planning history to the site as a whole, only very small scale applications affecting individual properties.

The broad area for development was identified as early as 2004 in the Taunton Urban Extension study. This identified two key areas of land to the north and south of Taunton, which were sufficiently free from environmental constraints to accommodate up to 4,000 new homes. Firstly, land to the north-east of Taunton at Monkton Heathfield, and secondly, land to the south-west of Taunton at Comeytrowe. The study found that Monkton Heathfield should come forward for development first, followed by the land at Comeytrowe, given the former's ability to supply higher levels of employment land.

This theme was carried forward in the now defunct draft Regional Spatial Strategy for

the South West (2006), which identified two areas of search for urban extensions at Taunton. The first at Monkton Heathfield with a capacity of 4,000 dwellings, and the second at Comeytrove with a recommended capacity of 3,000 dwellings. The Panel Report from the RSS Examination in Public (2008) capped development in the Comeytrove location to just 3,000 new homes within the plan period to 2026, as it was argued that reaching the full potential of 6,000-8000 homes would have require significant transport infrastructure investment.

The adopted Core Strategy identified the SW Taunton area as a broad location for a mixed-use urban extension for up to 2,000 dwellings (Policy SS7). The emerging draft Site Allocations and Development Management Plan, identifies the extent of the proposed allocation for the urban extension (Policy TAU1) and clarifies the site delivery requirements. The Site Allocations and Development Management Plan (SADMP) has now been submitted to the Planning Inspectorate for examination. Following examination the Council anticipate adopting the plan in early 2016. Given the advanced stage of the SADMP, significant weight should be applied to the emerging policies and site allocations in the submission draft plan.

Since this application was first lodged with the Council, a further planning application has been made by the applicants for the demolition of a section of wall on the western side of Honiton Road in Trull in order to facilitate the creation of the access to the South-West Taunton Urban Extension. This is referenced under 42/15/0042, but has yet to be determined as it is inextricably linked with this current proposal.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *NATIONAL PLANNING CASEWORK UNIT -*

We have no comments to make on this application.

#### *PLANNING POLICY TEAM -*

##### *1. Background*

The outline application seeks to deliver a residential and mixed use urban extension at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25 hectares of employment land, 2.2 hectares of land for a primary school, a mixed use local centre, and a 300 space 'park and bus' facility.

The site lies to the South West of Taunton. The adopted Core Strategy identified the SW Taunton area as a broad location for a mixed-use urban extension for up to 2,000 dwellings (Policy SS7). The emerging draft Site Allocations and Development Management Plan, identifies the extent of the proposed allocation for the urban extension (Policy TAU1) and clarifies the site delivery requirements.

The Site Allocations and Development Management Plan (SADMP) has now been submitted to the Planning Inspectorate for examination. Following examination the Council anticipate adopting the plan in early 2016. Given the advanced stage of the

SADMP, significant weight should be applied to the emerging policies and site allocations in the submission draft plan.

ATLAS (the Advisory Team for Large Applications) have assisted the Council in assessing the application. ATLAS have worked closely with Taunton Deane and the applicants to consider the extent to which the masterplanning work, undertaken by the applicants, is consistent with the SADMP policies. The outcome of this work, has resulted in the submission of a Masterplan Parameters and Principles document by the applicants. This document clarifies what the outline application seeks to establish and what issues will remain outstanding for consideration in a Reserved Matters application.

The Council have also commissioned independent landscape consultants, Swan Paul, to provide advice on the landscape impact of the proposals and the extent to which the proposals satisfy the landscape requirements outlined in the emerging SADMP policies.

This policy response considers the revised planning application documentation and is framed in response to the ATLAS review of the masterplan and comments submitted by the Council's landscape consultants (Swan Paul).

## 2. National Planning Policy Framework (NPPF)

The NPPF emphasises that 'planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.' In doing so the NPPF states that 'local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.'

## 3. Taunton Deane Core Strategy

The Taunton Deane Borough Council Core Strategy identified the SW Taunton area as a broad location for a mixed-use urban extension for development after 2015 for between 1,000 and 2,000 dwellings (Policy SS7).

## 4. Site Allocations and Development Management Plan

The SADMP has been submitted to the Planning Inspectorate for examination. Given the advanced stage of the emerging SADMP in the plan making process, significant weight should be placed on the emerging policies.

### Policy TAU1: Comeytrowe/Trull

This policy seeks to establish the extent of the allocation and outlines specific requirements anticipated to be delivered as part of the overall allocation. The policy states that a:

"comprehensive and co-ordinated approach to development will be required. Any planning application will need to be accompanied by a masterplan and phasing strategy with associated infrastructure, prepared by the developer in conjunction with the Borough Council and other

stakeholders.”

Whilst the applicants’ view is that the Masterplan document alongside the planning application satisfies the policy requirements, it is fair to say that this is not the approach initially envisaged by the Council and is also reflected in many of the responses from local residents. Ideally the masterplan would have been formally consulted on and considered by the Council and key stakeholders, prior to the submission of a planning application. However in adopting an alternative approach in preparing a Masterplan document and submitting this alongside the planning application, it is difficult to say to what extent the outcome would have been any different. It is acknowledged by officers that a number of consultation workshops were provided to allow input from key stakeholders in the development of the submitted Masterplan. The planning application process also allows for input into the Masterplan from key stakeholders and the Council. Whilst this was not the preferred approach of the Council to developing a Masterplan for the area, it is not considered to be a suitable reason for rejecting the planning application. The issue for consideration is the extent to which the Principles and Parameters Plan, submitted as part of the outline application, will ensure that the Reserved Matters application stage delivers what is envisaged in the submitted Masterplan and the policy requirements in Policy TAU1.

The response below considers the TAU1 policy requirements in turn and provides a view on the extent to which the application will satisfy these requirements:

- Phased delivery of around 2,000 new homes at an overall average of 35-40 dwellings per hectare;

The outline application seeks to deliver 2,000 dwellings. It would appear from the Principles and Parameters document that the site will deliver appropriate densities across the site but this will need to be clarified in any Reserved Matters application.

The site boundary for the application is smaller than the area allocated in the SADMP and the application needs to ensure that it does not prevent or frustrate the delivery of the wider area with land at Higher Comeytrowe Farm.

- 25% of new homes to be affordable homes in line with Policy CP4: Housing  
Please refer to comments submitted by the Housing Enabling Officer.

- A new mixed-use local centre comprising a convenience store (Class A1) of up to 500m<sup>2</sup> (gross); plus 500m<sup>2</sup> of other retailing (Class A1), financial/professional services (Class A2), restaurants and cafes (Class A3), at least one public house (Class A4), take away (Class A5) an da community hall building (comprising a main hall, meeting room, activity room, storage, kitchen, toilets) and associated parking, together with 0.25ha of land for a place of worship. Residential or office uses should be provided on upper floors

Whilst the outline application incorporates the provision of a local centre, it is currently unclear, from the supporting documentation, whether the proposed local centre will meet the policy requirements for the mix of uses proposed in Policy TAU1. Further

details will need to be provided as part of any reserved matters application to ensure the local centre provides what is envisaged in the policy.

- A minimum of 5 hectares of serviced employment land comprising Class B1 b and c; Class B2 and Class B8 use;

Whilst the outline application incorporates the provision of employment land, further details will need to be provided as part of any reserved matters application to ensure the employment land is incorporated as envisaged in Policy TAU1.

- Land reserved (approx. 2.5 ha) for a 14 class, 2 form intake primary school with pre-school facilities;

Officers have been working closely with Somerset County Council and the applicants to ensure a primary school is delivered on site. The Masterplan Parameters and Principles document identifies two potential locations for a 2.2 hectare area for a primary school site. The application does not provide justification for reducing the overall size of the area designated for the primary school or reassurance that the 2.2 hectare site will be sufficient to deliver the policy requirements.

Please also refer to comments from the County Education Authority.

- Multi-functional green space (including allotments, children's play, playing fields, recreational areas, amenity space) in line with the relevant standards

The Parameters and Principles document confirms that the development will include parks, spaces and green corridors to meet policy requirements. The extent to which the Green Infrastructure Parameter Plan (pg11) in the Parameters and Principles document will meet relevant standards is uncertain. Further details will need to be provided as part of any reserved matters application to ensure the green space requirements are delivered.

- Provision of a new 'Green Wedge' extending through the site on either side of the Galmington Stream;

There are concerns that the extent of the new Green Wedge is smaller than that proposed in the emerging policy TAU1. In this respect the application proposals are not in compliance with the proposed policy.

- Sufficient areas of created or enhanced habitat to enable populations of those European protected species recorded on site to be maintained or enhanced. This habitat will need to be accessible to the species affected;

Please refer to comments from the Biodiversity Officer and the County Ecologist.

- A link road between Honiton Road and the A38 Wellington Road to serve the development area. The design and layout of the road should be sensitive to the Trull village conservation area and should minimise the impact on the prominent ridgeline to the north-west of the site;

Please refer to comments from the County Highways Authority and Historic England.

- Provision of connected streets designed to be suitable for cycling and walking

and, where appropriate, additional measures to ensure that cycling and walking are safe and attractive means of transport;

The Masterplan Parameters and Principles document outlines design principles in line with the policy requirement.

Please also refer to the County Highways Authority response.

- Provision of direct and safe walking routes to access existing bus services on the A38 and Honiton Road and allowance for future provision of new local bus services within the development

The Masterplan and Parameters and Principles document outlines design principles in line with the policy requirement.

Please also refer to the County Highways Authority response.

- No through access by private car between the new development area and Comeytrowe Lane and Comeytrowe Road and explore options to close off Comeytrowe Lane and Comeytrowe Road as a through-route for private cars only, to prevent future 'rat running';

The Access and Movement Parameter Plan in the Parameters and Principles document still refers to a 'bus only access point (with vehicular access for up to 100 dwellings)' onto Comeytrowe Lane. This proposal is not compliant with the policy which seeks to prevent access by private car onto Comeytrowe Lane and Comeytrowe Road.

- A design that minimises private car access from the urban extension to the existing residential areas in Comeytrowe but maximises pedestrian and cycle lines between the existing residential areas and the proposed urban extension

The Transport and Connectivity principles in the Principles and Parameters document (principles 15-17) support this policy requirement. Further detail should be provided as part of any Reserved Matters application.

- Include options to facilitate the delivery of a new high frequency dedicated public transport link via Musgrove Park Hospital and Somerset College to the town centre

The Transport and Connectivity Principle 20 confirms that:

'Provision will be made in the development for a link to a potential future Bus Rapid Transit Corridor that is to connect with College Way and link Taunton town centre, other facilities such as Musgrove Park Hospital and Somerset College, and with land to the southwest.'

- The hilltops and ridgelines should be kept free from development. Development around these areas should be sensitively designed and appropriately landscaped to minimise the impact on the hilltops and ridgelines

Please refer to comments submitted by the Council's landscape consultants Swan

Paul.

- Parkland type trees should be provided within the housing areas to reduce the landscape impact of the housing development areas

and

- Landscape buffers and planting belts are required along the outer edges of the development to reduce the landscape impact of the developed areas

Please refer to comments submitted by the Council's landscape consultants Swan Paul.

- Detailed flood risk assessment will need to be undertaken and identify the strategic SUDS infrastructure required.

Please refer to comments submitted by the Environment Agency.

- Detailed design codes prepared for individual areas within the development

This will need to be addressed in any Reserved Matters application.

#### **5. The Trull Parish Neighbourhood Plan**

The Trull Parish Neighbourhood Plan is now at the 'Authority Publicity' stage, having gone through several rounds of public consultation. Notwithstanding this, NPPG advises prematurity will seldom be justified where the 'Authority Publicity' stage has not been completed.

The application proposals do not appear to be in conformity with the emerging Neighbourhood Plan. However Taunton Deane Officers have previously raised some concerns about emerging policies in the Trull Neighbourhood Plan and the extent to which they may render development undeliverable. Furthermore officers have also raised concerns regarding whether the policies are in general conformity with the Council's adopted and emerging development plans.

Ultimately the independent examination of the Neighbourhood Plan will confirm the extent to which the plan is sound. At this stage it is felt that limited weight can be attributed to the emerging plan in the consideration of these application proposals.

#### **6. Strategic Housing Land Availability Assessment 2014**

The SHLAA (published December 2014) identified a five year deliverable supply of 6.31 years when planning for a five percent buffer of housing land and 5.56 years when planning for a twenty percent buffer. The five year land supply position anticipates delivery of 475 dwellings at the SW Taunton urban extension, in the period between 2016/17-2019/20. This represents almost 8% of the overall five year housing land supply requirement for the period to 2019/20. This site is expected to contribute towards the Council's five year housing land requirement and delays in the delivery of this site will impact on the Council's ability to ensure a five year supply of deliverable housing land is available.

#### **7. The Issue of Prematurity**

The National Planning Guidance provides clarification on the extent to which a

planning application may be refused on prematurity grounds. The guidance states that:

'In the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- (a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- (b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.'

#### 8. Infrastructure Delivery

Policy TAU1 in the emerging Site Allocations and Development Management Plan outlines specific infrastructure requirements in order to create a sustainable community.

There have been on-going discussions with the developers and Somerset County Council (as the Education and Highways authority) to agree the timely delivery of infrastructure required to support the development. Appendix one details the identified infrastructure needs arising from the development and the possible funding mechanism for delivery (i.e. s106 and CIL). As part of the amended CIL Regulations developers are able to deliver infrastructure items through Payment in Kind (Regulation 73A) and off-set this infrastructure payment against their CIL liability.

The proposed development is likely to generate between £11-£12m in CIL receipts over the lifetime of the development. The CIL Regulations, as amended (Reg 59A), requires Taunton Deane as the charging authority to pass 25% of the CIL receipts to a relevant parish council with an adopted Neighbourhood Plan and 15% in the absence of an adopted Neighbourhood Plan. In the case of Trull Parish Council and their emerging Neighbourhood Plan, this may result in CIL receipts for the Parish of between £2.75m-£3m, with the balance of £8.25-£9m remaining with Taunton Deane.



The developer consortium have offered to deliver the following items of infrastructure on-site as payment in kind. This would then be off-set against their CIL liability:

1. Primary school with an on-site preschool
2. Community Hall

This Payment in Kind offer will need to be considered by the CIL Board and ultimately agreed by Full Council.

The Consortium have also offered to deliver on-site infrastructure items on behalf of the Trull Parish Council and off-set against the 25% CIL receipts the Parish will receive in the event of having an adopted Neighbourhood Plan in place. This could include:

3. Sports pitches
4. Pavilion and changing rooms
5. Allotments

It is a decision for Trull Parish Council to confirm whether they choose to accept the delivery of infrastructure items in lieu of CIL payments. This will need to be agreed with the Parish Council. If the Parish Council decide not to accept infrastructure items in lieu of CIL, then CIL funds will be provided by the developer and transferred to the Parish Council. In the event that the Parish Council decide against accepting infrastructure items in lieu of CIL funds, it is unlikely these items will be delivered on site through any other means due to the lack of CIL funds available to Taunton Deane to ensure delivery.

The remaining CIL funded infrastructure item is the provision of additional secondary school places generated by the development. The Education Authority has confirmed that the development in itself does not trigger the need for a new secondary school. The Education Authority have confirmed that at present there are sufficient secondary school places in Taunton to accommodate the secondary school places generated by the development. It is acknowledged that the lack of capacity at the local secondary schools (Castle and Bishop Foxes) is due to pupils from outside the catchment area for the schools. The Infrastructure Delivery Plan (2014) highlights the need for a new 7-form entry secondary school towards the end of the plan period. The provision of CIL funding to support the delivery of the new secondary school will need to be considered by the CIL Board and ultimately agreed by Full Council.

### Conclusion

The application relates to the area allocated for a mixed-use urban extension in the emerging Site Allocations and Development Management Plan and in the adopted Core Strategy. As the SADMP has reached an advanced stage in the development plan process, any view that the planning application is premature would need to indicate how the application would prejudice the outcome of the plan-making

process.

Clearly it will be for the case officer and ultimately the planning committee to determine whether or not individual or cumulative adverse impacts outweigh any benefits of granting planning permission on this site. The main policy related issues identified above are summarised below:

- The site boundary for the application is smaller than the area allocated in the SADMP and the application needs to ensure that it does not prevent or frustrate the delivery of the wider area with land at Higher Comeytrowe Farm.
- The current proposal does not comply with the policy which seeks to prevent access by private car onto Comeytrowe Lane and Comeytrowe Road.
- There are concerns that the extent of the new Green Wedge is smaller than that proposed in the emerging policy TAU1.
- The application does not provide justification for reducing the overall size of the area designated for the primary school from 2.5 to 2.2 hectares or reassurance that the 2.2 hectare site will be sufficient to deliver the policy requirements.
- Further details will need to be provided as part of any reserved matters application to ensure the local centre provides what is envisaged in the policy.
- Further details will need to be provided as part of any reserved matters application to ensure the green space requirements are delivered.
- Further details will need to be provided as part of any reserved matters application to ensure the employment land is incorporated as envisaged in Policy TAU1.

The site itself is proposed for allocation in the SADMP which is agreed Taunton Deane Council policy. The planning application is broadly compliant with the Council's Plan and this would weigh heavily in favour of the planning application. The Council also relies upon the early delivery of new homes from this site in its identified five year deliverable supply of housing land. This is another factor which weighs in its favour.

#### *COMEYTROWE PARISH COUNCIL -*

Original comments received on **12th February 2015** make the following observations

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Comeytrowe Parish Council has previously commented on and opposed potential development between Trull and Comeytrowe. Comeytrowe Parish Council continues to oppose any development adjoining its parish because it believes it is not in Taunton's interests to have further development in the area. The Council strongly believes that the town's future scope for development should be based a holistic approach which will result in the allocation of more appropriate sites and strategic opportunities. We believe any remaining land allocated should be built on before any further development at Trull and Comeytrowe and in this respect Taunton Deane Borough Council should control the rate of development on land already allocated rather than being led by the developers. There must be an organized approach to growth and development.

We believe it is in Taunton's and the Borough Council's interests that growth must be to a planned programme and not simply allocated. Taunton Deane must retain the strongest influence on when development actually occurs, not simply where it occurs. We believe this is axiomatic to successful planned development. Growth cannot simply be where and when developers choose to build for their own benefit. The 'where and when' must be of TDBC's influence in order to have any means to manage the consequences of development and the effects on the town as it happens. It should not be left to the random nature of the developer's want to profit and then leave. It must be a structured and programmed approach that takes account of the transitional impact that can only be managed under the authority's direct influence.

We believe the 'holistic' approach to Taunton's planning and growth should take account of the geographic features of the whole town and adjoining areas. The Borough Council should plan with full regard to the key aspects that surround the town, some of which comprise the current Motorway Junction at Blackbrook, the River Tone, the position of the Town Centre, Primary and Secondary Schools, Musgrove Park Hospital, the Railway Station, and developed out of town facilities at Hankridge. Gaining access to these through the town centre represents a major difficulty for the western area of Taunton. In considering any new sites for development the Parish Council believes strongly that full consideration must be given to the infrastructure that supports and provides access to them. Comeytrowe Parish Council opposes development to the south and west of its boundary because of the increased demands it will place on access and infrastructure which is already at maximum levels.

The current proposal is to build on a large productive green-field site that is continuously cropped and effectively links Comeytrowe with Trull. Comeytrowe is a very large development formed on land to the West of Taunton. It stretches from Taunton's Wellington Road to Trull Road and effectively adjoins Parkfield and Manor which in turn adjoins Taunton town centre at Corporation Street and Compass Hill. Although well-constructed the area is a product of Taunton's piecemeal development and short-term planning during the 70's, 80's and 90's. The area is not without its issues, principally access and position in respect to other parts of Taunton, as the town's facilities and geographic features have tended to move toward the South East. These problems will only be made worse by further development in the Comeytrowe and Trull area.

The stealth effect on infrastructure that the piecemeal approach Taunton has adopted over many years and the tagging-on of housing development to existing build without effective strategic planning has now resulted in the deficiency that surrounds Comeytrowe and other parts of Taunton. Further development in the area immediately adjoining Comeytrowe will now create significant problems, whether building 200 or 2,000 houses.

Comeytrowe Parish Council strongly believes given the above, the substantial nature of the development and its application, the timing of events, and the impact it will have on the whole of Taunton, that there should be no further decisions made on the

development on the Trull/Comeytrove site until the Core Strategy is reviewed this year. (As referenced in the SHLAA 2014 document - Introduction, para 8.)

Particular issues IF any development transpires adjoining Comeytrove.

The proposed plan does not extend to a South Western link road from Wellington Road (the A38), across Trull Road towards the South of Taunton and its principle motorway junction at Blackbrook. Previous plans had made a case for such a major road to ease the volume of traffic that seeks to cross Taunton and which at present is essentially reached by passing through the town centre via Corporation Street or Upper High Street - both causing major traffic problems along East Reach and Priory Bridge Road. Both lead to Taunton's single and over-stretched motorway junction. The new Inner Relief Road linking Priory Bridge Road and Staplegrove Road will have no beneficial impact to the infrastructure problems created by further development at Trull and Comeytrove. It is important that the future means for a southern link road should be preserved in any plans in this area, i.e. any proposed development should not compromise the ability to build a southern link road.

Without the previously proposed southern relief link road there is and will continue to be major congestion on Compass Hill - a one-way system that is already beyond its effective capacity and which fails to allow a continuous flow of traffic, especially when approaching from Trull Road and Wellington Road towards the town centre and access to other parts. The significant congestion here already results in regular standstill and the proposed housing development will only cause major added congestion as traffic from the new development gains access to the town centre along Wellington Road or from Trull Road. There are no solutions offered to this increased gridlock in the planned proposal.

Any raised reliance on public transport is not a credible solution. The raised pressure on movement and the roads network could jeopardise the viability of the expanded area. The raised modern every day access needs of residents on the western side of Taunton are unlikely to be met by public transport. Equally expansion on the western side of Taunton raises the pressure on the limited road network for traffic looking to access the town's facilities from the south and East side of the town.

The schools at Primary and, more particularly, Secondary level are at full capacity. The Castle School is substantially over-subscribed at every new-year intake and its site potential for new build is essentially exhausted. The development application only provides for primary schooling. Comeytrove Parish Council are therefore concerned that the raised pressure on school places at the only secondary school on the western side (The Castle School) and any increased need to access other schools on the other sides of Taunton will only add to congestion problems in the well-known problem areas of the town. Secondary and Primary school builds must be a commitment by both the Borough Council and the County Council at the outset and accompany any further development in the area for the raised demands caused by housing development at Trull, Comeytrove, Bishop's Hull, Norton Fitzwarren, and the proposed large scale development at Staplegrove.

There is a real need to address the schooling needs over the extended time of housing build. The Castle School is at full capacity and with little or no room for further expansion there is no planned solution to the need for school places while the housing development grows. The same could be said for Bishop Henderson Primary School and Parkfield Primary School and for Primary Schools in Trull and Bishops Hull. Effectively there is no interim solution until the new schools are built which could well be at the latter end of the housing building period. This period could be indeterminate and subject to further economic influences which could extend the period and see the demand for places at the schools increase.

School build and its timing must be a guaranteed commitment at the outset along with the means to build shops and medical centre. If the planned housing development goes ahead, at any size, there would need to be new Secondary and Primary schools for any increased numbers on the western side of Taunton early in the housing build. An opportunity to meet this need was previously lost when scarce land identified for a new school was sold off in an earlier piecemeal development in Comeytrove. This experience must not be repeated.

Corneytrove has, as referenced previously, access issues to other parts of Taunton, particularly toward its South and East sides. The existing access is via Wellington Road, Trull Road and Parkfield Road. A major issue will be the added weight of traffic from an additional 2,000 houses, which effectively doubles the demand on existing routes through the Comeytrove area to the town centre. The planned proposal makes outline reference to the prevention of access from the proposed development to the existing Comeytrove and Parkfield road network. We regard this as essential and strongly believe that any development should not be accessed from Comeytrove.

The proposal to close off access to the development from Queensway, Comeytrove Road and Comeytrove Lane is key to avoiding adding to the congestion problems that already exist. The Consortium's outline application shows a road network that is planned to serve new houses from Comeytrove Lane. We believe Comeytrove Lane at its descent from Highfield to be significant and made more dangerous if any access is taken from the new development. The fall in elevation is significant and the existing access to Comeytrove Rise is as much as the Lane can take at this point and, despite any proposed junction splay, the risks increase significantly. We feel strongly that there should be no access onto Comeytrove Lane because it would lead to significantly increased traffic volumes on the junction with Wellington Road (at Bishops Hull crossroads) and with the College Way/Galmington Road junction (leading from Queensway). It will, if any access is incorporated, become a very real raised danger and safety risk. Something we feel strongly can be avoided. Access on to Comeytrove Lane does not need to happen when there is a very real and good quality access from both Trull and the A38 via the new through Road and the estate roads that will stem from it. This is totally unacceptable and will create the 'rat-run' Comeytrove Parish Council is keen should not happen. The prevention of access would have to be implemented at the initial build stage with traffic access and road amendment to limit access to the development from the A38 and/or the Honiton

Road.

*BISHOPS HULL PARISH COUNCIL -*

Original comments received **10th March 2015** made the following comments-

1. The TDBC Core Strategy has established the principle of development of the site. The relevant policy is SS7 as follows:-

*“Comeytrowe / Trull is a broad location for a mixed use strategic urban extension for development after 2015 for between 1,000 and 2,000 dwellings up to 2028. A masterplan will be prepared to identify the full long term potential for comprehensive development in this south west sector of Taunton and the infrastructure required to provide a sustainable new community. The masterplan will phase and co-ordinate development to provide the necessary physical, social and green infrastructure. A piecemeal approach to development in this area before a comprehensive masterplan has been agreed will not be permitted.”*

The Parish Council does not consider that these requirements have been met. There has been no master plan prepared to look at the potential for longer term comprehensive development of both this site and the wider area of this sector of south west Taunton. The Core Strategy alludes to further development to provide for an eventual 6-8,000 dwellings in this south west sector of Taunton. As such, the proposed development currently under consideration constitutes piecemeal development. There are important infrastructure issues, in particular transport and education provision, which need to be addressed at the outset, on a far broader strategic scale. These may include better links with junction 25 of the M5 which avoid Wellington Road and the town centre or a new motorway junction between junctions 25 and 26

2. During the preparation of the Sites Allocation and Development Management Plan (SADMP), the Parish Council has raised concerns with regard to traffic, public transport, landscape impact and secondary school provision. The Draft Plan includes Policy TAU1, which again requires a comprehensive and co-ordinated approach to development, including a master plan. The content of the Design & Access Statement is insufficient to constitute the kind of master planning exercise required by the Core Strategy. Within Policy TAU1 of the Draft Plan, these are some of the criteria that seek to address the areas of concern that the Parish Council has previously raised:-

*a. No through access by private car between the new development area and Comeytrowe Lane and Comeytrowe Road and explore options to close off Comeytrowe Lane and Comeytrowe Road as a through-route for private cars only, to prevent future 'rat-running';*

*b. Include options to facilitate the delivery of a new high frequency dedicated public transport link via Musgrove Park Hospital and Somerset College to the town centre;*

*c. The hilltops and ridgelines should be kept free from development. Development around these areas should be sensitively designed and appropriately landscaped to*

*minimise the impact on the hilltops and ridgelines;*

*d. Landscape buffers and planting belts are required along the outer edges of the development to reduce the landscape impact of the developed areas;*

3. Despite the requirement above, the proposal provides for up to 100 dwellings to be accessed off Comeytrowe Lane. A significant proportion of this traffic is likely to use the A38 / Comeytrowe Lane and A38 / Galmington Road junctions. The Parish Council has raised the safety record of the former junction with the Highway Authority in the past and there continues to be accidents there on a frequent basis. The Parish Council considers that there will be a worsening highway safety issue as a result of additional traffic using this junction and to a lesser extent the Galmington Road junction. In view of this, there should be no vehicular access, other than for buses, onto Comeytrowe Lane.

4. In terms of public transport, there is great reliance in the application on the enhancement of existing services, in particular the No.15 service into Taunton, with an increase in frequency, re-routing into the development and the provision of a 'park and bus' facility (which will be of little benefit to the new residents of this development). The Parish Council considers that the proposed off site enhancements to the highway along the A38 towards Taunton are totally inadequate. The provision of 3 new lengths of bus lane inbound and one outbound are extremely unlikely to result in public transport reaching the town centre much quicker than private vehicles, certainly not enough to coax people out of their private car. The TDBC Draft Plan requires the development to *"include options to facilitate the delivery of a new high frequency dedicated public transport link via Musgrove Park Hospital and Somerset College to the town centre"*. The application leaves room for this to be provided in order to link with Queensway / College Way, but the applicant considers that the provision of a physical link is not necessary as part of the current proposal, but rather potentially for possible future phases, beyond the current 2,000 dwellings. Because of the above concerns about providing one of the main public transport links along the A38, the Parish Council considers that the developers should be required to provide the physical link to Queensway or College Way (with compensatory public open space provided on the development site). Furthermore, if the developers do not make any contribution towards this as part of the current application, its provision would rest solely with the developers of future potential phases beyond the current Plan period.

5. The submission concedes that the eastbound approach to Silk Mills roundabout is 'saturated' in the am peak and that the impact can only be partially mitigated due to lack of available highway space surrounding the junction. The limited improvements proposed will make little difference to the flow of traffic between the site and the town centre along the A38. Overall, private vehicles will take much longer (and be tailed back further in the peak periods), due to the increased numbers and also the reduction from two lanes to one where bus lanes are proposed.

6. The part of the site that is within Bishops Hull Parish is within the designated Stonegallows Hill Special Landscape Feature (SLF). In the Review of Special Landscape Features carried out as part of the SADMP process, the designation for

this area has been retained. The Adopted Taunton Deane Local Plan Policy EN11 therefore needs to be complied with. This states that:-

*“Development which would harm the appearance, character and contribution to landscape quality of Special Landscape Features will not be permitted unless planning conditions would prevent such harm”.*

Policy ENV3 of the Draft Plan is as follows:-

*“Development which would harm the appearance, character and contribution of landscape quality within Special Landscape Features (as shown on the Proposals Map) will not be permitted unless appropriate mitigation measures would reduce such harm to an acceptable level.”*

The Draft Plan Policy TAU1 also requires that hilltops and ridgelines should be kept free of development and that landscape buffers and planting belts are required along the outer edges of the development to reduce the landscape impact of the developed areas. The application is only in outline, but from the information contained in the Design & Access Statement, it would appear that development (including 10 metre high employment buildings) is envisaged on hilltops and ridgelines, or if not – in a form that would breach the skyline of such features. This should not be allowed to happen. The Reports submitted actually concede that there will be a significant adverse effect on the SLF. The Justification section of the Plan indicates a requirement for landscape buffers of 20m on the edges of the development. The detailed plan of the park and bus facility shows limited scope for screening on the western boundary.

7. Although land for a primary school is to be provided, there should be more certainty that this will actually be built – in the early phase of development – rather than its construction being left to the ‘lottery’ of being funded through Community Infrastructure Levy (CIL) money. Secondary education provision seems to be entirely at the mercy of CIL payments and will therefore be in competition with other perceived requirements. With the reliance on the allocation of CIL money only to increase education provision it is unlikely funds will be sufficient to construct the necessary facilities. The Castle School is currently at or near capacity with limited scope for expansion. Also, if CIL payments are phased then the funds will only fully become available towards the end of the development with the result that all children will be required to be transported to schools away from the development greatly adding to already full road systems at both morning and evening peak times. The lack of a planned resolution to the education ‘gap’ caused by such a large scale development is unacceptable to the Parish Council as is the resultant ‘school run’ impact on the road network; both of which will have an increasing detrimental impact on local residents as the development proceeds.

8. There is an indication in the submission of intended working hours, which should be conditioned and enforced.

9. There are various anomalies in the various Reports, e.g.:-

a. It’s assumed that 55.7% of secondary school pupils will walk – Castle School is



presently at capacity with limited scope for expansion, so in practice pupils are likely to have to attend schools with capacity, elsewhere in the town. Such journeys are less likely to be on foot.

b. Some of the mode of transport figures refer to journeys by train!

c. There are several references to Wiltshire! (Obviously lifted from another submission elsewhere).

d. Table 9.10 in the Transport and Access section of the Environment Statement contains some seemingly conflicting figures.

Bishops Hull Parish Council therefore OBJECTS to the current proposal on the following grounds:-

1. The proposal does not comply with the TDBC Core Strategy and constitutes piecemeal development;
2. There should be no vehicular access, other than for buses, onto Comeytrowe Lane;
3. The proposals for public transport are woefully inadequate and do not constitute a 'high frequency dedicated public transport link' as required by the Core Strategy and Draft Plan;
4. There will be greater tailbacks of traffic and congestion along the A38;
5. The proposed development is likely to have an adverse landscape impact on the hilltops and ridgelines within the Special Landscape Feature;
6. There is inadequate provision included for both primary and secondary education provision.

The Parish Council would welcome participation in any discussions with the developer and / or the planning authority, which seek to overcome the above concerns.

Further comments received on **29th September 2015** stated that Bishops Hull Parish Council continues to object to this application on the previous grounds stated.

*TRULL PARISH COUNCIL -*

Original response received **March 2015** makes the following comments -

Trull Parish Council strongly objects to this application. Whilst recognising that the land has been identified for development in the Core Strategy, the Parish Council has a number of concerns which it believes make this outline application unsupportable.

1) The fixed access points.

The through road emerging onto Honiton Road with a roundabout appears to be a very over-engineered junction given the modest traffic increase being projected. The

scale of this junction is overwhelming. It is difficult to see how it can be achieved without altering the very nature of this old part of the village. Initial artists' impressions of the "street scene" have done little to soften the impact. In fact they raise concerns about access to the existing shops which rely on passing trade and the availability of immediate outside parking space for customers.

The bus stop is proposed for relocation to the roundabout meaning that those who do use the service will have to walk further. It seems that residents and traders in the parish will immediately have their lifestyle and livelihood compromised by this access. Despite any "traffic calming" measures it is inevitable that the through road will be used as a rat run by people trying to reach the A38 from the Killams area of Taunton, or indeed the M5 junction 25 from the A38. As such Trull Parish Council is seriously concerned that there will be a large number of cars passing through the village which has virtually no pavements but a number of young and elderly pedestrians.

The spine road will also be used by people hoping to gain fast access to Taunton town centre down Trull Road when the A38 past Musgrove Park is stationary. Trull Parish Council is concerned about the potential for greater use of Comeytrowe Road as a rat-run when it is already bad enough.

In summary Trull Parish Council feels that the issues associated with this road and its access points need far more consideration and planning than has been presented for approval.

## 2. Green Space

Despite the vision statement claiming the development will have "its own distinct identity", the application does not allow enough green space for that to be true in relation to Trull. Of the two potential areas which could have been protected as green space, the first is filled with a roundabout and the second is entirely housing, which although classed as low density, is actually the least well screened on the whole development. We cannot stress strongly enough how important it is for Trull to retain its rural identity and not become part of a large urban extension to Taunton. This could be achieved by planning for a stand-alone development with significant buffers between the new development and the two parishes of Trull and Comeytrowe.

## 3. Education

Trull Parish Council is appalled by the complete lack of provision for secondary education in the plans. It is hard to believe that a development of 2,000 homes will generate such a small demand for secondary school places. It is not acceptable to send children across town to the schools which may have space to offer. Aside from the logistics of getting there and back, this assumed travel does not constitute a sustainable community providing essential facilities. The Parish Council also has concerns about the timing for construction of a primary school – coming after the first 350 homes have been built. Where will the first phase of primary age children go? Trull Primary School is already at capacity. The Parish Council believes that a pre-requisite to this development, and therefore planning permission, must be a

commitment to building a primary *and* a secondary school, as the schools in our catchment area are already oversubscribed.

#### 4. Master Planning.

The draft SADMP document policy TAU 1 clearly states the need for master planning if any development is to go ahead on this site. Although the applicants have talked about master planning, Trull Parish Council does not believe that master planning in the context of policy TAU 1 has been implemented and achieved. Trull Parish Council believes it would be sensible of TDBC to oppose this large scale application until this policy is adopted and the parameters it sets out can be applied.

#### 5. Trull Neighbourhood Plan

The Trull Neighbourhood Plan Group has been working hard over the last two years to research and produce a document to help shape development in and around the Parish in the future. In particular it contains a great deal of reference to the Comeytrove/Trull development as identified in the Core Strategy. The draft Neighbourhood Plan is now in its consultation phase before the final plan can be put to a public referendum. Although some weight can be given to the plan because it has reached this advanced stage, it is unfortunate that the timing of this large application pre-empts it. Trull Parish Council would prefer this application to be opposed until the Neighbourhood Plan is adopted so that the aims and objectives of residents as documented can be properly considered.

#### 6. Wider Implications

Trull Parish Council believes that this application would have wider implications for the whole of Taunton, given the amount of traffic that will be forced to travel across town to reach major roads, the train station, shopping centres and leisure facilities. Apart from the question of whether Taunton's infrastructure can cope with the traffic issues, the application will also generate greater stress on local services including the hospital.

#### 7. Core Strategy.

The adopted Core Strategy identifies the broad location for development at Comeytrove / Trull for between 1,000-2,000 dwellings in the period 2015-2028 (Policy SS7). The Comeytrove Consortium has come straight in with plans for up to 2,000 homes. The Core Strategy is due for review in 2016 and with so much new housing already delivered and more in various stages of development this will give TDBC a chance to reflect on the actual demand for housing in the Deane. Trull Parish Council would welcome a rethink of the numbers proposed for Comeytrove/Trull.

It would be premature of TDBC to approve this application before it has completed the review and/or adoption of its own planning policies so that future development can be properly managed. Trull Parish Council believes that much more consideration needs to be paid to all these issues before an application of this scale is considered and would, therefore, urge TDBC to recommend refusal.

Further comments received on **19th October** make the following comments – Trull Parish Council continues to object strongly to this application and would expect that its original response of 29th March 2015 (added below) is taken fully into consideration.

It is important to stress that although the proposed development stretches from the Honiton Road to the A38 Wellington Road bordering much of the housing at Comeytrove, the vast majority of land under consideration actually falls within the parish boundary of Trull. It is Trull Parish Council that would bear the brunt of future provision and administration for this urban extension, and we would expect our objections to carry due weight with the planning committee.

Trull Parish Council would also fully endorse the comprehensive response to the application made by the Trull Neighbourhood Plan Group (TNPG). Its objection goes into considerable detail with all aspects having been researched to an impressive degree. We applaud the work carried out by members of the TNPG. Its response alone should be enough to convince members of the planning committee that this application cannot be considered acceptable on planning policy or any other grounds.

With these objections already in place Trull Parish Council has the following points to make on the amendments and additional information as submitted in September. Many of these will form material grounds for refusal when Taunton Deane is examining this proposal; Trull Parish Council expects them to be considered in that light.

1. This application is premature on several grounds:

a) TDBC's Core Strategy is due to be reviewed in 2016 and we would argue that the need for an urban extension of 1,000-2,000 houses on this site needs to be re-evaluated as part of that process. The majority of development is now taking place to the eastern side of Taunton where the road infrastructure is suitable and in place. Development on this side of Taunton faces irresolvable transport issues which will gridlock the A38 and endanger the safety of the emergency provision at Musgrove Park Hospital.

b) The Trull Neighbourhood Plan is nearing the final stages of completion having been lodged with TDBC for consultation under Regulation 14. The Plan was initiated under the Localism Act, giving communities the chance to help shape the way their areas grow and develop. To consider an application of this size with its huge impact on the community at this stage of the Plan's progress would be to make a mockery of the entire process and Government policy which has provided for it.

c) Trull Parish Council has responded to TDBC's Site Allocations and Development Management Plan at every stage of consultation with objections to development on this site, and a strong desire to preserve the identity and character of the Parish. The initial SADMP hearing sessions to discuss the proposed urban extensions at Comeytrove/Trull are scheduled for Tuesday 1st December and Wednesday 2nd December 2015. How can an application for up to 2,000 homes on

the site be considered ahead of these sessions?

2. Much of the documentation submitted is misleading and confusing and renders it impossible for TDBC to make a properly informed decision:

a) The Consortium appear to be attempting to turn this outline application into something more detailed so that they can claim that they have already had permission for certain densities, scaling and positioning of housing and green infrastructure - this must not be permitted.

b) The maps are vague and several differ slightly from one to another.

c) The term "fixed" is used in some instances when the only fixed points to be determined are the points of access.

d) The language is misleading – referring in places to the Neighbourhood Plan to imply a connection with the draft Trull Neighbourhood Plan.

e) Specific information requested by Trull Parish Council from the Consortium about traffic forecasts to allow us to fully understand several issues has not been delivered despite continued commitments to do so.

3. The fixed access point at Honiton Road in the centre of the village of Trull is ill-conceived and unsafe:

a) The Consortium has not adequately investigated all the options for access at this point. Their own analysis is confusing with plans for junctions 2a and 2b not clearly defined.

b) Trull Parish Council has particular concerns about the safety of pedestrians crossing from the existing dwellings over the Honiton Road not to mention to hundreds more from this development. It is also concerned for the safety of parishioners using the bus service with the proposed bus stop location, and the visibility afforded to drivers.

c) Any access at this point will ruin the setting of the Conservation Area which has always defined the identity of the Parish. A consultant's report for the Consortium itself states: "This conservation area designates the majority of the historic core of Trull". The designation of a Conservation Area is created to preserve areas which have importance historically and their status should not be underestimated or undermined. Taunton Deane's saved Local Plan Policy EN14 is unequivocal: "Development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the appearance or character of a Conservation Area."

d) The preferred access would necessitate the loss of at least 127m of the stone wall - leaving only around 60m of the original wall at best.

e) The loss of two sections of the tree line in this Conservation Area is unacceptable in itself but would also leave the remaining trees exposed and susceptible to damage. It should be noted that these trees are covered by TPO's which should also be the subject of a separate planning application.

f) Further comments on the effect of this proposed junction to the Conservation Area are contained in a separate response to the associated planning application 42/15/0042 for "demolition of a section of wall" – this in itself is inaccurate and should say "sections".

4. Trull Parish Council has further concerns about access points and traffic

implications of this development:

a) It is Trull Parish Council's belief that the traffic surveys are out of date and do not take into consideration the impact of recent developments in Trull or Wellington. The traffic projections are also questionable.

b) There is a lack of clarity over the third proposed access point at Comeytrowe Lane and whether this is one of the "fixed" points of access.

c) There is no mention of how the existing Dipford Road will interface with the development. Trull Parish Council assumes that it will need to join the spine road on the western side in order to allow residents to access the village and Taunton. This junction must be designed and the designs made available for consultation.

d) There is no mention of how the existing Comeytrowe Lane where it turns into Lipe Hill Lane will join with the development. Again we expect that local residents will be able to continue to drive north on that road in which case this too will become a 'point of access' which needs to be designed and consulted upon.

e) There are unanswered concerns about the future of Comeytrowe Road and how the question of rat-running will be solved whilst the development is being built.

f) There has not been enough consideration of the impact of this development on the Compass Hill and Wellington Road areas of Taunton. There is no long term solution for the problems extra traffic travelling to and from this development will create, and there is certainly no quick fix. Even the creation of a bus lane along Wellington Road will necessitate the loss of one lane of traffic.

g) Somerset County Council as the Highways Authority has not been forthcoming with ideas or information, and has not responded to requests from Trull Parish Council for a meeting to discuss these proposals. There is a real fear that the authority does not have the time or resources to manage the highways infrastructure this development would demand.

h) It has been acknowledged by the Consortium that any discussion over future provision of a southern relief road is off the agenda at this time.

5. Trull Parish Council does not believe that concerns about green infrastructure and habitat loss have been addressed. The SCC Ecologist (29th June 2015) calculated that a minimum of 3.334 ha of new habitat will need to be provided to replace habitat lost. These areas are not shown on the Green Infrastructures Parameters Plan (GIPP). Trull had been promised a 'green buffer' and yet there is no buffer at all between the houses on the western side of Comeytrowe Road and the new development. This is unacceptable.

The GIPP erroneously includes in its 'public open space':

a) Part of the area set aside for the park and ride facility.

b) The area which could become the Honiton Road roundabout.

c) Part of the preferred option for the primary school.

d) The area of playing fields which has been promoted as an option for a secondary school should it become a future requirement.

6. Trull Parish Council feels there has been insufficient consideration of:

a) The impact on the Stonegallows Ridge Special Landscape Feature which is not afforded an acceptable level of protection. Although the top of the ridge is free of development there is building planned on its flanks.

b) The serious concerns about drainage and the potential flood risks particularly at Dipford which regularly experiences flooding with no solution on the horizon.

c) The funding of future infrastructure – given that proposals for the allocation of CIL payments is currently the subject of a TDBC consultation with parishes.

d) The wider implications of this proposed development for Taunton.

For these reasons, and those previously submitted, Trull Parish Council would urge the TDBC planning committee to listen to the hundreds of people and organisations objecting to this proposal which will not only have a devastating effect on the parishes of Trull and Comeytrowe but will lead to problems for the whole of Taunton which no-one is in a position to address.

*ATLAS (The Advisory Team for Large Applications) -*

They became involved to help with considerations of masterplanning. Their help has been mainly to engender debate and steer solutions with a view to speeding up the process and assisting the Government's housing target delivery. As such there is not a single document that can be transcribed to represent their views. However, their initial response to the original application is summarised as follows. They considered the submission in respect of two guiding principles quality and certainty.

#### Quality.

- The character analysis in the Design and Access Statement needs to clarify what components/characteristics should aim to embed the principles of Garden City/suburbs within the masterplan proposals.
- Green Infrastructure proposals have the potential to create a remarkable, distinctive and integrated place and community, but prior to the grant of Outline Planning Permission, an effective and detailed strategy will need to be prepared and agreed to achieve this.
- The requirements for ecological mitigation must be balanced with placemaking and retain the integrity of the green infrastructure strategy.
- Development of design responses is required to ensure linkage and integration with the local centre and residential areas to the west and the Primary school (if option one is pursued) and residential areas to the east.
- If the Option 1 location for the primary school is pursued consideration needs to be given to the design responses required to ensure that the placemaking implications of providing the primary school in this location early (by 350 dwellings) in the development are resolved.
- Development of design options is required to ensure integration of the open space with the adjoining residential areas and ease of pedestrian and cycle access across the roundabout to Trull village shops.
- Access parameter principles should set out key placemaking requirements for landscaping and development adjoining the A38 Wellington Road access
- Further evidence is required to demonstrate that the effect of mitigation proposed to ameliorate the impact of development on the Stonegallows Ridge is sufficient.

- There is a need to firm-up proposals for the provision and delivery of uses within the local centre through an agreed phasing and delivery plan once there is more agreement on social and physical infrastructure delivery
- The sustainability strategy should include objectives relating to communication and information technology connectivity, low carbon energy generation and air quality
- Clarification is required as to whether the proposed development needs to meet the needs of relevant groups with protected characteristics, as defined by the Equalities Act.
- Need for objectives relating to development of the hilltop ridges, provision of new or enhanced habitats for protected species and the provision of a dedicated transport link to the town centre
- Need for an objective relating to communication and information technology connectivity
- Need for objectives relating to safety and security
- Need for environmental objectives relating to recycling, flood risk management, energy, air quality, water conservation?
- Aspirations about the economic role and function of the Urban Extension are missing
- Need for specific objectives for the employment area and employment uses
- Need for specific objectives relating to primary school and other community facilities
- Need for objectives relating to cultural uses and activities
- Need for objectives that relate to any relevant groups with protected Characteristics.

#### Certainty.

- Additional application parameter plans or parameter principles are required to give more certainty to the achievement of design quality objectives:
- Ideally, a more detailed access parameter plan (or failing that principles) including the primary and secondary road network, together with strategic pedestrian and cycle routes
- The provision and general location of a dedicated public transport link to the town centre within the access parameter plan or in further access parameter principles.
- A new application parameter plan indicating the general disposition of Landscape Concept Drivers, Key Character Generators and Character Areas
- More detailed application parameter principles are required relating to the provision of the primary school, community facilities and cultural uses and activities
- Greater specificity about the economic role and function of the Urban Extension with specific application parameter principles for the employment area and employment uses.
- Within the Masterplan Parameters and Principles Document clarification of a sequential approach to the Masterplan Cascade is required and a condition attached to the Outline Planning permission will need to stipulate this.
- The Masterplan Parameters and Principles Document and the condition attached



to the Outline Planning permission will need to stipulate the requirement for the application of the parameter principles to the Detailed Indicative Masterplan and then to the Framework Plans and Site Wide Design and Appearance Palettes.

- The Masterplan Parameters and Principles Document and the condition attached to the Outline Planning permission will need to stipulate that the Detailed Indicative Masterplan will need to fix aspects of the Framework Plans or Site-wide Design Guide and Appearance Palettes.
- A condition attached to the Outline Planning permission will also need to stipulate that Reserved Matters applications need to be in accordance with the appropriate framework plan and site wide design guide and appearance palette.
- Prior to the submission of Reserved Matters applications, there will be a need for three dimensional testing and fixing of masterplan components (as currently illustrated in the strategies), which will need to be incorporated into the framework plans and site wide design guide and appearance palettes.

### *SCC - TRANSPORT DEVELOPMENT GROUP -*

#### Summary

The Highway Authority has reviewed the original and revised submissions and considered the overall benefits and dis-benefits of this proposal. On balance I can recommend that there is no highway reason why permission could not be granted subject to the S106 obligations and conditions being provided. The reasons for this recommendation are set out below.

#### Traffic Impact

The comments set out below are based on the Transport Assessment (TA) that has been prepared by the applicant after extensive discussions with the Highway Authority and the modelling within the document is based on Somerset County Council's own model all be it that it has been recalibrated/updated to take account of the proposed development. Many elements of the TA have been agreed in principle prior to the application submission. In some cases the Highway Authority caveated them subject to the provision of additional information. Please note that this traffic impact section only relates to junction modelling and the technical assessment will follow later in this response.

Regarding trip generation the 'first principles' methodology for trip generation is similar to that which had been previously agreed. However the details have changed due to the slight changes in the development assumptions. To meet the requirements of a significant modal shift it requires the Travel Plan to set realistic and secured targets and safe guarding along with a demonstrable advantage of bus services over the private car. In addition the trip distribution this has been agreed previously with the applicant.

In terms of the site accesses junction modelling, the results of the northern access onto the A38 it shown as operating within capacity. As a consequence there are no issues in the model. Although it should be noted that the design is unlikely to have sufficient capacity for a future expansion of the site towards the local authority's future

housing allocation site.

In terms of the remaining points of access for the Park and Bus, southern site access (Honiton Road) and Comeytrove Lane access these are found to have no capacity issues in the modelling.

Turning to the Wellington Road corridor this has been modelled to assess the traffic impact. Regarding the Silk Mills Road/Wellington Road Roundabout there appears to be a significant traffic impact on this with a substantial delay on the A38 and Silk Mills Road arm as such mitigation is considered to be essential. The proposed mitigation involves the widening of Wellington Road (Nth) exit to allow two lanes. This would allow the existing current right-turn lane on the A38 to be used for ahead movements, which in principle should improve capacity.

The highway mitigation does little to reduce the delay on the Silk Mills Road arm. The applicant has also proposed contributions through marketing, signing and review of the Park and Ride to “reduce the traffic demand”. The applicant has also proposed a bus priority scheme as part of the development and having reviewed the modelling it appears that this generates no significant issues although the development would be reliant on the proposed mitigation measures. This consists of the creation of a bus priority lane on one of the arms of the roundabout which would improve bus journey times coupled with the Travel Plan (TP) and the Traffic Management Organisation (TMO) there is considered to be a level of modal shift towards public transport.

Due to the size of the development the application will have a wider impact on the highway network and as a consequence the Chelston Roundabout was therefore modelled. Results show it means that there will be an increase in traffic on the Taunton Road arm (B3187) and the A38 Taunton arm. As a consequence mitigation is required and this will take the form of lane widening of the Taunton and Wellington approaches. This appears to mitigate the traffic impact associated with the proposed development although it does not resolve the wider capacity issues at this junction.

Another junction that would be affected by the wider impact of the development is the Heatherton Park Crossroads both in terms of traffic impact and highway safety concerns. The model acknowledges that demand may have been overestimated at the junction but the sensitivity testing in the TA takes this into account. This junction suffers from existing side-arm capacity issues. These will be significantly worse by 2028 with the average delay envisaged at around two minutes. The additional development traffic would result in severe congestion. Due to the length of the delay it is likely it will lead to traffic re-routing along country lanes. The applicant has not proposed any capacity mitigation however they have proposed to reduce the vehicle speed limit from 50mph to 40mph although this is more to address the highway safety concerns raised by the Highway Authority.

Regarding the southern access junction and the route into Taunton, the main junction capacity issues will be at the Galmington Road/Trull Road mini-roundabout. The TA indicates that there will be capacity issues forecast for 2028 but this is based on the

natural growth of traffic with a maximum RFC of 111% on the Trull Road south arm in the AM peak. With the development this will increase to 132% with severe delays. Mitigation is proposed in the form of the signalisation of the junction and from the results of the modelling suggests that this mitigation would be effective and is therefore considered acceptable.

Finally in terms of both motorway junctions the TA argues that in terms of junction 25 there is “only an insignificant rise in delay and queue lengths”. It is understood that Highways England has been consulted on this proposal and have raised no concerns over capacity at either of the motorway junctions.

The TA does not consider the link capacity of the A38 between Wellington and Taunton. The Highway Authority has estimated the congestion reference flow (CRF) as 22,000 vehicles per day. The CRF is defined as the estimate of annual average daily traffic (AADT) at which a link will be congested during peak periods on an average day. The current A38 AADT is 16,300 vehicles, well below the CRF. TEMPRO forecast growth to 2028 is 15%, which would take this figure to 18,800. The addition of Comeytrove traffic has the potential to take the road almost to capacity but the proposed mitigation measures will help reduce this.

In summary, it can be seen that the impact at some junctions can be offset if the proposed mitigation schemes are implemented through a suitable agreement. There will however remain a substantial residual impact and without the mitigation that has been proposed then the impact would be considered to be severe in terms of section 4 of the National Planning Policy Framework (NPPF).

To conclude the traffic impact vehicle trip generation from the site has been underestimated however the Highway Authority believes that there will be a modal shift although this may be lower than the assumptions put forward in the TA. The proposal will result in a significant increase in traffic across the network. However with the mitigation measures that have been proposed and provided that the Highway Authority is satisfied that these can be secured and delivered then on balance the proposal could be considered acceptable in traffic impact terms.

### Travel Plan

These submissions have been accompanied by a Travel Plan, which has been subject to extensive pre-application discussions between the Highway Authority and the applicant. The latest version has been audited by the Travel Plan Team and their observations are set out below.

The initial review of the Travel Plan raised a number of points that required clarification from the applicant. These were largely resolved through the revised submission.

The only remaining concern relates to the Transport Management Organisation (TMO) additional information has now been submitted which explains the proposed system in much more detail. There are still some concerns over the membership

being voluntary and amount to be charged to each household. But these are elements that can be discussed further at the reserved matters stage.

Regarding the bus priority from Stonegallows into Taunton town centre after further discussions it has been clarified that the existing bus services will be improved which will see the diversion of existing services into the site. In addition it will also see the increase of the 15 WebberBus frequency to 12 minutes. The existing 97 Hatch Green service will be increased to offer a 30 minute frequency and finally the applicant has noted that there is an opportunity to also divert the number 7 first service into the site as well. From here the buses would follow the priority route into town. From the evidence put forward in the TA the proposed mitigation measures do appear to improve journey times but this is for all vehicular traffic as such the level of model shift is likely to be less than what has been envisaged in the Travel Plan.

In terms of the targets this information has now been updated and as a consequence the Highway Authority is satisfied with the targets set out in the Travel Plan and how they are linked with the phasing of the site provided this is appropriately secured by S106.

Transporting Somerset has also provided comments on the proposed park & bus site. These are set out below.

No indication has been provided as to ownership of the park and bus site post build out or how it will be maintained in the future. Furthermore the applicant has provided no details of how they propose to scale up the existing services during the build out of the development. The proposal would require the diversion of the existing services into the site which is acceptable, however it may deter patronage from Wellington as it would extend the journey times. It would also need at least a 12min frequency during peak times. Finally it is understood that the applicant has spoken with the commercial operators who have no objection in principle to providing these additional services.

#### Off Site Highway Works

The proposed off-site highway works will consist of the access junctions from the north on the A38 and Honiton Road to the south with an addition access to serve emergency/bus access with limited residential access onto Comeytrove Road. The first two will take the form of roundabouts at either end with the emergency access taking the form of a standard 'T' junction. The proposed access works have been subject to extensive discussions with the Highway Authority and as a consequence we are satisfied that the principle of the proposed access arrangements can be delivered subject to a S106.

In addition to the proposed access junctions there are a number of mitigation measures that have been put forward by the developer to offset the impact of their development. These measures and their acceptability have already been discussed in the traffic impacts section of this response. However there has been further dialogue on how and when these measures will be therefore required.

From the extensive discussions between the applicant and the Highway Authority in regards to the TA it has become apparent that these measures are required to facilitate the development as without them the proposal will result in a severe impact on the highway network. Therefore the Highway Authority would want assurances that these works will be delivered by the suitable agreement. The Highway Authority is of the opinion that based on the information set out in the TA and addendum that the works should be delivered as per the table below.

<b>Dwellings (cumulative)</b>	<b>Site Infrastructure (as per Barton Willmore)</b>	<b>Suggested off-site improvements</b>
0		
0	Roundabout on A38	A38 at Heatherton Park – safety improvements (prior to opening)
50	Park & Bus	Bus priority (alongside Park & Bus – encourages modal shift)
150		Wellington Road/Silk Mills Roundabout (required at early stage alongside bus priority)
675	Secondary Comeytrowe Lane Access (prior to Phase 1b)	Chelston Roundabout (suggested required prior to 700 dwellings)
1275	Access from Honiton Road (prior to Phase 3)	Galmington Road/Trull Road signals (required before opening of access)
TBA	Spine Road	

### Spine Road

The Highway Authority's initial response, dated 11<sup>th</sup> February, made reference to the original submission not including the lines, levels and drainage etc for the spine road. This information was considered to be essential to understand the proposed gradients and access implications. Since that response there have been further discussions with the applicant on this matter culminating with the submission of design drawings of the spine road. This information was submitted for a feasibility audit and a copy of the completed report has been passed to applicant to address the points for inclusion in their reserve matters submission.

### Drainage and Flood Risk

The Highway Authority has taken the opportunity to review the Flood Risk Assessment and how it relates to highway drainage and have the following observations to make.

The A38 has a number of road gullies connecting to a highway surface water carrier system. This system is served from both directions due to the existing profile of the current carriageway. The outfall connects to an adjacent attenuation pond via a 375mm diameter pipe. The Highway Authority is aware of localised flooding and

capacity issues in the area. The applicant should note that it is standard Somerset County Council policy that where there are proposals to increase the run-off into the existing highway drainage systems it is the responsibility of the applicant to prove that the existing system is both structurally and hydraulically capable of accommodating the increased flow.

As for the secondary access onto Comeytrowe Lane there are a number of road gullies connecting to a surface water system, which outfalls into Galmington Brook via a 300mm pipe. The Highway Authority is aware that there has been some localised flooding. This issue has been compounded by the existing sluices from the industrial estate opposite Horts Bridge. Finally in terms of the southern access onto Honiton Road this, like the others, is served by a series of road gullies and connections that outfall into a combined drainage system. There has been reported drainage problems associated with Dipford Road and Gatchell Green.

The Highway Authority deems that all of our existing highway drainage systems to be fit for their current purpose, running at capacity, and will maintain these systems within the constraints of the maintenance policy and budget. Therefore our position is that the system will need to be upgraded as a result of the increased impermeable area.

The applicant should note that Somerset County Council, as the Highway Authority, will not accept any increased liability for earlier life failure of these systems that could be as a result of allowing increased flow without fully assessing the implications of such. The applicant should commission a CCTV survey and report of the existing system to enable the requisite appraisals to be completed and submit supporting evidence to the Highway Authority.

Full details of the existing highway drainage system which would need to include pipe and chamber sizes, types, depths, condition, ownership or body responsible for, should be provided between chambers upstream and downstream of the extents of the scheme and at all locations where new connections are proposed. The Area Highway Office for Taunton Deane (0300 123 2224) can provide general advice on the current system but the onus is on the applicant to carry out the survey and inspection work necessary to complete the design. The Highway Authority will not approve the drawings until all issues relating to the existing drainage system and the proposed connections have been resolved. Finally the Area Highways Office will need to be notified before any survey works are carried out.

#### Conclusions and recommendation

To conclude the proposal will result in a significant increase in vehicle movements on the highway network however the TA and addendum has shown that if all the mitigation measures which are proposed are implemented then the impact of the development can be considered acceptable. The Highway Authority is satisfied that the principles of the TP are considered to be acceptable at this stage although it should be noted that it will need to be secured via S106. Regarding the off-site works the points of access proposed on the A38, Honiton Road and Comeytrowe Lane are

considered to be acceptable in principle although it should be noted that these would need to be secured via a S106 and also subject to a full safety and technical audit. Based on the information set out in the TA it is the Highway Authority's view that the delivery of the mitigation measures is essential to the acceptability of the application and as such should be secured and delivered by appropriate measures and will be subject to a full safety and technical audits. In terms of the internal layout this will form part of the reserved matters application although it should be noted that the Highway Authority is in on-going discussions in regards to the spine road link through the but we are is satisfied that the general principle of the link is considered acceptable.

Finally in terms of drainage full details of the proposed works would need to be provided at the reserved matters stage as the applicant will need to show that there is capacity in the network.

Therefore upon weighing up the above information the Highway Authority recognises that the proposal would lead to a significant increase in traffic however if all the proposed mitigation were to be secured and delivered then the impact is unlikely to be considered to be severe as set out in section 4 of the National Planning Policy Framework (NPPF). As such the Highway Authority raises no objection to this proposal and would ask that the following is secured if planning permission were to be granted:

If however any of these elements are not secured by S106, there needs to be confirmation from Taunton Deane Borough Council that CIL will deliver the mitigation at an appropriate trigger to avoid an objection to the scheme, as the impacts will be severe on the highway network and the development would be contrary to NPPF Section 4.

- S106 agreement to include accesses all off-site highway works, Travel Plan and Spine Road.
- 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.

- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
- In the interests of sustainable development none of the dwellings in the first phase hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- No work shall commence on the development site until an appropriate right of discharge for surface water and necessary improvements has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

*HIGHWAYS ENGLAND -*

Original consultation response dated **12th June 2015** made the following comments.

Highways England have now fully considered the Transportation Assessment work submitted in support of the application and provide further details below. The comments contained within this letter take into account the Dept. for Transport Circular 02/2013, *The Strategic Road Network and the Delivery of Sustainable Development* (dated 10 September 2013) and the DCLG *National Planning Policy*



*Framework* (March 2012). Highways England have been involved in substantial pre-application discussions in respect of this site, dating back to March 2013 which has focused on the potential impact of the development on Junctions 25 & 26 of the M5.

#### Trip Generations.

Trip generations have been calculated on a 'first principles' basis due to limitations within the TRICS database when considering the size of the development site. The trip generations were discussed at detail during the pre-application discussion and have therefore been agreed.

When considering the impact of development traffic on the Strategic Road Network, concerns were raised that should the modal splits of the development not be realized, the actual vehicular impact would be greater than predicted. In view of this, a sensitivity test was assessed in respect of the impact on the Strategic Road Network which has assumed an increase in trip rates of 10%. This is accepted.

#### Trip Distribution and Assignment.

Traffic has been distributed and assigned to the network using the Taunton Strategic Traffic Model (TSTM3), which is a SATURN model covering Bridgwater, Taunton, Wellington, including the corridor of the M5 from junction 23 to 26. The model includes an interim year assessment of 2018, and a future horizon year of 2028 to tie in with the end of the core strategy. The use of the TSTM3 model to distribute and assign traffic is accepted.

#### Modelling of J25 of M5.

The TSTM3 includes an interim year assessment of 2018, however Circular 02/2013 requires that developments test for an opening year. During the pre-application discussions the applicant had tested the impact of their development in 2018. However they have now determined that opening year in planning terms will be 2017. Assumptions have had to be made in respect of the level of committed development likely to be open in 2017, which in turn will result in less background traffic appearing in the modelling. The assumptions on committed development have been provided by Somerset County Council, and we accept this. Junction 25 of the M5 has been modelled using LINSIG V3, the base 2013 model has been audited in terms of its ability to replicate existing junction form, and to ensure that traffic flows, geometry and modelling parameters have been entered and used correctly. A validated model is required in order to provide the confidence that the model could be used to predict how the junction would operate in future scenarios. A full detailed check could not be undertaken of the model as the LINSIG deck has not been provided. However, checks have been made against the data presented in the LINSIG output results.

#### Issues Identified.

A number of issues have been identified in the model which need further consideration, as follows:

- Nearside lanes have not been correctly identified in the model; links 1/1, 2/1 and 7/1 should all be inputted as nearside lanes;

- Directly entered user saturation flows have been applied to circulatory lanes, but no justification for the value used has been given in the TA. The directly entered saturation flows for all circulatory links are input as 1900 pcu/hr. TRL Research Report 74 identifies that for circulating carriageways saturation flows for three-lane links were measured at about 4900 pcu/hr, and saturation for two-lane links were measured at about 3200 to 3400 pcu/hr. The LINSIG results for the circulatory lanes are therefore likely to be optimistic, hence further evidence of saturation flows for the circulatory lane is required;
- The give-way coefficients and the maximum flows could not be checked because the ARCADY information could not be located in the appendices. It should be noted that JCT provide some guidance on these parameters for roundabouts for LINSIG models, the recommended giveway coefficient of 0.3 and maximum flow of 1000 pcu/hr for each lane is provided in their documentation, notwithstanding this the values inputted in the model appear to be of this order. It is recommended that LINSIG deck is provided so that a full detailed check can be undertaken;
- The TA states that queue data have been collected to validate the model and therefore the model has been correctly calibrated, however no queue data appears to have been collected for the circulatory lanes. The 2013 base results indicate long queues on the circulatory and hence the potential for queues blocking back from the circulatory signal stop lines to the approach lanes, creating a possible gridlock situation. Therefore for this particular model the circulatory queue information should have been collected to provide a robust model;
- An important factor in modelling signalised roundabouts is to understand how traffic would move around the junction. Further information on the assumptions used is required to fully check if the model replicates the existing situation. The model does not appear to follow the current lane markings on the roundabout, and there are some optimistic lane changes occurring, for example arm 14 shows multiple links merging into a single link at arm 18 over a very short distance, the model results are therefore likely to be optimistic. Justification of the traffic assignment around the roundabout is therefore required;
- The model shows two long exit lanes into arm. 10, however google maps shows that arm 10 should be one long and one short lane exit;
- There is currently a yellow box junction on the circulatory between M5(N) and the A358 which would indicate some blocking back issues are present, further information on how the yellow box junction impacts on the modelling is required to enable Highways England to fully understand the impact of the proposals;
- All links are assumed to be long lanes, however some short lanes exist; and
- No information on link lengths have been provided.

In summary there are concerns with the geometric parameters, the potential of blocking back issues and how traffic has been assigned to move around the junction used in this model, these concerns would need to be addressed before the modelling can be approved.

#### Impact at Junction 26

During pre-application discussions the potential impact of development traffic at J26 was agreed, and the junction was modelled using ARCADY. The modelling shows

that there is adequate spare capacity within the junction to accommodate the development traffic, and no further work is required in respect of this junction.

### Summary

We are largely content with the submitted Transport Assessment. There is however a number of issues in respect of the modelling of J25 for which we request further clarification.

I am therefore attaching a recommendation of non-determination for a period of 3 months to enable the applicant to address each of the issues identified above so that the full impact of the proposals on the Strategic Road Network can be determined and if necessary conditioned to ensure the construction and post construction activities are carried out in an appropriate manner to ensure the continued safe and efficient operation of J25. Please note that we can remove the recommendation of non-determination before the three month period if we are content that the necessary work has been completed to our satisfaction. We are also happy to meet with the applicant and their consultants if needed.

### Subsequent consultation response dated 8th July 2015

Following additional clarification from the Agent regarding the submitted modelling, Highways England have revisited the assessment and considered it against that presented during the pre-application discussions. We are now content that the Applicant has demonstrated that the increase in queuing and delay at junction 25 [of the M5] is minimal, and will be contained entirely within the extents of the slip roads. On this basis, Highways England are now able to remove the recommendation of 'non-determination' and replace it with a no objection response. This replaces the recommendation dated 12th June.

### *SCC - FLOOD RISK MANAGER [LEAD LOCAL FLOOD AUTHORITY] -*

Original comments dated **16th February 2015** make the following observations -

I have consulted the Environment Agency on this application and at this stage I wish to support their position. At some stage in the future, the responsibility for commenting on the surface water drainage aspects of the site is likely to transfer to the County Councils Lead Local Flood Authority from the Environment Agency, written statement from the Secretary of State for Communities and Local Government 18th December 2014 refers. However, transition arrangements for applications made before 6th April 2015 are not clear and so I wish to be kept informed of any negotiations or decisions with respect to drainage in case we are required to be involved at a later date.

Further comments on **4th September 2015** made the following points -

The revised Flood Risk Assessment dated June 2015 is sufficient to enable the LLFA to consider that this proposal will be acceptable if conditions are included on the subsequent planning permission to agree the construction and maintenance of a sustainable drainage system to control surface water. We support the conditions

suggested by the Environment Agency in their letter dated 26th June 2015.

*SOMERSET DRAINAGE BOARDS CONSORTIUM -*

The site is located outside the boundary of the Parrett Internal Drainage Board area, however any surface water run-off generated will discharge into the board's area via the main river, within which it has jurisdiction and powers over matters relating to ordinary watercourses. The Board's responsibilities requires it to ensure flood risk and surface water drainage are managed effectively.

The Board agree that a sustainable surface water design will need to be submitted to the LPA. This should seek to improve downstream flood risk by reducing the rate and volume being discharged into the receiving land drainage network. These details should provide sufficient information as well as allay any concerns associated with potential increased flood risk to downstream property and land owners.

An increase in the volume of the run-off will occur from an increase in the impermeable area of the site, unless infiltration techniques are employed. All efforts should be made to maximise any potential infiltration.

The Board suggest that if the LPA does approve the application, the condition and informative set out below must be included -

Condition - No development should proceed until the surface water drainage and watercourse proposals have been agreed with the Local Planning Authority in conjunction with the Parrett Internal Drainage Board.

Reason: The application details have insufficient details to determine if drainage matters are to be properly addressed. It is not possible at this time to know if the development of the site would have an adverse impact on flood risk elsewhere which might be contrary to the principles set out in section 103 of the National Planning Policy Framework and section 2 of the Technical Guidance to the National Planning Policy Framework.

The board has had no contact from the applicant or the developer's Agent as the site is a distance from the Board's catchment area. However, it is important that surface water drainage disposal and flood risk is considered with improvements made.

The above requirements are based on the principles set out in section 103 of the National Planning Policy Framework and section 2 of the Technical Guidance to the National Planning Policy Framework, which requires that development should not increase flood risk elsewhere.

As the site is located outside of the Board's area, it may have been considered that the Board would have little interest. However, a robust, sustainable and maintainable approach that would mitigate any impact on the receiving network, particularly increases in flow and volume within the Levels and Moors is preferable to an increase in volume.

*SCC - RIGHTS OF WAY -*

There are public rights of way (PROW) recorded on the Definitive Map that run through the site at the present time (footpaths T 29/11, T 29/12, T 29/12A & T 29/36). Any proposed works must not encroach on to the width of the footpaths. The proposed development might obstruct the right of ways and a diversion will be necessary. The rights of way will need to remain open and available until the (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the paths are built on or otherwise interfered with.

We would request to be consulted on the surface of any diverted public right of way. If the route is to be diverted, this will be dealt with by Taunton Deane District Council. The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public bridleway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided.

#### *DIVERSIONS ORDER OFFICER -*

The proposed development area has parts of the public footpaths T29/10, T29/12, T29/13 and T29/36 within it. Attention will need to be given to these public ways.

#### *ENGLISH HERITAGE NOW HISTORIC ENGLAND -*

We do not wish to comment in detail, but offer the following general observations.

The focus of Historic England, relative to this application, is the impact that the proposed development will have upon the setting of the Trull Conservation Area, the highly graded listed buildings and the Scheduled Ancient Monument, Poundisford Park

Pale. With regard to the listed buildings there are two specifically that have the potential to be affected, Chilliswood farmhouse and Hamwood Farmhouse. The proposed development is in outline, with all matters reserved, for a residential and mixed use urban extension to include up to 2000 dwellings, up to 5.25 hectares of employment land, 2.2 hectares of land for a primary school, and a mixed use local centre and a 300 space park and bus facility.

Key to our advice to local authorities is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to “have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses”. With regard to Conservation Areas Section 72 places a responsibility on local planning authorities to pay special attention to preserving or enhancing their character. When considering the current proposals, in line with Para 129 of the NPPF, the significance of the asset’s setting require consideration. Para 132 states that in considering the impact of proposed development on significance great weight should be given to the asset’s conservation and that the more important the asset the greater the weight should be. It goes on to say that clear and convincing justification is needed if there is loss or harm.

When considering development that has the potential to affect setting English Heritage’s guidance the Setting of Heritage Assets should be referred to. The key principles for understanding setting are set out at page 5 of the guidance. Whilst there are a large number of highly graded assets within Taunton their setting essentially relates to their urban context, rather than the open countryside beyond to the southwest. Within Trull there is the Church of All Saints, which is grade I. It is separated from the proposed site by some historic housing and more modern infill.

Given the degree of physical separation and its specific orientation we do not feel that the setting of All Saints will be adversely affected. To the south of the development are Chiliswood and Hamwood farmhouses. Having reviewed the information submitted and looked at the two farmhouses we do not feel that there would be any notable impact on setting. This is partly due to the fact that there are no clear direct visual relationships, designed or otherwise, and also to the fact that post development there would still be an agricultural setting to the northeast.

Poundisford Park Pale is some distance away and a significant element of it is beyond the M5. The impact on setting is felt to be limited.

The Trull Conservation Area does not have an adopted appraisal. One of the primary characteristics is the Honiton Road that runs due south from Taunton. We note that the scheme retains the line of the road with a new roundabout junction created to the west. Also evident is a landscaped buffer that retains the break in the western residential development along Honiton Road. Future development proposals should be developed with the full engagement of your specialist conservation staff.

## **Recommendation**

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again.

*HERITAGE (Conservation officer TDBC) -*

Initial comments dated **9th February 2015** make the following observations.

The Heritage Impact Statement submitted concentrates on the physical impact of the works on the Conservation Area. I would take issue with Sections 6.2 and 7.2 that state that the stone wall it is proposed to remove has a neutral value. Will admittedly much of the wall does appear to be relatively modern in terms of construction, it is a visually prominent feature of traditional construction that positively contributes to the character and appearance of the Conservation Area. Its loss would undoubtedly cause harm to the Conservation Area's significance.

The material submitted with the application is extensive but I can find no detailed analysis of the impact of the development on the setting of the Conservation Area or the individual listed buildings that are situated close to the site. Given the scale of the proposal, there is clearly the potential for the development to cause harm to these heritage assets. If no detailed assessment of this has yet been undertaken I suggest this is addressed before this application is determined.

Further comments dated **25th August** make the following observations

Further to my consultation response of 9 February, I have now had the opportunity to view both parts of the submitted heritage assessment. I can confirm that these documents use an appropriate and sound methodology proportionate to the scale of the development and allow the impact on the built heritage assets to be properly assessed. Having assessed the reports on site, I would broadly agree with the findings. I have identified no harm, either physical or to setting, to the built heritage assets that could under the terms of the National Planning Policy Framework be described as 'substantial'. The 'less than substantial harm' to the setting of the Conservation Area and Listed Buildings is at the lower end of the scale and is accurately set out in Table 13.4 of the report as at worst moderate and can be further reduced through mitigation measures. In terms of these measures, further details will be required, particularly the treatment of the Honiton Road area, which will directly impact Trull Conservation Area.

In summary, while the proposed development would not enhance the significance of the built heritage assets, neither would it result in a degree of harm that causes me to object in principle to the scheme on conservation grounds.

Further comments on **15th October** make the following observations (in respect of the structures possibly within the curtilage of the listed Cometrowe Manor) -

It is possible that the water wheel is curtilage listed. The crucial test is the ownership situation at the date of listing - 9 November 1987. If Comeytrowe Manor and the wheel were in the same ownership at this date then the wheel is listed. The same

would apply to the industrial sheds to the north and west of the house if they were built before 1948 - some of which are on the same site as C19 buildings and could date from this period. An inspection would be required to confirm this. We cannot determine this application responsibly until this is resolved. If they are curtilage listed we could add an informative to state that LBC would be required to demolish or alter any of the curtilage structures. If they are not curtilage listed we still need to think about how we can make provision for the water wheel.

*LANDSCAPE AND VISUAL AMENITY (Consultation with Swan Paul Ltd.) -*

Taunton Deane Local Planning Authority instructed Swan Paul Partnership Ltd to assist with the issues and assessments required to help the Council understand and respond to all landscaping issues associated with the submitted Planning Application for the South West Urban Extension to Taunton. Their report is very detailed, dealing with complex considerations both on and off site and is far too extensive to reproduce in this section of the Committee report. However, their assessments, opinions and findings have been itemised and examined in the section later on landscaping issues.

The main issues considered by the document are

- Landscape evaluation and attributes of the application site;
- Landscape evaluation;
- Effects on the landscape resource;
- Effects on the visual amenity;
- Discussion of the positive contributions arising from the proposed mitigation;
- Aspects requiring further consideration; and
- Summary of the analysis of the relevant application documents (concerning landscape and visual matters).

In conclusion, the landscape consultation prepared by Swan Paul considers that, on balance, when the negative aspects of the proposal are considered alongside the positive, in relation to the landscape and visual effects, the proposals as put forwards by the Comeytrowe Consortium in this Outline Application are acceptable and would not cause an unacceptable level of negative impact.

*BIODIVERSITY OFFICER (TDBC) -*

EDP carried out a range of ecological surveys for the site between 2008 and 2013. (Extended Phase 1 survey, hedgerow survey 2011 and 2013, Bat and Building assessments 2012 and 2013, Breeding bird survey 2012, Hobby Survey 2013, Dormouse Survey 2012 and 2013, water vole and otter survey 2012, badger survey 2012 and 2013, amphibian survey 2012 and reptile survey 2012.) Chapter 8 of the Environmental Statement assesses the likely significant effects of the development in terms of ecology. The chapter incorporates a summary of the ecological baseline and summary references to the Somerset biodiversity offsetting approach to mitigation.

General findings of all the reports were as follows -



### Habitat Survey

The site sits within an undulating landscape and comprises of a mix of large arable fields with some improved and semi improved grass fields. The fields are bordered by dense continuous species rich hedgerows providing key linkage throughout the site. Galmington stream crosses the site. A small industrial estate comprising 10 built structures north of Comeytrove Manor, and an area of poultry sheds are also present on site. Other notable features include mature trees, ponds and wet ditches. The site has potential to support, bats, dormice, otter, water voles, amphibians, reptiles, badgers, and birds.

### Bats

Numerous bat records were received from SERC within 4 km of the site. Over nine species of bat were recorded foraging / commuting on site including leisler greater and lesser horseshoe and barbastelle bats. A small number of bat droppings were found in the roof space of one building within the industrial estate, Emergence and resurvey surveys recorded a common pipistrelle emerging. Building 11 in the industrial estate was found to support an occasional night roost for pipistrelle whilst building 8a was found to support an occasional day roost by common pipistrelle. These buildings are to be demolished and so an EPS licence will be required. Thirty trees on site, mainly located in the Trull area and along the Galmington stream and along the ditch heading eastward are considered to have potential to support roosting bats. Five of these trees are at risk of requiring removal. If these trees found to support bats EPS licences will be required.

### Dormice

Evidence of dormice was recorded in the hedgerow habitat on site (two adult dormice and 14 nests) These were found in the southern section of the site near to Galmington stream, in the hedgerow bordering Comeytrove Lane just west of the abattoir and a single dormouse nest near Comeytrove Manor ditch. Removal of habitats supporting dormice will require an EPS licence from Natural England.

### Otters

Otters are likely to use the watercourses on site, although no field signs were found. I support the proposal to buffer the watercourse and to ensure that the bridge design for the road crossing is of an open span design to maintain access along the watercourse for otters.

### Water Voles

There are records of water voles using the Galmington stream although no evidence of water vole activity was found on site. In addition the nearby LNR has several known colonies of water vole.

### Amphibians

Five ponds are located within the site with another eight off site plus some seasonally wet ditches. No evidence of Great Crested Newts was recorded on site. The survey recorded a number of smooth and palmate newts, common toads and common frogs.

### Reptiles

The majority of the site is considered to be of limited potential to reptiles being mainly used for agriculture. However areas of tall ruderal vegetation and scrub e.g. around the industrial estate, offer some foraging, basking and hibernating opportunities for reptiles. In addition areas of rough grass located habitat for reptiles. The survey confirmed the presence of a large slow worm population as well as a small population of grass snakes in the two fields of semi-improved grassland north of the industrial estate. Reptiles found in areas where vegetation is to be removed will need to be translocated to a suitable receptor site.

### Badger

I agree that an up to date survey is required prior to developing the site. A licence will then be needed to disturb any active sett.

### Birds

A total of 45 bird species were recorded within the application site. No hobby were recorded although suitable nesting sites are present on site.

### Mitigation measures

The development will unfortunately result in the loss of 34% of the hedgerow network, 25% of mature trees and 28% of ponds on site. At detail stage if additional landscape features can be retained this will have biodiversity and landscape benefits. The Somerset Biodiversity offsetting methodology was applied to this site prior to submission of the planning application. During the process three species (dormouse, Barbastelle bat and pipistrelle bat) were identified as being umbrella species representing the key habitats lost to development. Complex Calculations in terms of Habitat Units (HUS) calculated that a total of 60 HUs (3.38 ha) is required as mitigation habitat. Having reviewed the emerging landscape proposal myself and Larry Burrows of the County Council agreed that, in principal, the ecological effects of the proposed development could be adequately mitigated on site. The new habitat, proposed at present, includes 0.57 ha of new hedgerow, 3.8ha of new tree and woodland planting, 1 ha of new orchard, 1.9 ha of new species rich grassland and 7 ha of swales /attenuation features. As well as habitat enhancements on site I support the additional proposed biodiversity enhancements in the form of bat boxes, bird boxes, nesting platforms for raptor birds, dormice boxes, hibernacula and a sensitive lighting scheme. I agree that, at present the ecological surveys are up to date but depending on timescales and phasing it is likely that detailed species surveys will require up dating prior to commencement of the relevant phase of development. I the Lot the following condition.

### Condition for protected species:

The development hereby permitted shall not be commenced until details of a wildlife strategy (incorporating an Ecological Construction Method Statement ECMS) and a Landscape and Ecological Management Plan (LEMP)) to protect and enhance each phase of the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of all the

submitted wildlife reports to date (EDP's Extended Phase 1 survey, Hedgerow survey 2011 and 2013, Bat and Building assessments 2012 and 2013, Breeding bird survey 2012, Hobby Survey 2013, Dormouse Survey 2012 and 2013, Water vole and Otter surveys 2012, Badger surveys 2012 and 2013, Amphibian survey 2012 and Reptile survey 2012.), and **up to date surveys** and include -

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

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the mitigation planting and maintenance of the hibernacula, bat, dormice and bird boxes and related accesses have been fully implemented. Thereafter the new planting and the wildlife resting places and agreed accesses shall be permanently maintained

Reason: to protect and accommodate wildlife

#### Informative Note

1. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement for each phase of the development clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
3. Dormice and bats are known to be present on site as identified in EDPs ecological surveys. Both species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.
4. It should be noted that the protection afforded to badgers under the Protection of Badgers Act 1992 is irrespective of the planning system and the applicant should ensure that any activity they undertake on site must comply with the legislation.
5. Nesting birds are present on site and all operatives on site must be appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and

Countryside Act 1981 (as amended) and if discovered must not be disturbed.

***SCC - ECOLOGY (Original comments dated 25th February 2015) -***

The site supports the rare barbastelle and greater horseshoe bats and hedgerows host a population of hazel dormice. Bats and dormice are afforded protection under the Habitats and Species Regulations 2010 [the 'Habitats Regulations'] which includes making it illegal to cause disturbance that is likely to impair a species ability to survive, rear or nurture their young, and to affect significantly the local distribution or abundance of a species. Furthermore, Regulation 9 obligates local authorities to have regard for the Habitats Directive 1992 which under Article 1 includes the 'Favourable Conservation Status' (FCS) of an Annex IV species, on which schedule all afore mentioned species are included. FCS basically requires that a species' population and the habitat to support it is maintained. A planning officer's report to committee on an application must demonstrate FCS apart from any subsequent licensing requirements as one of the 'three tests' required by the Regulations. The application must also pass two other tests: is the development of overriding public interest and are there alternatives? Again these must be set out in the report to committee.

The result of the evaluation showed that a minimum of c.5.2ha of optimal habitat for barbastelle and dormouse would be required. This was located within the green wedge and along the western edge of the development, although this appears to be cut off from both part of the population of dormice and commuting access by the potential provision of a secondary school at the south of the site. For dormice this should be habitat outside the floodplain of the Galmington Stream as during winter they hibernate at ground level. Both species are sensitive to introduced artificial lighting whether from street and footpath / cycleway lighting or then uncontrolled amenity or security lighting in back gardens. Barbastelle and greater horseshoe bats require grassland habitat managed to produce large numbers of Noctuid moths in conjunction with mature tall hedgerows for commuting. The latter habitat would also be required for dormice along with woodland and scrub which would need to be 'dry' at the base in order that winter nests could be built. This habitat would need to be in place and functional prior to any site clearance work commencing on site. The figure of 5.2ha does not allow for any time lapse and would need to be increased should habitat planting commence. Using Defra's (2012) 'Risk Factors for Different Habitats' woodland and grassland are considered of medium difficulty to create, and a multiplier of 1.5 would be applied; in addition a temporal risk factor of 1.4 for a delay of 10 years to functional at least for the woodland. So I would be looking for around 10 to 11ha of replacement habitat.

It is proposed in the Ecology and Nature Conservation Chapter that 3.8ha of new native woodland and 1.9ha new species-rich grassland created within the site's open spaces, a total of 5.7ha. However, reviewing the submitted Masterplan for the site a distributor road is shown at the southern end of the 'green wedge' within the red line area. This is likely to be street lit and therefore any habitat creation north of it must be discounted as would any internal hedgerows within the built development. I also note that there is a footpath / cycleway alongside the Galmington Stream that may

be lit potentially negating the habitat creation. A significant amount of woodland habitat is north of the distributor road and grassland is within the built development. Therefore I would consider that the amount of habitat creation offered south of the distributor road may not be sufficient to mitigate the loss to barbastelle and greater horseshoe bats and dormice and that FCS of these species could be in doubt. Furthermore dormice also currently occur north of the proposed distributor road and if not displaced over a large distance to south of the road, which may be unacceptable as mitigation, may be isolated and suffer local extinction. However, a bridge is suggested in the Ecology and Nature Conservation chapter to provide access either under or over the road but not given in the summary of mitigation in Chapter 17 where this becomes 'Strategic planting with shrubs and planters to facilitate dispersal under/over the road bridge across Galmington Stream'. However, this would be compromised by street lighting and relies on connectivity to existing habitat in the green wedge.

I would therefore suggest a condition such as the following to ensure that adequate provision is given and as the application is outline:

- A minimum of 10 hectares of woodland and grassland habitat designed for and accessible to bats and dormice will be created and maintained in perpetuity, including 6 hectares south of the distributor road and out with any urban development. The location of these areas to be submitted to and agreed by Taunton Deane Borough Council
- An Ecological Management Plan (EMP) will be produced and submitted to Taunton Deane Borough Council for approval before any site clearance work commences on site
- To minimise the effects on bats and dormice, a specific lighting strategy (to be produced at the reserved matters stage) will be produced, including contours showing Lux levels down to 0.1 Lux and incorporating the following measures and to be approved by Taunton Deane Borough Council.
- Street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species. The applicant will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

Reason: Bats and dormice are afforded protection under the Habitats and Species Regulations 2010 [the 'Habitats Regulations'] which includes making it illegal to cause disturbance that is likely to impair a species ability to survive, rear or nurture their young, and to affect significantly the local distribution or abundance of a species. Taunton Deane policy, etc. An Ecological Management Plan is required as the habitat needs to be maintained functionally for the life of the development in order that Favourable Conservation Status of the affected populations is maintained.

As the development is permanent then the management of created habitats must be permanent.

I remain concerned about the potential fragmentation caused by the development on the local dormouse population.

Skylarks (a section 41 species NERC Act 2006) were recorded breeding on site but no mitigation is given. This species has been affected several developments around Taunton and effects are becoming increasingly cumulative.

Following extensive negotiations on the above issues, further comments were received on **10th August** confirming that ecological matters had been resolved.

#### *NATURAL ENGLAND -*

This reply comprises our statutory consultation response under provisions of Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Regulation 61 (3) of the Conservation of Habitats and Species Regulations 2010, and Section 28(l) of the Wildlife and Countryside Act 1981 (as amended).

#### Internationally and nationally designated sites – No objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

We note that the Somerset County Council Ecologist agrees that the site is unlikely to be a foraging area for lesser horseshoe bats from Hestercombe House Special Area of Conservation approximately 6.5km away.

#### Designated Landscapes

This is a large development within approximately 3,000m of Blackdown Hills Area of Outstanding Natural Beauty. We therefore advise you to seek the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

#### Protected Species

We have not assessed this application and associated documents for impacts on protected species although we note the concerns of the Somerset County Council ecologist about the current mitigation proposals for dormice, bats and skylarks. We also note the likely need for mitigation licences for Bats and Dormice and the potential need for a development licence for Badgers. We would therefore encourage the developer to discuss these matters with Natural England an early stage.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

#### Green infrastructure and biodiversity enhancements

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development following the approach set out in the Taunton Deane GI Strategy. There are also guidelines on the development of this site that were agreed as part of the allocations process for the Taunton Deane Plan.

The application provides for an extensive green infrastructure. The LPA should review the proposed green infrastructure carefully to ensure that:

- it can be established and provide the required level of mitigation within an acceptable period;
- the planting design, species mix and other aspects of the scheme are appropriate to their landscape setting; and
- the appropriate management of the green infrastructure is properly provided for in terms of funding and a long term management plan.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

#### Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

This is a large development with a Local Wildlife Site (Galmington Stream) and parts of a Special Landscape Feature (Stonegallows Ridge) and Trull Conservation Area within the site. We advise that any decision takes into account the effects on these locally important sites and environmental features and seeks to avoid, mitigate or compensate for losses accordingly.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society) and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

#### *HOUSING ENABLING -*

25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% intermediate housing in the form of shared ownership. The type and size of the affordable housing units to be provided should fully reflect the distribution of property types and sizes in the overall development. 10% of the total affordable housing provision should be in the form of fully adapted disabled units. These homes should comply with a recognised and approved wheelchair design guide. The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3, or meet any subsequent standard which may supersede at the date of approval of the full application or reserved matters application.

Whilst no indication of the location of the affordable units within the scheme has yet been provided, this should be an integral part of the development and should not be visually distinguishable from the market housing on site. In addition, the affordable housing is to be evenly distributed across the site and in clusters of no more than 15 units. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site. Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance. The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. Early engagement with the Housing Enabling Lead to agree the affordable housing provision is recommended. The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.



*ENVIRONMENT AGENCY -*

Their initial comments received on **13th February 2015** stated the following -  
The Environment Agency OBJECTS to the proposed development, as submitted, on the following grounds:

All our pre-application discussions so far with the applicant have stated that surface water runoff for this site should be limited to 2 l/s/ha. From the Flood Risk Assessment (FRA) provided, they are now proposing to discharge at QBAR (6.4 l/s/ha). This is 3 times more than previously discussed. For a site of this size (50ha), this would mean the discharge would be 300 l/s instead of 100 l/s. We have also discussed an 8m buffer/exclusion zone on each side of the watercourse. There is no reference to this in the FRA.

This site is within the Taunton Deane Borough Council (TDBC) site allocation document, which states that surface water runoff from this site should be limited to 2 l/s/ha and provide buffer strips along watercourses. This application should be referred to both the Lead Local Flood Authority (LLFA) and TDBC drainage engineers as they will be the lead on this application in the future. Provided the above objection can be overcome we would wish to make further flood risk comments.

In addition to the above and subject to our objection being overcome, we would also seek the application of the following conditions and informatives:

CONDITION:

No development shall commence until a Green Infrastructure Strategy has been agreed with the Local Planning Authority (LPA). We would expect any such strategy to include preservation of the Galmington Stream corridor including that of any tributaries.

Reason: To conserve the integrity of the watercourse and its riparian habitats as a linear feature, and to provide connectivity between the downstream Local Nature Reserve (LNR) and the countryside beyond.

Note: At a minimum we would expect any development to lie beyond the Flood Zone 2 boundary or 8 metres from the watercourse, whichever is greater? Any such strategy should identify the measures to be included and how these will be managed in the future including if necessary a S106 agreement. To be effective green corridors need to be sufficiently wide to accommodate multiple uses without conflict.

CONDITION:

Any crossing of the Galmington Stream and tributaries should be by clear span bridges.

Reason: To maintain continuity of bank side habitat and free passage of protected species especially otter, in accordance with "the good roads guidance".

CONDITION:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy detailing how

this unsuspected contamination shall be dealt with.

Reason: To protect controlled waters.

**CONDITION:**

No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA.

The scheme should include details of the following:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

Reason: To prevent pollution of the water environment.

Note: Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

The following informatives and recommendations should be included in the Decision Notice.

- We note that the outline proposals are the result of significant consultation. We also note reference in the flood risk section to the Routes to the River Tone Project. Those responsible for this development including the LPA planners should be liaising with the Project team to ensure that the development contributes to the Project and vice versa.
- In Para 5.22 Ecology Strategy within the D&A section we note that it states there are no statutory designated sites of nature conservation interest within or adjacent to the site boundary. This is not correct as the South Taunton Streams LNR is a statutory site.
- We have some concerns over the potential proposal to provide some sort of foul storage to deal with foul discharge from the development. There need to be safeguards to ensure that any such system is adequately monitored. The site the event of an emergency overflow.
- We particularly welcome the siting of schools within easy reach of the green corridor so that full advantage could be taken of opportunities for education, exercise and "wildplay". This is one of the key objectives of the Routes to the River Tone project. Local schools have already benefited from "wild play" and the Glasses Mead area of the Galmington Stream has already demonstrated the value of green space with a small watercourse.

Further comments received on **11th September 2015** make the following observations -

Thank you for referring the revised details concerning the above application, which was received on 4 September 2015. The Environment Agency has no comments

to make, in addition to those contained in its letter dated 26 June 2015 regarding the proposal.

*DRAINAGE ENGINEER -*

I fully agree with the comments of the Environment Agency in their response dated 13th February 2015 and the need for a revised FRA.

At some stage a surface water limitation scheme will have to be submitted to and agreed in writing by the LPA. The use of sustainable drainage systems will be required as stated in any FRA to reduce the rate of run-off and pollution risks etc. These techniques involve controlling the sources of increased surface water and should include interception and porous paving/surfacing infiltration techniques, detection/attenuation facilities and wetlands.

No development shall commence on site following any planning permission, until a full operation and maintenance strategy has been submitted to and approved in writing by the LPA. The strategy shall identify all future land-use limitations, identify the ownership, operation and maintenance arrangements for the works over the lifetime of the scheme.

*WESSEX WATER -*

The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's S104 adoption of new sewer guidance DEV011G for further guidance.

The developer has been working with Wessex Water over a period of time to review water and waste services required to serve this new development and subsequent proposed phasing. An outline foul drainage strategy has been agreed in principle which will require further development and agreement. Arrangements include connection to existing New Barn pumping station for an initial 300 dwellings with sewer upsizing and additional pumping station storage with EA consent review. Additional downstream sewer upsizing and storage will be required for future phases over the initial 300 dwellings.

As detail has yet to be agreed we request a planning condition as follows:

*Foul Water Planning Condition -*

The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker.

- a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing.
- the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream

property.

#### Surface Water.

The developer is proposing to drain surface water from the site to existing land drainage systems with flood risk measures to be agreed with the Environment Agency and the Local Planning Authority/Lead Local Flood Authority. Elements of the system can be offered for adoption by Wessex Water.

#### Water Supply informative

The point of connection for the overall Comeytrowe development has been identified as off the new 450mm diameter main near Cannonsgrove House. Temporary connections prior to the construction of a trunk main to the point of connection to the south will need to be agreed with Wessex Water under Section 41 of the Water Industry Act. Outline details as follows;

- Subject to application 100 – 150 dwellings at the northern extent of the site may connect at an agreed point to one of the mains in the A38 close to Stonegallows.
- This connection will necessitate some upgrade works to Stonegallows pumping station.
- System valves are likely to be required with installation proposed at Heron Drive and Heron Close.
- The remaining properties and ancillary development (subject to agreement of demand requirements and application, not exceeding 800 dwellings total, including the 100 - 150 above) will connect to the 300mm DI main in Comeytrowe Lane.
- Properties above 55mAOD seeking connection to the 300mm DI main will require an on site booster(s) station.
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#### *LEISURE DEVELOPMENT -*

In accordance with local plan policy C4, provision for play and active recreation should be made for the residents of the proposed dwellings.

On a development of 2000 dwellings, on-site provision of recreational open space of 13 hectares should be sought. Of the 13 hectares, 9 hectares should be active recreational open space to include playing fields laid out and equipped for formal sports plus recreational open space and 4 hectares of both equipped and non-equipped play space should be provided. The equipped childrens play areas proposed on the Green Infrastructure Parameter Plan of 4 x LEAP and 1 x NEAP are insufficient for the size of the development.

On-site allotment provision of 15.4 square metres per dwelling should be sought as the quality standard stated in the Council's adopted allotment strategy. A development of 2000 dwellings should provide 3.8 hectares of allotments.

An on site community hall consisting of a main hall, toilets, kitchen and two meeting rooms should also be provided as detailed in the Council's policy for the provision of community halls in Taunton Deane.

A contribution to public art should be requested by commissioning and integrating art into the design of the buildings and the public realm.

*POLICE ARCHITECTURAL LIAISON OFFICER -*

Makes the following comments with regard to designing out crime and disorder:-  
NPPF – the NPPF states that new developments should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion (para.58) and safe and accessible developments, containing clear and legible pedestrian routes and high quality public space, which encourage the active and continual use of public areas (para.69).

Design & Access Statement – the DAS for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in ‘Safer Places, the Planning System & Crime Prevention’. In this regard, the DAS submitted in support of this application in Section 5.3 headed ‘Safety & Security’ addresses all the attributes of safer places i.e. Access & Movement; Structure; Surveillance; Ownership; Physical Protection; Activity; Management & Maintenance. Without reiterating all the comments made, this indicates to me that the applicant has considered crime prevention measures in the design of this proposal.

Crime Statistics – reported crime for the area of this proposed development during the period 01/02/2014-31/01/2015 (within 500 metre radius of the grid reference is as follows) is as follows:-

Criminal Damage - 2 Offences (1 damage to dwelling & 1 damage to motor vehicle)

Theft & Handling Stolen Goods - 4 Offences (incl. 1 theft from motor vehicle)

Violence Against the Person - 6 Offences (incl. 3 Common Assault)

Total - 12 Offences

This averages 1 offence per month, which is a very low crime level, probably due in part to the fact that the majority of the area of this proposed development is currently undeveloped land.

Layout of Roads & Footpaths – although there is limited detail on the Illustrative Masterplan, the proposed routes appear to be visually open and direct and should not undermine the defensible space of neighbourhoods. The comments made in the ‘Access and Movement’ section of the DAS appear to support this.

Layout & Orientation of Dwellings – dwellings should be positioned facing one another to allow neighbours to easily view their surroundings and make the potential offender feel more vulnerable to detection.

Public Open Space – communal areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. This would appear to be

covered in the sections headed 'Surveillance' and 'Quality and Management of the Public Realm' in the DAS. At this outline stage, the only potential areas of concern in this respect appear to be parts of Areas 15, 9 and 6 referred to in the Illustrative Masterplan which may be subject to limited natural surveillance.

Dwelling Boundaries – it is important that boundaries between public and private areas are clearly indicated. The bullet points made in the sections headed 'Ownership' and 'Structure' in the DAS appear to cover this.

Car Parking – cars should either be parked in locked garages or on a hard standing within the dwelling boundary. Where communal car parking areas are necessary they should be in small groups, close and adjacent to homes and within view of 'active' rooms within these homes. Rear car parking courtyards are discouraged as they introduce access to the vulnerable rear elevations of dwellings where the majority of burglaries occur.

Planting – planting should not impede opportunities for natural surveillance nor create potential hiding places and, in areas 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.

Street Lighting – all street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS 5489;2013.

Secured By Design – if planning permission is granted, the applicants are advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm, cycle storage etc in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website – [www.securedbydesign.com](http://www.securedbydesign.com)

#### *NHS ENGLAND AREA TEAM -*

The Bristol, North Somerset, Somerset and South Gloucestershire (BNSSSG) Area Team of NHS England welcomes the opportunity to comment on the proposed new developments in Taunton. The comments in this response should be used by the Planning Authority to relate to Infrastructure Requirements for NHS England to ensure access for residents of new residential developments to GP Primary Care services is secured.

The new homes Taunton will generate a significant number of new residents who will all require access to Primary Care Services in the area including GP services. The majority of comments are based on statutory responsibilities to provide healthcare facilities for the population of Taunton Deane and build on the work within the Area Team Boundaries, which sets out how it will ensure easier access for residents of this new residential development to GP Primary Care services.

[NHS England commissioning responsibility.](#)

NHS England has a duty to commission local healthcare services to meet the expected needs of the population of South Gloucestershire including the demands of the additional population of the new developments. The NHS structure within England changed on the 1 April 2013 with the enactment of the Health and Social Care Act (2012). This change principally created NHS Commissioning Board, known as NHS England, replacing the Primary Care Commissioning function previously undertaken by Somerset Primary Care Trust (NHS Somerset). At a local level, Public Health now sits within Somerset County Council which leads on the health and wellbeing agenda, focusing on the promotion of prevention and the reduction of health inequalities, through partnership working and commissioning across the five district council areas of Somerset. NHS England will be developing a Primary Care Strategy with the new partner NHS organisations including Somerset Clinical Commissioning Group. This strategy will inform NHS England's responses to Infrastructure requirements e.g. on new communities and new housing developments within Somerset. In the interim, the BNSSSG Area Team of NHS England is considering the work developed by NHS Somerset, and has used this to inform the comments on the proposed new neighbourhoods in Taunton. This sets out how access to GP Primary Care services is ensured for residents of this new residential development in Taunton Deane.

#### Nature of General Practice

Primary Care services account for around 90% of the public's contact with the NHS and can significantly improve the health of the local population, identifying and managing chronic disease and illness, and reduce reliance on hospital care. Primary Care needs to sit at the heart of natural communities, supported by community and social care services. NHS England's vision is to make an increasing percentage of care available close to people's homes and to deliver more services in primary care and community settings, whilst reducing unnecessary reliance on hospital care. This will support the delivery of productivity and efficiency savings in secondary care, but will also make additional demands on primary care providers in terms of both direct service provision and in playing a more active role in managing local resources (for example developing and regularly reviewing care plans to reduce the risk of vulnerable people being admitted to hospital for preventable illness). The commissioning trend across the whole of the England is towards larger practices employing more GPs or through federations of practices, together with the increasing co-location of Primary Care and other services. This is because larger practices have more capacity to provide increased services and the necessary infrastructure to ensure that quality standards are being met and that clinical staff receive appropriate support and development.

In general larger practices are better able to provide a wider range of health services and support the systematic tracking and improving of the quality of care for patients with conditions such as asthma, diabetes and coronary heart disease, and for those with the most complex care needs in the community. By developing bigger practices, we can provide a wider range of services to patients and provide extended access to services in the evening and at weekends. Bigger practices are better able to work with partners to pursue areas of joint practice. The development of new primary care

estate must facilitate improvements in the range and quality of services offered in primary care. In particular it should enable GPs and their teams to play an even greater role in primary and secondary prevention of ill health, and to maintain and further improve the quality of services. As a result it is unlikely new small stand-alone practices in North Somerset would be commissioned with less than four GPs and preferably six GP practices as they would be probably unable to provide a wide range of high quality primary medical services.

#### Healthcare facilities for new development.

Early NHS policy set a straightforward geographical criterion such that a GP is “within walking distance for mothers with prams”. The NHS still recommends that patients register with their local GP. New residents are able to choose which GP practice to register with but NHS North Somerset believed that residents having access to a GP within 15 minute walk or public transport is an appropriate measure of accessibility. At this stage of the development it is not possible to determine travel times for public transport or walking but the Area Team of NHS England would support the requirement for public transport and cycling/walking routes to be provided within the development area to provide that accessibility.

The Planning Authority has indicated that 1500 new houses in Staple Grove, and 2,000 in Comeytrowe would result in 8,400 new residents in Taunton. This equates to approximately 4.9 GPs to provide sufficient capacity for the new residents.

#### Capacity in neighbouring general practices

There are several practices in the area with 4 practices close to the sites. However, based on an analysis of the number of GPs at these practices and space available there is insufficient capacity to accommodate the numbers of new patients expected. For the purposes of overall planning, the policy was to define capacity in general practice as fewer than 1,700 patients per GP. This was the standard adopted by NHS Somerset in considering new developments, the equivalent of one extra GP for each additional 1,700 new residents. This is above the national average number of patients per practitioner which has fallen from 1,795 in 2000 to 1,567 in 2010. Therefore fewer GPs were commissioned in NHS Somerset than average areas. In the absence of national policy, NHS England, South, South West has used these guidelines to inform our recommendations for this document. Patients can register with a GP practice of their choice, as long as they live within its catchment area and it is accepting new patients. GP practices now agree their practice boundaries with NHS England. Practices can apply to NHS England if they have insufficient capacity to care for further patients to close their patient list. Currently there are no practices in Somerset with a closed patient list. An analysis of the capacity of neighbouring practices to determine the typical costs and sizes of primary healthcare facilities could incorporate the population projections for the area. To assess the infrastructure requirements a benchmarking exercise was undertaken to determine typical costs and sizes of primary healthcare facilities so a projection of future demands and need could be made. The results of this indicate there is no local capacity that is accessible and hence the assessment of the need in total for each development is



Staplegrove 2.12 additional G.P.'s

Comeytrowe 2.82 additional G.P.'s

Both of which will require an additional 700 m. sq. of new space.

NHS England South, South West recommends there is a requirement for creating this additional space within a Business case to redevelop one or more of the existing surgeries to include the space needed for the proposed the new population of 8,400 residents in Taunton. This is because the existing surgeries do not have sufficient capacity to be extended. NHS England and Somerset CCG are preparing a Local Estates Strategy due to be published in December 2015, which will address the proposed population increases in Taunton and propose the preferred option to meet the need.

#### Early provision of healthcare facilities

The BNSSSG Area Team of NHS England would strongly endorse the need for healthcare facilities to be provided at the outset of the construction phase because it is important that there are healthcare facilities available before residents occupy their houses. Given there is no capacity in neighbouring practices outlined earlier, NHS England would be unable to fulfil its statutory duties without further interim provision of local healthcare services during the development process. NHS England would therefore support the potential for temporary provision and co-location in appropriate locations until the completion of the final facilities – provided that this was at no additional cost to NHS England and satisfied relevant CQC Regulations and appropriate standards for a new GP Practice. NHS England believes that additional GP provision should be available for the new residents of Taunton by the completion of the 250 dwellings at each site. This would allow for incremental increase in services available in good time for when they will be needed. This would also allow sufficient time to plan and develop the permanent facility required on the completion of the proposed new neighbourhoods at Taunton.

#### Pharmaceutical services

The NHS Somerset Pharmaceutical Needs Assessment, 2011 (PNA) provides an overview of pharmaceutical services provision. This document identified new housing developments with planning permission within Somerset. When the PNA was approved there were no gaps identified within current provision, and the national contract with each existing community pharmacy does not have a ceiling to contractor activity. Therefore the current level of contractors is adequate to meet the needs of the current population. A pharmaceutical services provider can apply for a new pharmacy contract when a gap is identified within the PNA. Access to pharmaceutical services is anticipated to be available in (or adjacent to) areas where people access routine healthcare (GP surgeries) and/or major retail areas. These are considerations in planning access to pharmaceutical services for each new community development, in addition to access to existing services

#### Additional Pharmaceutical Services

Although there are adequate pharmaceutical services to meet the needs of the new populations, the pharmaceutical provision from nearby pharmacies may not be

readily accessible to the new population. Nearby pharmacies are sited adjacent to and/or near other local primary care centres or in major retail areas, and they may require excessive travel. Thus, securing accessible pharmaceutical services within the new community may require the provision of pharmaceutical premises within the Taunton New Neighbourhoods. The BNSSSG Area Team of NHS England would, therefore support the provision of accommodation within the retail centre or co-located with the GP practice(s) for pharmaceutical services should be planned. In line with the commissioning guidance under which NHS England operates, Somerset Council will carry out full reviews of the PNA every three years. Any 'gaps' in pharmaceutical service provision for the new residents of Taunton New Neighbourhoods which are identified and published within the PNA will allow the consideration of a new pharmacy contract within the Taunton New Neighbourhoods.

#### Dental services.

Since 2006, patients are not registered with dentists and a dentist is only responsible for a patient's care whilst they are in a course of treatment. Although many practices do have their 'regular' patients, the commissioning of dental services differs somewhat from that of general practice.

#### Additional Dental Services

Dental needs are calculated on Units of Dental Activity, which relate to calculating the amount of dental time needed to provide a range of treatments e.g. an examination = 1 unit and a complex treatment conducted over a number of weeks might equal e.g., 12 units of activity or standard appointment slots. The usual planning assumption is 1 dentist per 2,400 patients and so the Taunton new neighbourhood would equate to approximately an additional 3.5 dentists.

Staplegrove - would require about 1.5 dentists to provide care for the new population  
Comeytrowe – would need 2 dentists to provide care for the new population

The majority of the General Dental Services contracts were within the range of 96%-100% contractual achievement. The practices in the immediate area may not have capacity for growth. Under the terms of the dental commissioning guidance NHS England would have to carry out a tender process before awarding any new General Dental Services contract within the Taunton New Neighbourhood or increasing any existing contract.

#### Optometry services

As with dental services above, patients are not registered with an optometrist and an optometrist is only responsible for a patient's care in respect of assessing a patient's vision and eye health, issuing optical prescriptions and provision of optical vouchers for appliances such as spectacles and contact lenses. However, as with dental services, many optometrists do have their 'regular' patients. NHS England has a responsibility to arrange for essential primary ophthalmic services i.e. NHS sight tests for those who are eligible. Furthermore, any suitable optometry provider is able to apply for a contract to provide NHS sight tests and there are no restrictions on the number of contracts that may be awarded or the number of sight tests they may carry out. The current national contract with each existing optometry provider does not have a ceiling to contractor activity.

### Additional Optometry Services

Although there may be adequate optometry services to meet the needs of the new population in the town centre, the optometry provision from nearby optometrists may not be readily accessible to the new population. Nearby optometrists are sited adjacent to and/or near other local primary care centres or in major retail areas, and they may require excessive travel. Thus, securing accessible optometry services within the Taunton New Neighbourhoods may require the provision of optometry premises within the Neighbourhood Centre to improve accessibility to these services. NHS England anticipates some optometrists may apply for a new contract(s) in these two developments as all current premises are located around the Town Centre of Taunton. Accommodation should be made available within the neighbourhood centre or within the GP practice(s) for optometry services.

### Outline of Healthcare Infrastructure Needs

The BNSSSG Area Team of NHS England requests contributions to enable the construction of extension space for 5 GPs, 3 dentists with retail space available for optometrist and pharmacy outlets.

- GP Services: contribution of 700sqm towards a new surgery to replace one or more of the existing surgeries would be c£1,575,000 +VAT = £1,890,000 at an estimated project cost of £2,250 per sqm the current NHS construction costs advised by the District Valuation Office.
- a three dentist surgery of 120m<sup>2</sup> of space (GIA) with a budget cost of £270,000 (excl VAT) at £2250/m<sup>2</sup> = £324,000

This funding will be required on the completion of 250 homes in each development to ensure adequate capacity can be developed and planned to a total of £2,214,000 (incl VAT) excluding land. This would be applied pro rata to each development with

Staple Grove =  $1500/3500 * £2,214,000 = £949,000$

Comeytrowe =  $2000/3500 * £2,214,000 = £1265,000$

### *BLACKDOWN HILLS AONB SERVICE (Planning Officer) -*

I note the principle of this development is contained within the adopted core strategy, and that all matters are reserved, except for point of access. In due course there may well be design and master planning matters that could impact on the AONB – for example light pollution from street and amenity lighting, development in locations that are very prominent in long views from the Blackdowns. For now I would like to highlight the importance of green infrastructure provision connected with the development, which has the potential to provide physical links with the AONB, and to ensure that development here does not prevent the opportunity to develop walking and riding links between the Blackdown Hills and Taunton.

*SCC - CHIEF EDUCATION OFFICER -*

### **Primary School Places**

A development of 2000 dwellings would equate to the need for 400 primary school places. The primary schools on this side of Taunton are all at or near capacity now given the rise in birth rates over recent years and it would not be possible to provide anywhere near sufficient places to serve this development without providing a new school. In the absence of being able to secure funds directly from the developers through Section 106 of the Planning Act, the County Council would require CIL receipts collected by the Borough Council to be made available for this purpose.

### **Pre-School Provision**

The County Council has a statutory duty to ensure the sufficiency of pre-school places for all three-four year-olds and a proportion of two year-olds. Using the same statistical analysis from which school pupil forecasts are derived, the Local Authority anticipates that each 100 new dwellings are likely to result in about six children aged three-four requiring statutory childcare and one child aged two. On the assumption that each child would attend either a morning or an afternoon session, each 100 new dwellings would generate the need for three-and-a-half full-time childcare places to be provided. A development of 2000 dwellings would therefore equate to the need for 70 such places and it would be preferable if at least the majority of these were made available at a new primary school. Again, CIL receipts would be necessary to assist in the delivery of these.

### **Primary School Site**

There are two potential alternative sites indicated in the application. Option 1 would be preferable, given its relatively level nature, but it is essential for the reasons outlined above that the school is delivered at the earliest opportunity. Option 2 could probably be delivered sooner under present proposals regarding phasing of construction, but the County Council is very concerned about the practicality of the extent of earthworks necessary in order to facilitate an acceptable school layout and it would be likely to be unacceptable for this reason. The County Council would therefore prefer the construction programme to allow early provision of Option 1, which would also be more central to the urban extension as a whole.

### **Secondary School Requirements**

A development of 2000 dwellings would equate to the need for 286 secondary school places. Castle School is the most accessible from the development site and this falls within its catchment. However, the school is already over-subscribed and there are very restricted options to enhance its capacity on its current site. The Trull Pre-Submission Draft Neighbourhood Plan suggests that opportunities to create a new campus for the school to the south-west of Taunton, which would also cater for the new community, should be explored; the County Council would support this.

### ***WALES AND WEST UTILITIES -***

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed

Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission. Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. You must not build over any of our plant or enclose our apparatus. Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

### **Representations**

A total of 562 consultation responses were received from members of the public about the outline planning application for the SW Taunton urban extension (up to 12th October 2015).

A significant number of responses (444) referred to the impact the development will have on traffic congestion in the local area. This was the most frequently mentioned issue and also often referred to the existing problems with 'rat running' on the local residential roads, concerns surrounding pedestrian safety and the problem of parking in residential areas due to visitors and staff at Musgrove Park Hospital. The responses raised concerns that these existing problems would be exacerbated by the proposed development.

A significant number of responses raised concerns about the delivery of supporting infrastructure and local services, in line with the development. In some cases the importance of infrastructure being delivered ahead of the proposed development, particularly the proposed primary school (197 responses). These responses also focused specifically on concerns regarding the lack of a new secondary school as part of the development (257 responses) and also the capacity of the local health services (151 responses).

A significant number of responses raised concerns about existing flooding problems in the local area and sought reassurances that the new development would not increase the risk of flooding on the Galmington Stream and the Sherford Stream.

Several responses also questioned the overall need for the development, given the level of existing housing development elsewhere in the borough and emphasised the need for brownfield sites (Firepool and Tangier) to come forward ahead of the proposed development at SW Taunton. Some responses also questioned why the former abattoir site does not form part of the development proposals.

The perceived lack of employment opportunities in the wider Taunton area was also a concern. Often associated with this, was the view that most Taunton residents need access to the M5 for commuting and further housing development would be more appropriately located at Junction 25.

Several responses raised the need for the link road between Honiton Road and the A38 to be completed early in the development whilst other responses raised concerns about the resulting increase in traffic on the Honiton Road and the impact this would have on Trull village and pedestrian safety.

The siting and size of the green buffers between the existing residential areas and the proposed development was also a regular issue raised with respondents, requesting these areas be increased in size to minimise the impact of the new development on the village of Trull and the existing residential areas in Comeytrowe.

Concerns regarding the loss of agricultural land and open countryside were also frequently mentioned. The overall impact of the development on the local environment and especially the impact on Trull village and the rural nature of the local area were also concerns raised. The effects on wildlife was another concern.

The following issues were also raised by respondents but less frequently:

- Impact of the proposed bus route on Comeytrowe Park
- Prematurity of the proposals in terms of the emerging Trull Neighbourhood Plan
- The lack of public transport in the local area and questioning the need for an additional park and bus site
- Impact of construction traffic on the local road network
- Impact of the construction over a long period of time in terms of noise and air pollution

### **Themes and specific comments raised include:**

#### **1. Traffic congestion, impact on local road network and transport related issues (431 responses)**

- Concerns about existing use of local road network as 'rat runs' to avoid congestion on A38 and Honiton Road and how the proposed development will exacerbate this situation. Many responses requested traffic calming measures on existing residential streets as a result of the development.
- Concerns that the proposed link road between A38 and Honiton Road will increase traffic in Trull village as motorists seek to avoid congestion on A38.
- The proposed link road between A38 and Honiton Road should be completed early in the development.
- Concerns about the existing use of local road network for parking by visitors and staff at Musgrove Park Hospital and how the proposed development will exacerbate this situation.

## APPENDIX 1

- Concerns about existing pedestrian safety due to the lack of pavements in the local area and how the proposed development will increase risk to pedestrians.
- Concerns about the traffic congestion approaching Compass Hill and the lack of any proposals to address this problem.
- The need for a southern relief road to provide better access to the Junction 25 without having to travel through the town centre. Travel times to M5 were considered excessive.
- Access from the proposed development to Comeytrove Lane should not be provided.
- Concerns about the impact of the proposed bus route through Comeytrove Park and the resulting loss of green space.
- Concerns about the adequacy of existing public transport and whether improvements to bus services, will provide an attractive and viable alternative means of travel to the existing and new population.
- Concerns about the need for an additional park and bus site given that the Silk Mills P&R does not operate at full capacity and whether the proposal will provide an attractive and viable alternative means of travel to the existing and new population.
- Concerns about traffic congestion and the ability of emergency vehicles to access Musgrove Park Hospital.
- Concerns raised about the adequacy of the transport modelling work and the timely delivery of required transport related improvements.
- Questions raised about the assumptions in the Transport Assessment and whether the proposed on-site employment, bus service improvements and personalised travel planning were sufficient measures to address arising traffic congestion.
- The Transport Assessment of junctions does not include Trull Road junction where it joins the A38 Compass Hill.
- Concerns about the increase risk of air pollution due to the increase in traffic congestion.
- The application should provide more detail on the points of access and the route for the link road.
- The Road Safety Audit contains a recommendation that “The proposed A38 access, ghost island, and right turn lane should not be provided”. These recommendations have not been accepted by the Applicants being justified by a perceived need to encourage patronage of the park and ride site prior to any queuing at the roundabout. This assertion simply doesn't stand scrutiny.
- It is good highway practice and safer to take access to development off nearby existing or proposed side roads rather than allowing direct access onto a

through route.

- The data submitted shows that for the years analysed there were 2.5 times more personal injury accidents on T or staggered junctions than roundabouts and 16 times more fatalities. The application should be refused because the proposed access arrangements for the Bus Park and Ride are not the safest practicable solution. In addition to introducing potential high speed conflicts on the A38 there is also the potential for queuing traffic in peak periods to block traffic travelling to Taunton.
- The planning application and Environmental Statement are silent on the issue of congestion on Trull Road and at its junction with Compass Hill. In October 2014 Parsons Brinckerhoff published the final version of the Site Allocations and Development Management Plan modelling Assessment which identified the Compass Hill Gyratory as one of the worst performing junctions in Taunton & Wellington in 2028 and noted that the Trull Road approach was identified as significantly over-capacity. The omission from the Planning Application of any analysis of the Trull Road/Compass Hill junction, or the Compass Hill Gyratory is inexplicable and should be rectified before the planning application is determined.
- The analysis actually shows that in 2028 the proposed development would increase the predicted maximum queue on Regent St (Bradford-on-Tone road at the Heatherton Park Staggered Crossroads) from 3 vehicles to 23, an increase of 20, and delay per vehicle would increase from 2 to 11 minutes, when compared to 2028 conditions without the proposed development. This is a severe residual impact that if left unaddressed should be cited as a reason to refuse planning permission.
- An unrealistically optimistic view of congestion is being modelled at individual junctions. Before community changing planning decisions are made TDBC and the Highway Authority need to satisfy themselves that the prediction model submitted reasonably reflect current congestion conditions, as measured by queue lengths and average delay.
- TDBC should satisfy itself that the congestion modelling it is relying on to determine the application is adequately validated against current 2015 traffic conditions, otherwise additional congestion impact will adversely affect the lifestyle of Taunton residents and its attractiveness to job creators and inward investors.
- Wellington Road is already at full capacity and is at a standstill during rush hours
- Why is the bus route needed into the site off Comeytrowe Road/Lane. This will be used when the A38 is jammed and put additional pressure on Queensway.
- Comeytrowe Road floods. Adding more houses will exacerbate the problem. The topography is not suitable for more houses.
- Comeytrowe Lane will become a rat-run and there is no evidence of any



planned measure to address this.

- I have no expectation that planned pedestrian/cycle routes and the park and bus facility will suitably mitigate for an additional 2000 households adding to A38 congestion.
- The representation of the roundabout [*at Trull*] portrays a bucolic scene of open fields surrounded by trees. Missing are the lighting (which would have an adverse effect on both wildlife and residents) and signage that would be required!
- The highway mitigation measures proposed are very small for such a large development where the A38 already has severe congestion issues.
- None of the road schemes identified in the IDP will assist in mitigating the effect of this development. For these congestion reasons alone the development should be rejected, as it is unsustainable - which is a fundamental TDBC requirement as set out in the NPPF, Core Strategy SS7 and SADMP TAU1.
- No through access by private car between the new development and Comeytrove Lane and Comeytrove road', a road junction is not needed here, and should be removed from the developer's plans. There doesn't appear to be any proposal to separate the 1950 dwellings from the 50 within the development - the 50 being the ones that are presently proposed to access the development via Comeytrove Lane. The whole of the 2000 houses could by this lack of separation 'rat-run' through Comeytrove - unless there is no access road at all. Busgates do not appear to be mentioned in the proposals, and have also a poor record in Taunton of being maintained in operation.
- In spite of assurances to the community that there would be no permeability through Comeytrove, the developer now seeks to put a bus route through Comeytrove Park by this amended application.
- what guarantees can be given that the spine road will be fully built?
- The details of the spine road as set out in Design statement and the Transport Assessment are totally unsuitable for a main connection route like this. It does not comply with DMRB or Manual for Streets 2. Parallel parking will introduce the problems of Comeytrove all over again and MUST be resisted on this spine road. This should not be an estate road – it is a main circumferential connection.
- The spine road needs to be fully in place before the school building is begun. Additionally there must be provision for dropping off by separated lay-bys for the safety of the children and parents.
- The Honiton Road Galmington Road junction is the wrong place for traffic lights.
- The favoured roundabout choice for the Trull access has a number of safety failings.
- The Applicant has not addressed the concerns raised in Somerset County

Council's Safety Audit.

- The proposed Comeytrowe Lane access will be unsafe because of the increased traffic.
- The application does nothing to mitigate the existing chaos on the A38 let alone traffic from the additional 2000 homes proposed.
- There needs to be a clear timetable and funding for a southern relief road before this development is approved.
- The proposed buslink into Tauton town centre is shown as going through a neighbourhood park. This is totally unacceptable.
- If the development goes ahead the spine road has to be completed first before any significant takes place.
- All site traffic must come off the A38.
- I understand the Honiton Road roundabout will not be constructed until 2024. This will be too little, too late.
- The roundabout at Honiton Road should be continued to create the much needed southern relief road.
- There appears to be no solution offered to the problems this development will create when the increased weight of traffic converges on Compass Hill from either the Honiton Road or the Wellington Road.
- All access should be from the planned new link road as there is absolutely no need for a bus gate or emergency access off Comeytrowe Lane.
- If this development goes ahead, Comeytrowe Road should cease to be a through road and become a pedestrian and cycle route only for reasons of safety and amenity. The break should be at Horts Cottages to allow their continued access from the north end, and the cottages at Trull access from the Honiton Road end.
- The submission includes a Transport Management Organisation (TMO) which will not work efficiently. Can the consultants specify anywhere in the UK where such a scheme works?
- This development cannot possibly be justified as sustainable development when it will inevitably result in serious traffic congestion with the potential to bring the entire town of Taunton to a grinding halt.
- The proposed changes in priority to the Chelston roundabout would be likely to cause more problems than they solve.
- There appears to be a problem with the new southern splay from the existing Honiton Road to the new road. I estimate that gradient as being 1 in 6 uphill.
- A chicane system would have the desired effect of slowing down traffic using

Comeytrove Lane whilst acting as a deterrent to motorists who would have an alternative route (the spine road).

- CPRE Somerset maintain that the main road network in and around Taunton is already overloaded and building a road through the new development, connecting Rumwell to Trull will simply add to the pressure on the Honiton road where daily jams already occur.

## **2. Infrastructure**

- Concerns about the timely delivery of infrastructure required to support the new development and the strain the proposed development could place on existing infrastructure.
- Concerns about the shortage of primary school places in the local area and the need for the primary school to be delivered early (195 responses).
- The lack of a new secondary school as part of the proposals and the shortage of secondary school places at Castle School (255 responses, incl. CPRE Somerset).
- Concerns about the impact on health services especially Musgrove Park Hospital and College Way Doctors Surgery (149 responses).
- Concerns about the timely delivery of the local centre.
- Concerns about the ability of the existing sewage network to accommodate the new development.
- Concerns about increased waste arising from the development and lack of waste facilities to address this problem.
- Requests that the development provide facilities for faith communities.
- The FRA focuses on downstream risk and not on upstream risk.
- Dipford Road becomes flooded after prolonged and heavy rainfall and thereby blocked.
- Other streams and water outlets discharge into Galmington stream and have not been referenced.
- It is not acceptable to try and sort out existing flood risk deficiencies at a later stage.
- Please push hard to try and create environments where people can find their place in neighbourhoods which will have meeting places and amenities for real life, especially a faith community facility.
- The proposed Public Open Spaces are insufficient in number and area and too sparsely distributed.
- The Application does not make provision for the following: a District Heating

Scheme, a Secondary School, any Residential Institutions, or a second 'village' centre.

- We question whether this scheme should be proceeded with when the aspects of industrial growth and job creation in the town are so patently not being realised.
- The Primary school is shown in the field's lowest point, the point which floods. The school should be moved south and east.
- 1000 extra people will burden the already overstretched local medical services before any on site provision is made.
- The new Green Infrastructure Parameter Plan differs significantly from the Surface Water Drainage Strategy plan in its land use allocation, throwing doubt on the calculations.

### **3. Flooding**

- Concerns raised about existing flooding risk associated with Galmington Stream and the increased flooding risk the proposed development would pose to the local area.
- Concerns raised about existing flooding risk associated with Sherford Stream and the increased flooding risk the proposed development would pose to the local area.
- Concerns that the supporting flooding evidence does not reference local flood events of 2013/14 and that Environment Agency flood maps/data is inaccurate.
- The flood alleviation plan has not considered flooding on the local rural roads especially Dipford Road and Comeytrowe Lane.
- Taunton Deane Borough Council should ensure that maintenance arrangements are in place to ensure flood alleviation proposals are maintained in the longer term.
- The existing large sewer pipes which cross the Galmington Stream at the bridge in Claremont Drive act as a dam which collects debris and increases flood risk to local properties.
- Concerns regarding increased flooding risk associated with the Kinglake development in Bishops Hull and the impact further development may have on increasing flood risk to existing properties.
- Flood defences should be improved upstream from Horts Bridge.
- The Future flood risk map for 100year + climate change shows that part of the area planned for the school building could be at risk of flooding in this 1% chance+ climate change allowance.
- The spine road alignment shows a flood level at around 31.5m AOD, which is

some 0.6m below the road level. This might need raising so as to accommodate climate change flood level & construction depth.

- The Applicant has not investigated the hydrology of the site and wider catchment, and has made unverified assertions about permeability. As such, the proposals do not meet the recommendations in their own Flood Risk Assessment.
- The construction of buildings and hard surfaced parking areas (park n bus) in the west of the application area will only increase flooding on the A38 and surrounding farmland
- The water table is very high for most of the winter in the field opposite Colman Road and is the natural place for an attenuation pond. This will ease any pressure the development will place on Galmington Stream. The whole field should be used as an attenuation pond and double up as an amenity area, much like Long Meadows on Silk Mills. The amended plans only show a modest attenuation pond as an overspill widening to the existing stream.
- No detailed SuDS plans are available so it is not possible to assess this aspect of the proposal.
- No provision is made for any routine monitoring or maintenance of the SuDS system.

#### **4. Principle of development**

- Question the need for further housing in Taunton given the level of existing housing developments under construction.
- The Core Strategy housing requirement should be reviewed.
- Suggestions that new housing should be located at Junction 25 or further along the A38 towards Wellington to allow access to Junction 26.
- Responses highlighted the need for brownfield sites in the town centre to be developed before further greenfield development is permitted.
- Concerns about the perceived lack of employment opportunities for the incoming population.
- Question need for 2000 houses given that the Core Strategy only proposes up to 2000 dwellings.
- Concerns about the lack of an agreed Masterplan ahead of the planning application being submitted.
- Nobody in the community wants this development and it is being foisted on us by the developer and by the councils – if this is allowed to proceed. Neither is it in the best interests of Taunton as a whole.
- The key principle of sustainability must be accepted by everyone involved. Rejection or disregard of any aspect of this crucial and cherished principle must

mean the rejection of the whole development plan.

- The proposed amendments still have not addressed the issue of the former abattoir brownfield site which is situated in the middle of the proposed development. Where is the justification and reasoning for ignoring this large brownfield site in preference to building on green field agricultural land particularly in view of the Government's commitment?
- The Trull Neighbourhood Plan Group consider that jobs are unlikely to show a net increase in growth over the (local) plan period and therefore it would be inappropriate to arbitrarily apportion an even growth in housing over the same period. No application for this Urban Extension should be granted at this time.
- The Trull Neighbourhood Plan Group considers that a decision on an Application of this size is premature given the imminent examination of the SADMP.
- The Trull Neighbourhood Plan Group state that the draft Trull Neighbourhood Plan is now open to consultation under Regulation 14 and as such carries planning weight.
- The Trull Neighbourhood Plan Group consider that the environmental information necessary for the evaluation of the Access Points, the parameter plans and the road system is inadequate.
- The Trull Neighbourhood Plan Group does not oppose the development per se but is concerned that the access proposals should be appropriate, safe and respect the Conservation Area and its ecology.
- Why can't we build on brownfield sites instead of areas of outstanding beauty and prime agricultural land.
- The constant and unrelenting expansion of Taunton with the aim of turning it from an attractive regional town into a conurbation will result in all of the troubles Bristol now faces.
- These houses are not wanted by the people and it would appear that Taunton Deane has no power nor the courage to stand up to Whitehall and represent the will of the people.
- CPRE Somerset object as they believe there is no demonstrable need for this scale of housing numbers at this time. The application is premature and the land should be retained for release for new housing in future years as the necessary infrastructure such as jobs, sustainable transport and schools are in place.
- CPRE Somerset maintain that the creation of this vast number of new houses will encourage the development of Taunton as a dormitory for major commercial expansion in Exeter, Bridgwater and the Bristol conurbation.
- The Trull neighbourhood Plan Group consider that this application is in conflict

with many of the proposals currently being considered for the Trull Neighbourhood Plan, which should be accorded some weight. They state that the Trull Neighbourhood Plan loses its purpose and fails its community if this proposal were to go ahead. Therefore the application must be refused.

##### **5. Impact on Trull Village and the Trull Neighbourhood Plan**

- The Trull Neighbourhood Plan Group have commented that the Application is a very different proposal from the one we need to see. The absence of a Masterplan; the lack of essential infrastructure including transport; the minimal green space and lack of a Trull buffer-zone; increased flood risk; the dearth of employment; and the extent, layout and design of the development, are all contrary to the expressed wishes of the Trull Parish Community.
- The proposed development will result in Trull village merging with the Taunton urban area and it will lose its village identity.
- The proposed development is premature in terms of the Trull Neighbourhood Plan and should be refused.
- The proposed development is not consistent with proposals in the Trull Neighbourhood Plan
- The proposed roundabout at Honiton Road is not appropriate solution, is too close to existing houses and will impact on the Trull Conservation Area and the village identity.
- The proposed roundabout at Honiton Road will have a detrimental impact on pedestrian safety.
- The proposed roundabout at Honiton Road will have a detrimental impact on the local shops in this area especially due to loss of on-street parking near the local shops as a result of the roundabout.
- The proposed green buffers should be enlarged to ensure a greater separation between the proposed development and Trull village.
- Concerns about the lack of an agreed Masterplan ahead of the planning application being submitted.
- The design of the dwellings should be sensitive to the local area and building heights should be restricted in development areas near the village.
- Concerns raised about the impact of the proposed development on listed buildings in Dipford and there should be sufficient green buffers to minimise the impact.
- Green buffers and screening should be provided to ensure Dipford remains a rural hamlet.
- Concerns raised about the disruption and impact of development and development traffic, whilst site is under construction.

- The wall is over 100 years old and forms part of the character of Trull. The demolition of a large amount of this very old wall in order to form an access into the development area will detrimentally affect the village.
- There has been no direct consultation with local residents, to consider how the visual and sound impact of such a major structure could be mitigated, if the development was approved.
- The proposed housing scale is inappropriate in the Parish of Trull.
- The alternative parking spaces offered for users of the shops in Trull are insufficient.
- It is the Trull Neighbourhood Plan Group's unanimous view that no development whatever should be allowed on the green space to the south of Dipford Road, i.e. that area allocated in the application for a roundabout and three residential areas. This is in accord with the submission by Trull Parish Council to define future Green Wedge areas.

#### **6. Impact on Comeytrowe area**

- Concerns about existing parking in residential areas due to visitors and staff at Musgrove Park Hospital and how the proposed development will exacerbate this situation.
- Concerns about existing use of local road network as 'rat runs' to avoid congestion on A38 and Honiton Road and how the proposed development will exacerbate this situation, particularly in the Comeytrowe area.
- Impact of proposals for a bus route through Comeytrowe Park and loss of public open space.
- Concerns about the height of proposed development in relation to existing nearby properties restricting views.
- Concerns about the lack of an agreed Masterplan ahead of the planning application being submitted.
- Proposals should not allow access from the new development to Comeytrowe Lane.
- Concerns raised about the disruption and impact of development and traffic, whilst site is under construction.
- Parking for contractors should not be permitted in the local area.

#### **7. Landscape impact, loss of open countryside and agricultural land**

- Concerns regarding the loss of valuable agricultural land (86 responses)
- CPRE is concerned about the loss of good agricultural land, known as Best & Most Versatile land. They consider it unacceptable that this large scale destruction of greenfield land will be permitted in the first few years of a Local



Plan that is intended to run until 2028. Taunton has a large number of brownfield areas which could and should be developed before this BMV land is released for housing.

- Loss of valued open countryside
- Impact of the local environment and loss of rural identity for the local area
- Loss of green fields and the need to develop town centre brownfield sites
- Concerns about lack of inclusion of former abattoir site as part of the development proposals.
- Concerns about light, noise and air pollution arising from the development.
- Need to ensure Green Wedge is provided and safeguarded.
- Lighting should be kept to a minimum to maintain the rural nature of the local area.
- Stonegallows Ridge should be kept free of development and nearby street lighting should be kept to a minimum.
- Stonegallows Ridge should be maintained as the natural boundary to western development in Taunton.
- A buffer is needed at the northern boundary to protect the houses in Highfield who do not even have the buffer of a country lane between their properties and the new houses, and whose previous open view will have disappeared. A similar requirement is needed at the Trull end alongside the southern end of Comeytrove Road, where again people's property will have housing immediately adjacent to their properties.
- The Special Landscape Area of Stonegallows Ridge is not protected.
- The Green Infrastructure Parameter Plan shows inadequate provision of habitat mitigation and Public Open Space.
- All hilltops and ridgelines should be kept free of development.
- Tree belts should be planted along the outer edge of the development to reduce the schemes impact.
- There is no attempt to preserve a significant clear green space between Trull village and the proposed development.
- The latest amendments continue to show housing and shops on the top of the Stonegallows Ridge. This should be opposed.

#### **8. Lack of Employment Opportunities in Taunton**

- Responses questioned the need for additional housing relative to the employment opportunities in the Taunton area.

- Concerns regarding the level of out-commuting in Taunton resulting in traffic congestion in the Taunton area. Responses felt that additional housing would exacerbate this situation.
- Questioned suitability of locating housing to SW Taunton when it is felt a significant proportion of Taunton residents need easy access to the motorway to access employment.
- Questioned suitability of locating housing in SW Taunton given proposals for a strategic employment site at Junction 25. It was considered that additional housing should be located at J25.
- The proposed employment land just replaces the employment land lost at Comeytrove Industrial Estate.

### **9. Wildlife and ecology**

- Concerns raised about the removal of hedgerows and trees.
- The loss of mature trees has been considerably underestimated by the Applicant and will result in the loss of biodiversity and landscape features and impact upon the populations of European Protected Species.
- Concerns raised about the impact on wildlife.
- The statements provided by TDBC Biodiversity Officer and the Applicant regarding green infrastructure are contradictory.
- Natural England have responded with a standardised text including the alarming phrase “we have not assessed this application and associated documents for impacts on protected species”!
- It is impossible to envisage a lighting strategy that could deliver both road safety and satisfy ecological requirements.
- Existing wildlife corridors along Comeytrove Road and Lane will be severed by the proposals in several places.

### **10. Heritage**

- Concerns were raised about the impact of the proposed roundabout on the Trull Conservation Area.
- Concerns that the applicants documents do not refer to the Bronze age findings at Broadlands.
- Concerns raised about the impact of development on the listed buildings in the area. The development should ensure green buffers are provided around the listed buildings close to the development to protect their setting.
- The Honiton Road junction will have an dangerous and unacceptable effect on Trull’s Conservation Area.

- The stone wall (to be lost as part of the access proposals in Trull) is characteristic of Trull Parish and its loss will cause significant harm to the Conservation Area.
- The loss of trees to form the new access in Trull will harm the Conservation Area.
- The wall being demolished to make way for the new roundabout is much older than the applicants claim.
- The plan for the new access off Honiton Road will destroy 40% of the plantation, one of the most prominent mature tree features on Taunton's southern access, housing a rookery.
- In peak times much of the shared space proposed for the old/existing Honiton Road will be occupied by queueing traffic thereby not being a pedestrian friendly and attractive area.
- The Somerset Industrial Archaeological Society point out the small but important industrial archaeological site at the former Comeytrowe Farm, which only came to their attention last year. Sales particulars at the Somerset Heritage Centre identifies the Mill House and the overshot waterwheel driving machinery via six pulleys, shafting and brackets. SIAS submits that this particular example is worthy of consideration for retention within the overall planning scheme. The site should initially be flagged up as a possible open public area, the combination of the wheel and restored building providing a leisure facility to the greater enjoyment of the public. Their stance is therefore one of objection to the eradication of the site.

### **11. Housing**

- Housing provided should be low density and a high quality design.
- Development should not exceed three storeys.
- Development should be single storey where the development is close to existing residential areas to minimise overlooking and loss of natural light.

### **12. Other non-specific comments**

- Will the developers ensure that everyone's quality of life and prosperity will be favourable and continue to grow and thrive?
- It is a matter of profound concern that so many of the statutory consultees each acknowledge significant material deficiencies in this application, but are prepared to accept that all of their problems will be solved post approval as reserved matters.
- The entire application is ill thought out and fails to take the good of Taunton and those living in the surrounding areas into consideration.
- Provision should be made for a faith community facility possibly combined with the community hall and/or the school.

## **TDBC ADOPTED PLANNING POLICIES**

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SD1 - Presumption in Favour of Sustain. Dev,  
SP1 - SUSTAINABLE DEVELOPMENT LOCATIONS,  
SS7 - COMEYTROWE/TRULL LOC GROWTH,  
SP4 - REALISING THE VISION FOR THE RURAL AREAS,  
CP1 - CLIMATE CHANGE,  
CP4 - HOUSING,  
CP6 - TRANSPORT AND ACCESSIBILITY,  
CP7 - INFRASTRUCTURE,  
CP8 - ENVIRONMENT,  
CP5 - INCLUSIVE COMMUNITIES,  
CP2 - ECONOMY,  
DM1 - GENERAL REQUIREMENTS,  
DM4 - DESIGN,  
,

## **LOCAL FINANCE CONSIDERATIONS**

The development of this site will result in payment to the Council of the New Homes Bonus. New Homes Bonus is received when houses have been completed and occupied. The amount is currently £1079 per dwelling up to a maximum of 6 years, which would give a total over that period of £6474 (per dwelling). This figure would need to be multiplied by the number of houses eventually completed and occupied (which could be up to a maximum of 2000 new homes – the total permissible by this outline approval, if granted. This would give a total maximum new homes bonus, over the lifetime of the permissions, when all of the houses approved had been completed and occupied, of almost £13m, although there are a range of factors that mean that it is difficult to provide an accurate figure at this stage.

CIL receipts will also be applicable to this proposal and will relate to both the residential and retail (local centre) elements of the scheme. The current rate is £70 per sq. m. for residential dwellings and £140 per sq. m. for retail development. The levy is payable upon the start of development, although if the reserved matters are phased, then the receipt of monies would accordingly be phased. Also, the Council has introduced a mechanism for phasing payments, so the entirety of the CIL generated by this development would not be due upon commencement anyway. Of the total CIL receipts received, a percentage must be passed to any Parish Council whose area is covered by the application proposal. If that Parish Council has an adopted Neighbourhood Plan, then the amount will be 25% of all receipts. If there is not an adopted Neighbourhood Plan in place, then the figure drops to 15%. The developer is also permitted to claim a discount against the affordable housing element. It should be noted that the CIL figures dealt with in this report are based on the charging schedule adopted in 2014. More detailed information on all financial obligations is covered below.

## **DETERMINING ISSUES AND CONSIDERATIONS**

### **Planning policy and the principle of development.**

#### **(a) National Planning Policy Framework (March 2012)**

The National Planning Policy Framework (NPPF) was published on the 27th March 2012, confirming the Government's commitment to streamlining the planning system and encouraging growth. It introduces a presumption in favour of sustainable development at the heart of the planning system in terms of both plan making and decision taking to promote a positive approach towards planning and growth. The NPPF emphasises that 'planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.' In doing so the NPPF states that 'local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.'

More specifically, Paragraph 14 of the NPPF sets a presumption in favour of sustainable development. The guidance requires local planning authorities to positively seek opportunities to meet the development needs of their area. For decision-taking this means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies or out of date, it means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF sets out three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The NPPF states (para. 52) that the provision of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages or towns that follow the principles of Garden Cities.

The Government's support for good design is reiterated in paragraph 56 of the NPPF

which states that good design is a key aspect of sustainable development and is indivisible from good planning. The guidance states that new development should:

- Function well and add to the overall quality of the area.
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including public open space) and support local facilities and transport networks.
- Respond to local character and history and reflect the identity of local surrounds and materials, while not preventing or discouraging appropriate innovation.
- Create safe and accessible environments.
- Be visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 66 states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the view of the community. Proposals that can demonstrate this in developing the design for the new development should be looked on more favourably.

Section 8 sets out some key objectives for facilitating social interaction and creating healthy, inclusive communities. It states that decisions should aim to achieve places which promote:

- Opportunities for meeting between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active frontages.
- Safe and accessible environments.
- Safe and accessible developments containing clear and legible pedestrian routes which encourage the active and continual use of public areas.

This current proposal needs to reflect all of these aims.

Following on from the NPPF, Planning Minister Nick Boles delivered a speech entitled 'Housing the Next Generation' in January 2013, which reaffirmed housing as a priority for the Government's planning policy. In it he made quite clear that "The original source of our housing crisis is the failure of past governments to provide enough land for development. As planning minister, it is my job to persuade local authorities to make more land available so that more homes can be built and the prices of new homes comes down." It is absolutely clear that the Government is committed to increasing housing land supply across England and local authorities are urged to make appropriate land available for new homes and, wherever possible, grant planning permission for new homes.

(b) The Taunton Deane Borough Core Strategy.

The Core Strategy was adopted by the Council in September 2012 and sets out the vision for the Deane and the policies to meet that vision. In the context of this application it performs a number of roles. Firstly, it specifies the locations and quantity of growth to be accommodated within the Borough until the year 2028 and identifies

the locations for developments and mixed-use urban extensions. Most crucially however, it identifies land at Comeytrowe/Trull as a broad location for the delivery of between 1,000 and 2,000 new homes and considers the land at Comeytrowe and Trull as being the most sustainable location for a strategic urban extension in the Taunton urban area, after Monkton Heathfield.

As the largest town within the Borough, Taunton is identified within policy SP2 (realising the vision for Taunton) of the Core Strategy as the main focus for growth and will accommodate 13,000 new homes before 2028, which equates to approximately 75% of the planned development in the Borough. Recent Strategic Housing Land Availability Assessments (SHLAA's) have identified the urban extension at Comeytrowe/Trull as being required to deliver all 2,000 new homes from the years 2018 to 2028. The 2014 SHLAA (the most recent version) identifies a developable supply of 1,525 dwelling units at the Comeytrowe Urban Extension during the next 5 years and identifies the total capacity as being 2000 dwelling units. These figures form part of the calculations that demonstrate a five year supply of housing sites within the Council's area. Only Monkton Heathfield (at 1,674 dwelling units of the next 5 years) is identified as supplying more housing. Therefore it is quite clear that the south-west Taunton Urban Extension is an important and integral part of the Council's housing supply figures and without all 2,000 new homes coming forward at the application site, the Council could be at risk of falling short of delivering the minimum target of 13,000 new homes before 2028.

Policy SD1 of the Core Strategy is also relevant as it sets a presumption in favour of sustainable development in accordance with Government policy contained within the NPPF. It states that planning applications which accord with the policies of the Core Strategy will be approved without delay, unless material considerations indicate otherwise. The 'other' material considerations will be discussed in detail below, but it is considered that in general terms, and subject to the conditions and planning obligations suggested, they do not indicate other than approval. Policy SP1 (Sustainable Development Locations) of the Core Strategy follows on by identifying the sustainable development locations. It states that development will be focussed on the Taunton Urban Area, which needs to accommodate at least 13,000 new homes in the period up to 2028. This position is carried through in policy SP2 (Realising the vision for Taunton) where Comeytrowe/Trull is identified as broad location for the development of between 1,000 and 2,000 dwellings.

Policy SS7 of the adopted Taunton Deane Core Strategy states that:-

*“Comeytrowe/Trull is a broad location for a mixed use strategic urban extension for development after 2015 for between 1,000 and 2,000 dwellings up to 2028. A masterplan will be prepared to identify the full long-term potential for comprehensive development in this south west sector of Taunton and the infrastructure required to provide a sustainable new community. The masterplan will phase and co-ordinate development to provide the necessary physical, social and green infrastructure. A piecemeal approach to development in this area before a comprehensive masterplan has been agreed will not be permitted.”*

Other policies, namely CP1 (Climate Change), CP4 (Housing), CP5 (Inclusive Communities), CP6 (Transport and accessibility), CP7

(Infrastructure) and CP8 (Environment) are relevant because they identify broad general requirements in relevant subject areas. The requirements of these policies are not generally site specific, but lay ground rules for acceptability of schemes. It is not considered that there are any requirements within any of these 6 policies which either are not or cannot be met by this proposal.

(c) Site Allocations and Development Management Plan (SADMP).

The draft Site Allocations and Development Management Plan (January 2015) identifies the application site as comprising most of the preferred option for an urban extension at Comeytrowe/Trull. Whilst the site comprises the vast majority of this preferred option, the illustrative masterplan accompanying the application demonstrates that the proposals would not prevent the future development of remaining small parcels of land that also lie within the allocation. Spatial policy TAU1 (Comeytrowe/Trull) states that "any planning application will need to be accompanied by a masterplan and phasing strategy with associated infrastructure, prepared by the developer in conjunction with the Borough Council and other stakeholders". A number of items are listed as being essential for inclusion in the masterplan and these will be considered shortly.

Whilst the applicants' contend that the Masterplan document alongside the planning application satisfies the policy requirements, it is fair to say that this is not the approach initially envisaged by the Council and is also reflected in many of the responses from local residents. However, it is acknowledged by officers that a number of consultation workshops were provided to allow input from key stakeholders in the development of the submitted Masterplan. The planning application process also allows for input into the Masterplan from key stakeholders and the Council. The issue for consideration is the extent to which the Principles and Parameters Plan, submitted as part of the outline application, will ensure that the Reserved Matters application stage delivers what is envisaged in the submitted Masterplan and the policy requirements in Policy TAU1. The discussion below considers the TAU1 policy requirements in turn and provides a view on the extent to which the application will satisfy these requirements:

- Phased delivery of around 2,000 new homes at an overall average of 35-40 dwellings per hectare:  
The outline application seeks to deliver 2,000 dwellings. It would appear from the Principles and Parameters document that the site will deliver appropriate densities across the site but this will need to be clarified in any Reserved Matters submission. The site boundary for the application is smaller than the area allocated in the SADMP and the application needs to ensure that it does not prevent or frustrate the delivery of the wider area with land at Higher Comeytrowe Farm. Delivery of housing at Higher Comeytrowe Farm can be safeguarded by condition and the applicant has agreed to this approach.
- 25% of new homes to be affordable homes in line with Policy CP4: Housing  
This percentage will be delivered in accordance with the Core Strategy policy. The precise mix and tenure will be agreed through negotiations relating to the s106 obligation. Please refer to comments submitted by the Housing Enabling Officer.



- A new mixed-use local centre comprising a convenience store (Class A1) of up to 500 m. sq. (gross); plus 500 m. sq. of other retailing (Class A1), financial/professional services (Class A2), restaurants and cafes (Class A3), at least one public house (Class A4), take away (Class A5) and a community hall building (comprising a main hall, meeting room, activity room, storage, kitchen, toilets) and associated parking, together with 0.25ha of land for a place of worship. Residential or office uses should be provided on upper floors  
 Whilst the outline application incorporates the provision of a local centre, it is currently unclear, from the supporting documentation, whether the proposed local centre will meet the policy requirements for the mix of uses proposed in Policy TAU1. Further details will need to be provided as part of any reserved matters application to ensure the local centre provides what is envisaged in the policy. This will be covered by a condition which will ensure delivery of the local centre in accordance with a detailed design brief that will have been previously negotiated and agreed.
- A minimum of 5 hectares of serviced employment land comprising Class B1 b and c; Class B2 and Class B8 use;  
 Whilst the outline application incorporates the provision of employment land, further details will need to be provided as part of any reserved matters application to ensure the employment land is incorporated as envisaged in Policy TAU1. This can however be achieved.
- Land reserved (approx. 2.5 ha) for a 14 class, 2 form intake primary school with pre-school facilities;  
 Officers have been working closely with Somerset County Council and the applicants to ensure a primary school is delivered on site. The Masterplan Parameters and Principles document identifies two potential locations for a 2.2 hectare area for a primary school site. The application does not provide justification for reducing the overall size of the area designated for the primary school but the agents have confirmed that this will be sufficient to deliver the a primary school with pre-school facilities as required by the County Education Authority. The comments of the County Education Authority on this issue are given earlier in the report.

  - Multi-functional green space (including allotments, children's play, playing fields, recreational areas, amenity space) in line with the relevant standards  
 The Parameters and Principles document confirms that the development will include parks, spaces and green corridors to meet policy requirements. The extent to which the Green Infrastructure Parameter Plan in the Parameters and Principles document will meet relevant standards is uncertain. Further details will need to be provided as part of any reserved matters application to ensure the green space requirements are delivered. This is achievable.
- Provision of a new 'Green Wedge' extending through the site on either side of the Galmington Stream;  
 Concerns have been raised that the extent of the new Green Wedge is smaller than that proposed in the emerging policy TAU1. The applicants maintain that the proposals have always allowed for the provision of a Green Wedge as an important and integrated feature of the proposed masterplan, and similarly, the

representations they made to the draft SADMP have maintained support for the principle of a proposed Green Wedge along the Galmington Stream Corridor. As presently drafted, Policy TAU1 of the SADMP requires the “Provision of a new Green Wedge, extended through the site on either side of the Galmington Stream.” The policy is supported by the draft ‘Comeytrowe Concept Plan,’ which depicts a green wedge centred on the Galmington Stream that follows existing hedgerow boundaries, approximately equi-distant from stream on either side. As the title of the plan denotes, this is a concept – something that does not appear to have been based on more detailed landscape, ecological and visual assessments. The application proposals, however, have been informed by comprehensive landscape, visual and ecological site appraisals and surveys. Following detailed consideration of these issues, the applicant states that it would not be possible, nor desirable, to achieve the western boundary of the SADMP Policy TAU1 Green Wedge (which is shown abutting Comeytrowe Lane) due to the topography of the site and the ‘Medium Importance’ hedgerow running along Comeytrowe Lane. The submitted application Parameter Plans show development set back from this edge by between 23m and 87m further than the TAU1 wedge proposes. The hedgerow on the eastern side of the stream has been identified through the landscape and ecological assessments as being of low importance and suitable for removal. It is important to note that the submitted Land Use Parameter Plan defines the maximum extent of residential development and the application, and therefore, provides considerable flexibility on the alignment of the built form edge and the width of the Green Wedge. The exact size, shape and dimensions of the Green Wedge would be determined via the submission of subsequent Reserved Matter submissions. It is correct to state that the maximum extent of residential development as defined by the Parameter Plans does identify some land to the east of the stream that is within the area shown on the TAU1 Concept Plan as Green Wedge but it also shows the western edge further west than the Green Wedge in the TAU1 Concept Plan to avoid the hedgerow along Comeytrowe Lane and areas of steep land. The assessments supporting the Outline Planning Application demonstrated that the proposals are robust and that a significant Green Wedge of approximately 23.5ha will be delivered. The exact alignment differs marginally to that shown on the TAU1 Concept Plan and the green wedge shown on the Parameter Plans is approximately 9% smaller in total area than the one in TAU1 (the TAU1 Concept Plan shows a Wedge of approximately 25.94ha). It should be borne in mind that the ‘Parameter Plans’ do in any event show the maximum extent of residential development, and the detailed plans could actually provide greater green space. It is clear that the proposal still delivers the intention of the ‘Green Wedge’ and it is not considered that there is any reason to justify refusal on these grounds. On balance, and given that the proposal is for a minimum size anyway, it is not considered by officers that such a small shortfall over the policy requirements (if any) could reasonably be considered to make the application non-compliant with the proposed policy.

- Sufficient areas of created or enhanced habitat to enable populations of those European protected species recorded on site to be maintained or enhanced. This habitat will need to be accessible to the species affected;  
The evidence submitted shows clearly that this can be achieved and this has been verified by the Council's Biodiversity Officer, the County Ecologist and Natural England. However, carefully drafted conditions will be required to ensure delivery.

- A link road between Honiton Road and the A38 Wellington Road to serve the development area. The design and layout of the road should be sensitive to the Trull village conservation area and should minimise the impact on the prominent ridgeline to the north-west of the site;  
The applicants have confirmed that this will be provided. A feasibility study has been submitted to the Highway Authority to show a suggested alignment and construction of such a road. The Highways Authority has considered and accepted that it can be achieved to their standards. This however, is not a matter for confirmation with this application as the internal road layout of the proposals site will be a reserved matter. Members are simply asked to note at this stage that it can be achieved. The relationship of such a road with the Trull Conservation Area and the prominent ridgelines are matters that will be appropriately considered at the reserved matters stage, based upon any detailed alignment proposed..
- Provision of connected streets designed to be suitable for cycling and walking and, where appropriate, additional measures to ensure that cycling and walking are safe and attractive means of transport;  
The Masterplan Parameters and Principles document outlines design principles in line with the policy requirement. This will be a matter for consideration at the reserved matters stage, but it is noted that there are no objections to the proposal at this stage from either the Highway Authority or the County Rights of Way Officer..
- Provision of direct and safe walking routes to access existing bus services on the A38 and Honiton Road and allowance for future provision of new local bus services within the development  
The Masterplan Parameters and Principles document outlines design principles in line with the policy requirement.
- No through access by private car between the new development area and Comeytrove Lane and Comeytrove Road and explore options to close off Comeytrove Lane and Comeytrove Road as a through-route for private cars only, to prevent future 'rat running';  
The Access and Movement Parameter Plan in the Parameters and Principles document still refers to a 'bus only access point (with vehicular access for up to 100 dwellings)' onto Comeytrove Lane. This proposal is not compliant with the policy which seeks to prevent access by private car onto Comeytrove Lane and Comeytrove Road.
- A design that minimises private car access from the urban extension to the existing residential areas in Comeytrove but maximises pedestrian and cycle lines between the existing residential areas and the proposed urban extension  
The Transport and Connectivity principles in the Principles and Parameters document (principles 15-17) support this policy requirement. Further detail should be provided as part of any Reserved Matters application.
- Include options to facilitate the delivery of a new high frequency dedicated public transport link via Musgrove Park Hospital and Somerset College to the town centre  
The Transport and Connectivity Principle 20 confirms that - "Provision will be made

in the development for a link to a potential future Bus Rapid Transit Corridor that is to connect with College Way and link Taunton town centre, other facilities such as Musgrove Park Hospital and Somerset College, and with land to the southwest."

- The hilltops and ridgelines should be kept free from development. Development around these areas should be sensitively designed and appropriately landscaped to minimise the impact on the hilltops and ridgelines  
The Council's landscape consultants have raised some concern in this regard, although on balance, they conclude that with the mitigation proposed, any negative impact will be minimal. This will in any event be a matter for detailed design negotiations at the reserved matters stage. Members should also refer to the comments submitted by the Council's landscape consultants in the appropriate section of this report.
- Parkland type trees should be provided within the housing areas to reduce the landscape impact of the housing development areas  
and
- Landscape buffers and planting belts are required along the outer edges of the development to reduce the landscape impact of the developed areas  
The landscaping buffers and planting belts required are indicated in the principles and parameters plan. The need for suitable trees within the housing areas will be covered by detailed landscaping plans that will be required for the reserved matters stage. This is all discussed in the landscaping section of this report.
- Detailed flood risk assessment will need to be undertaken and identify the strategic SUDS infrastructure required.  
This has been done and is covered above by the comments from the relevant bodies. Conditions will be required to ensure delivery of the measures agreed,
- Detailed design codes prepared for individual areas within the development  
This will need to be addressed in any Reserved Matters application.

It can be seen from the above list, that the application proposed either meets all of the criteria required by policy TAU1 of the SADMP or is capable of meeting them, with perhaps the possible exception of the issue surrounding no through access from the proposed development to either Comeytrove Lane or Comeytrove Road.

The SADMP has been submitted to the Secretary of State for Examination. An initial date of 1st and 2nd December 2015 has been set to look at heritage and ecology issues relating to the Comeytrove and Staplegrove Urban Extensions. The Inspector may set further dates for other topics and/or other issues. The submitted application either does deliver or will be capable of delivering all of the above referenced requirements and so it is not considered that there is any conflict with the policy at this stage. Following examination the Council anticipate adopting the plan in early 2016. Given the advanced stage of the SADMP, significant weight should be applied to the emerging policies and site allocations in the submission draft plan.

(d) Neighbourhood Plans.

The Trull Neighbourhood Plan Group is currently preparing a Neighbourhood Plan for Trull Parish, which includes most of the planning application site. The draft plan has now been submitted to Taunton Deane. On Thursday October 1st a notice was published in the Somerset County Gazette to bring the submission to the attention of people who live, work or carry out business in the area. Comments have been invited to be submitted within the six weeks consultation period which runs from Thursday 1st October until Friday 13th November 2015. It will be noted from the public comments given above that the Trull Neighbourhood Plan Group does not oppose the development proposed by this application *per se* but is concerned that the access proposals should be appropriate, safe and respect the Conservation Area and its ecology. They also clearly states that (in their opinion) a decision on an application of this size is premature given the imminent examination of the SADMP. The National Planning Policy Guidance (NPPG) advises that prematurity will seldom be a relevant issue where the 'Authority Publicity' stage has not been completed. This applies in this instance (see f below).

There has been significant recent litigation over the amount of weight that should be given to Neighbourhood Plans as they pass through the various stages leading up to being fully part of the adopted local plan. Most however, appears to relate to neighbourhood Plans in areas in which there is no evident 5 year housing land supply. This is not the case here within Taunton Deane. Legal advice sought recommends that the amount of weight to be allocated to an emerging Neighbourhood Plan will be a matter for the planning decision maker, in this case the TDBC Planning Committee. In reaching a view, Members are asked to take on board the following factors, which are considered to be relevant.

1. The fact that the Neighbourhood Plan is at a relatively early stage in its process, and
2. The comparison between (a) the scope of the content of the draft Neighbourhood Plan, when compared with (b) the scale of the South West Taunton Urban Extension.
3. The extent of unresolved objections to the Neighbourhood Plan, including those on behalf of the applicant which relate to the plan's compliance with national policies, the Core Strategy and its potential impact upon viability and the five year land supply as a result.

In broader terms, there is also the point that the Neighbourhood Plan is required to reflect the policies in the Development Plan. Officers have previously raised some concerns about emerging policies in the Trull Neighbourhood Plan and the extent to which onerous requirements may render development undeliverable. Furthermore officers have also raised concerns regarding whether the policies within The Neighbourhood Plan are in general conformity with the Council's adopted and emerging Development Plans. Ultimately the independent examination of the Neighbourhood Plan will confirm the extent to which the plan is sound. On the other hand, it has already been demonstrated that the current planning application substantially reflects Core Strategy policy. This is a wider issue, but is relevant to the overall issue of the Neighbourhood Plan and its place in the decision making process. It is officers' opinion that whilst the Neighbourhood Plan should be accorded some weight now that it is at 'Authority Publicity' stage, until it has been through its public

examination and conformity with the Local Plan established, it should only be accorded limited weight.

(e) Strategic Housing Land Availability Assessment (SHLAA) 2014

The SHLAA (published December 2014) identified a five year deliverable supply of 6.31 years in Taunton Deane when planning for a five percent buffer of housing land and 5.56 years when planning for a twenty percent buffer. The five year land supply position anticipates delivery of 475 dwellings at the South West Taunton Urban Extension, in the period between 2016/17-2019/20. This represents almost 8% of the overall five year housing land supply requirement for the period to 2019/20. This site is expected to contribute towards the Council's five year housing land requirement and delays in the delivery of this site will impact on, possibly even undermine, the Council's ability to ensure a five year supply of deliverable housing land is available.

(f) The Issue of Prematurity

The National Planning Policy Guidance provides clarification on the extent to which a planning application may be refused on prematurity grounds. The guidance states that:

"In the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- (a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- (b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

The Guidance makes clear that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process. In this instance, the current application has been demonstrated to be broadly in conformity with the Local Plan (Core Strategy and SADMP). It is also argued above that the Neighbourhood Plan should carry little weight at this stage, particularly given that it has not yet passed through the 'Authority Publicity' stage. On this basis, a refusal of the current application on the grounds of prematurity could not be justified or defended.

(g) Principle of the development.

The above discussions of the relevant planning policy documents shows that the principle of the development of a mixed use urban extension for between 1,000 and 2,000 dwellings within the Comeytrowe/Trull area of south-west Taunton is a long standing commitment by the Council and has been established through adopted planning policy, particularly by policy SS7 of the adopted Core Strategy. The location for the application has been endorsed, based on a number of assessments, as the best location for the urban extension by the Taunton Strategic Urban Extensions Study. The application site also forms the preferred option for the location of the urban extension in the Publication Draft of the Site Allocation and Development Management Plan, which now carries considerable weight. Furthermore, the proposed development would achieve the aspiration of adopted Core Strategy policy SS7 for a comprehensive, masterplanned development which delivers the necessary physical, social and green infrastructure and avoids piecemeal development. It is also capable of meeting the requirements of policy TAU1 of the emerging Site Allocation and Development Management Plan. The principle of development of the site for a mixed use urban extension must therefore be considered to be in accordance with adopted and emerging policy.

### **Community Engagement**

The National Planning Policy Framework (NPPF) states, “Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.”

The applicants have undertaken a consultation process with local residents, the Local Planning Authority and a range of local stakeholders including Parish Councils, the Local Education Authority, Chambers of Trade and local employers and community organisations. Two stakeholder workshop events were arranged on 8th March and 21st June 2013, with a public exhibition scheduled in between. The public exhibitions were held at two venues, Trull Village Memorial Halls, Saturday 11th May 2013, and Taunton Conference Centre on Wednesday 15th May 2013. Invitations were issued to local residents in Trull and Comeytrowe. Over 550 people attended with over 200 either completing feedback forms on the day or sending them back via a freepost address. On 18th July 2013, representatives from Trull, Comeytrowe and Bishops Hull Parish Councils were invited to a special meeting by the development team to present the masterplan and explain how the proposals had been amended to address the issues raised by the Parish Councils. Various meetings have taken place with the Local Planning Authority, the Parish Councils and interested parties since the application has been submitted. It is clear to Officers that the proposals have undergone significant levels of community engagement, which accords with advice in the National Planning Policy framework.

### **MasterPlanning issues.**

ATLAS (the Government’s Advisory Team for Large Applications) have assisted the Council in assessing the masterplanning element of the application. ATLAS have worked closely with Taunton Deane and the applicants to consider the extent to which the masterplanning work, undertaken by the applicants, is consistent with the SADMP policies. The outcome of this work, has resulted in the submission of a Masterplan Parameters and Principles document by the applicants. This document clarifies what

the outline application seeks to establish and what issues will remain outstanding for consideration in a Reserved Matters application.

Whilst the applicants' view is that the Masterplan document alongside the planning application satisfies the policy requirements of the submitted SADMP, it is fair to say that this is not the approach initially envisaged by the Council and is also reflected in many of the responses from local residents. Ideally the masterplan would have been formally consulted on and considered by the Council and key stakeholders, prior to the submission of a planning application. It is acknowledged by officers that a number of consultation workshops were provided to allow input from key stakeholders in the development of the submitted Masterplan. The planning application process also allows for input into the Masterplan from key stakeholders and the Council. Whilst this was not the preferred approach of the Council to developing a Masterplan for the area, it is not in itself considered to be a suitable reason for rejecting the planning application. The issue for consideration is the extent to which the Principles and Parameters Plan, submitted as part of the outline application, will ensure that the detailed proposals deliver what is envisaged in the submitted Masterplan and the policy requirements in Policy TAU1. ATLAS have challenged both the LPA and the developer on the following issues, which became the subject of debate and negotiations between the interested parties, and resulted in improved parameter plans and principles that will form the basis for any approval.

It is the view of ATLAS and therefore the Council, that the outline planning application submission provided an appropriate level of detail and information to enable the development to be properly considered in the light of relevant policies and guidance, site constraints and opportunities; and also to ensure that a high quality development of the allocated site would be delivered through incorporation of relevant parts of the application documents into an outline planning permission. As such, it is their view that the submitted application proposal and material could meet the following objectives:

- Delivery of the project vision;
- Compliance with Core Strategy policies in term of use, quantum of development, key characteristics and design, including sustainable design;
- Delivery a comprehensive and coordinated approach to development, particularly in relation to phasing and delivery of infrastructure; and
- Inclusion of a suite of plans and documents that provide an appropriate level of detail and information to enable the development to be properly considered in the light of relevant policies and guidance, site constraints and opportunities

ATLAS looked at the proposal under two key headings – quality and certainty. The discussion below is a summary of their initial response to the proposal as submitted. Many of these items have subsequently been amended by discussions and negotiations with the LPA and the relevant expert bodies advising the LPA on this application. Some have been taken on board in the suggested conditions. Others are more appropriately considerations for the reserved matters stage. On this basis, officers are now satisfied that there are no substantial masterplanning issues that have not, cannot, or will not be appropriately addressed. The issues originally raised by ATLAS are considered under two broad headings (quality and certainty), and are given



as follows -

### 1. QUALITY.

#### (a) Concepts, Character Generators & Areas.

It was ATLAS's opinion that to achieve the outcomes anticipated in the project vision key concepts would need to be applied and incorporated into the parameter principles.

These include -

- the landscape concept drivers should;
- Hill top vista parks should be created and the vistas that need to be provided from the parks should be identify;
- A sequence of spaces along a central spine;
- The Broadland Park and the space within the local centre should have strategic importance.
- The general location of Character Areas together with their main characteristics should be captured in the access, layout, density, scale and green infrastructure principles.

#### (b) Delivery of a 'Green Heart and One Community'.

The following were identified as key factors -

- The 'Green Wedge has the potential to segregate the site into two neighbourhoods.
- Suitable design responses are required to ensure linkage and integration with the local centre and residential areas to the west and the Primary school (if option one is pursued) and residential areas to the east?
- If the Option 1 location for the primary school is pursued consideration needs to be given to ensuring that the placemaking implications of providing the primary school in this location early (by 350 dwellings) in the development are resolved?

#### (c) Access and Movement.

In respect of access and movement within the new community, the following issues have been identified as being important considerations –

- The Main Street has the potential to be a barrier between the residential areas to the east and west and Trull Green to the south. In addition, the roundabout could act as a barrier to pedestrians and cyclist wishing to use the local shops in Trull
- Need to ensure integration of the open space with the adjoining residential areas and ease of pedestrian and cycle access across the roundabout to Trull village shops
- A38 Wellington Road access – appears to be designed 'solely in response to traffic or engineering considerations.'
- Access parameter principles should set out key placemaking requirements for landscaping and development adjoining this junction.

#### (d) Delivery of Policy Requirements.

The project vision and objectives do not refer to the need to:

- Keep hill tops free of development

- Provide sufficient areas of new or enhanced habitat for protected species
- Deliver a dedicated public transport link to Musgrove hospital and the town centre.

(e) Stonegallows Ridge.

The function of the ridge is to 'screen and contain' Taunton. It clearly defines the western boundary of Taunton and its suburbs from both the east and west. The Policy objective is to keep the 'hilltop' free from development. Whereas the the masterplan response is to identify the 'hilltop' as the 'the local high ground and woodland at Rumwell Copse above the 60m contour. The employment area encroaches on this area, but will be kept free of built development with only landscaped car parking or gardens allowed. Below this contour, employment buildings will be restricted to a height of 10m. A landscaped park and bus site is proposed immediately to the south of the A38. This approach (defined in the application parameters) is considered to mitigate the impact of development on the Special Landscape Feature status of the ridge, but the material submitted is not conclusive on this issue. Further evidence is potentially required to demonstrate that the effect of this mitigation in ameliorating the impact of development on the ridge is sufficient.

(f) Integrated Ecological Mitigation.

The masterplan proposals include a coherent ecological strategy. This is encompassed within a broader green infrastructure strategy that has the potential to create a remarkable and distinctive sense of place and community. The overall provision of land for ecological mitigation is (5.7ha). The County Ecologist considers this to be insufficient to satisfactorily mitigate the impact of the development on protected species and requires (a minimum of 10 ha.) of woodland and grassland. Given that the amount of open space within the masterplan exceeds policy requirements (circa 14 ha), in theory additional land for wood land and grassland could be found through a reallocation of open space provision. Reallocating open space for ecological purposes creates the following challenges to the masterplan:

- Providing land that is functionally effective as ecological mitigation.
- Ensuring retention of the integrity of the overall green infrastructure strategy.
- Avoiding further segregation of the two Neighbourhood.,

(g) Timely, Comprehensive Delivery.

Within the application submission there is an absence of detailed information on the phasing of key infrastructure and masterplan components other than that indicated in the initial Phasing Strategy in the Design and Access Statement. The masterplan proposes a range of uses within 'flexible and adaptable' units within the local centre, but there is limited information on what these will be, when they will be provided and how flexibility and adaptability can be secured. There is a need to firm this up through an agreed phasing and delivery plan once there is more agreement on social and physical infrastructure delivery.

(h) The Green Infrastructure Synergy.

Green Infrastructure proposals have the potential to create a distinctive integrated place and community – but an effective strategy will be required to achieve this.

## 2. CERTAINTY.

### (a) Masterplan cascade

A sequential approach is intended, which involves the submission of the detailed indicative masterplan followed by the framework plans and the site-wide design guide. This needs to be clarified in the Masterplan Parameters and Principles Document and a condition attached to the Outline Planning Permission will need to stipulate this. There will be a need for some three dimensional testing and fixing of masterplan components prior to the submission of Reserved Matters applications, which should then be incorporated into the framework plans and site wide design guide and appearance palettes. The Detailed Indicative Masterplan should fix aspects of the Framework Plans or Site-wide Design Guide and Appearance Palettes. This also needs to be clarified in the Masterplan Parameters and Principles Document and the condition attached to the Outline Planning Permission will need to stipulate this. The condition attached to the Outline Planning Permission will also need to stipulate that the Reserved Matters application will need to be in accordance with the appropriate framework plan and site wide design guide and appearance palette.

### (b) Additional Application Parameters.

ATLAS have queried whether or not at this stage in the design process can additional parameters be incorporated, which define other key fixes that are potentially fundamental to achieving design quality outcomes, such as views/vistas or the general location of specific components. They have stated that there needs to be a more detailed access parameter plan including the primary and secondary road network, together with strategic pedestrian and cycle routes. Also, a new application parameter plan indicating the general disposition of Landscape concept drivers, Key Character Generators and Character Areas. They do state that if it is too early in the design/assessment process to prepare these application plans, additional application parameter principles will be required to give more certainty to the achievement of some design quality objectives.

### (c) Access and Movement Parameter.

It is the opinion of ATLAS that the absence of any of the movement hierarchy within the parameter plan means that the fundamentals of placemaking; (strategic movement network and structure) is not fixed at the Outline Planning Permission stage. Neither can any firm direction be given to the application of street typologies. The Main Street is a key (integrating) masterplan component. As it is not an application parameter, its general location is not fixed, neither are its key characteristics, e.g. ' as a central boulevard street', passing through defined areas of the masterplan (employment area, residential areas, local centre, Green Wedge and other strategic public open spaces). On this basis, a more detailed access parameter plan or further access parameter principles are required

## OVERALL CONCLUSIONS.

ATLAS considers that the proposed application submission can meet the following objectives:

- Delivery of the project vision.

- Compliance with Core Strategy policies in term of use, quantum of development, key characteristics and design, including sustainable design
- Delivery a comprehensive and coordinated approach to development, particularly in relation to phasing and delivery of infrastructure; and
- Inclusion of a suite of plans and documents that provide an appropriate level of detail and information to enable the development to be properly considered in the light of relevant policies and guidance, site constraints and opportunities, subject to the parties coming to agreement on how to approach the recommendations made by ATLAS. (This has now happened).

#### **MASTERPLANNING IN RELATION TO THE WIDER AREA.**

Officers have made clear that the land identified in policy SS7 of the adopted Core Strategy and policy TAU1 of the Publication Draft of the SADMP shows a red line for potential development as part of an Urban Extension and that it is this line which is of paramount importance rather than the number of dwelling units that might be reasonable and practicable to place on the land. This application does have a slightly smaller land take than that proposed in the policy documents, due primarily to land ownership constraints. As such, Officers could not rule out the possibility of other, but much smaller, sites coming forward within the red line area during the plan period. Whilst any such proposals would be considered on their own merits, it would not be good planning to prevent such proposals from coming forward by not ensuring suitable and acceptable linkages from this current application site.

The applicant has been asked to clarify the relationship of the current proposal to surrounding possible development sites, which might also come forward, because it is important to maintain links and connectivity from the application site to neighbouring land. The applicant has responded that the proposals have been designed to ensure that development on adjoining land within the TAU1 area can be accessed and delivered. It is now agreed that the proposed development would not preclude or prejudice future development on adjoining land in the form of built development next to Higher Comeytrowe Farm in particular (a likely additional development site) or access to public open space within the Green Wedge. This is considered to satisfy general principles of good masterplanning.

#### **Highways and transportation (incl. access, public transport and travel plan)**

##### **(a) Site analysis and the existing situation.**

The site is well connected to primary vehicular routes. The A38 Wellington Road is immediately to the north of the site and connects with Taunton town centre to the east, passing through the settlement areas of Comeytrowe and Galmington. The M5 is within easy reach, with the nearest junction approximately 4 miles away to the west, accessed via the A38. There are number of existing lanes that cross through the site itself. Comeytrowe Lane crosses diagonally through the centre of the site and Dipford Road bisects it in the south, connecting with Trull Road which runs towards the town centre. The application proposes that the A38 in the north and Honiton Road in the south should form the main access points to the site with the introduction of new junctions.

The A38 is a primary bus corridor used by First Bus service 15 to Wellington, Rockwell Green, Taunton, Bridgewater and Burnham-on-Sea with services 22 and 22A running between Taunton and Wellington. The typical morning peak hour timetabled journey time between Stonegallows on the A38 and Taunton Town Centre is between 7 and 12 minutes. Service 7 serves the Galmington Estate residential area and is accessed from Comeytrove Lane. Other local routes operate inter-town services to Wellington, Exeter and Tiverton and are accessed from Stonegallows. The Honiton Road is also a bus corridor. It is used by the demand responsive SLINKY bus service and the timetabled town service 97 between Taunton and Canonsgrove. The typical timetabled journey time between Staplehay and Taunton Town Centre is around 18 minutes. The proposals show a central primary movement corridor through the site between these two roads, creating an easily accessible and central bus route for the new community. A secondary access point is shown off Comeytrove Lane to provide access for buses, pedestrians and cyclists, with limited vehicular access for up to 50 dwellings. A priority bus route option is being considered which would connect the new community with the existing residential areas of Comeytrove and Galmington, linking to Musgrove Park Hospital, Somerset College and the town centre.

There are some Public Rights of Way that cross through the site and these will need to be incorporated into the scheme. Comeytrove Lane and Dipford Road, which cross through the centre and south of the site respectively, also offer potential pedestrian and cycle linkages to the surrounding countryside to the west and town centre to the east.

(b) The points of entry into the new community.

The main vehicular accesses into the site are not reserved matters and will therefore obtain full planning permission with any approval granted to this outline application. This has been done in this way because it is a fundamental consideration with the proposal and will enable early access onto the site so that the phases of development can be planned and begun. Vehicular access is proposed into the new community at 3 key points across the development. Firstly, a new access is proposed off the existing A38 Wellington Road, which is shown designed as a four-arm roundabout junction with an Inscribed Circle Diameter of 60 metres. This is to be accompanied by a reduction in speed limit on the A38 from 50 to 40mph along the development frontage, with improved pedestrian facilities. Secondly, a new access is proposed in the south-east of the new community in the form of a three-arm roundabout with an Inscribed Circle Diameter of 40 metres. This will come off the existing Honiton Road and will provide links between Dipford Road, the proposed development and the old Honiton Road, including local improvements to pedestrian facilities. The designs for these two junctions has been agreed with the Highway Authority. Whilst the roundabout at the Honiton Road end is larger than would ideally be preferable given its proximity to Trull, its conservation area and the shops, 5 other alternative junction designs have been explored and none of them work for reasons of engineering design, massive land take outside of the applicants control and environmental impact. The applicants have agreed to Officers suggestion of a design brief to handle the new junction, the future of the 'old' Honiton Road, the shops and the Conservation Area, with a view to providing an excellent environment at this point that would be pedestrian friendly,

would increase patronage of the shops and make this, eventually, an attractive, prosperous and pleasant environment. The design guide would be required by condition before any work took place on the new junction. Officers have already seen a feasibility study of the required design guide and are confident that it will produce the attractive reinvigorated space that the area deserves.

Thirdly, access is proposed off Comeytrowe Lane as a new priority junction, including a 5.5m wide carriageway and 2m wide footways and crossing facilities, with improved facilities for pedestrians. This is intended primarily for use as a bus access point (using bus gates), for cyclists and for pedestrians. Initially it was also proposed to access up to 100 dwellings (maximum) off this road and provide temporary access to the new school until the on-site highways infrastructure was advanced enough to take over. The Council are currently in negotiations to try and reduce the number of dwellings that would be accessed off this new highway.

(c) The proposed park and bus facility.

The existing 'Park and Ride' (Taunton Flyer) operates from car parks located at Taunton Gateway Park and Ride site to the east of Taunton and Silk Mills Park and Ride to the west of Taunton. The service stops at Taunton town centre shopping area, bus station and Somerset College at the stop known locally as 'The Cemetery'. The service operates from 6.40 am to 7.30 pm and runs to and from the Gateway site to the Silk Mills site.

The application proposes to deliver a 'Park & Bus' service, with up to 300 car spaces, off a new junction. The facility will measure approximately 1.4 hectare and will be landscaped and easy to access. The proposal for development at South-West Taunton is predicated upon the provision of a new 'Park & Bus' facility as this will provide the means by which there is a modal shift in travel, which is essential to alleviate problems that are otherwise predicted to exist on then surrounding road network. It is therefore an essential piece of infrastructure necessary for this development to proceed. The Core Strategy has aspirations to deliver a Priority Bus Corridor link between Bridgwater and Wellington via the A38 corridor in any event. This would run past the proposed development site and so would link in well with the application proposals in this regard.

(d) The Environmental Statement - Transport and access.

The Transport and Access chapter of the Environmental Statement contains an assessment of the likely significant effects of the proposed development in relation to traffic and access. The Transport and Access chapter is supported by a Transportation Assessment and Travel Plan. As part of the assessment, future forecasted traffic levels have been considered, including flows from cumulative developments. A package of measures has been proposed to mitigate any adverse effects including Travel Plans, new and improved pedestrian and cycle routes and improvements to bus stops and a park and bus facility. It should be noted that the Highway Authority has reviewed the original and revised submissions and considered the overall benefits and dis-benefits of this proposal. On balance they recommend that there is no highway reason why permission could not be granted subject to the S106 obligations and conditions being provided.

(e) Traffic Impact

In terms of the site accesses junction modelling, the results of the northern access onto the A38 it shown as operating within capacity. As a consequence there are no issues in the model. In terms of the remaining points of access for the Park and Bus, southern site access (Honition Road) and Comeytrowe Lane access these are found to have no capacity issues in the modelling.

Turning to the Wellington Road corridor this has also been modelled to assess the traffic impact. Regarding the Silk Mills Road/Wellington Road Roundabout there appears to be a significant traffic impact on this with a substantial delay on the A38 and Silk Mills Road arm, and as such mitigation is considered to be essential. The proposed mitigation involves the widening of Wellington Road (north) exit to allow two lanes. This would allow the existing current right-turn lane on the A38 to be used for ahead movements, which in principle should improve capacity. However, this would do little to reduce the delay on the Silk Mills Road arm. On this basis, the applicant has also proposed contributions through marketing, signing and review of the Park and Ride to “reduce the traffic demand”. The applicant has also proposed a bus priority scheme as part of the development and having reviewed the modelling it appears that this generates no significant issues although the development would be reliant on the proposed mitigation measures. This consists of the creation of a bus priority lane on one of the arms of the roundabout which would improve bus journey times coupled with the Travel Plan (TP) and the Traffic Management Organisation (TMO) there is considered to be a level of modal shift towards public transport.

Due to the size of the development the application will have a wider impact on the highway network and as a consequence the Chelston Roundabout was also modelled. Results showed that there would be an increase in traffic on the Taunton Road arm (B3187) and the A38 Taunton arm. To mitigate this, widening of the Taunton and Wellington approaches has also been proposed. This is considered sufficient to mitigate the traffic impact associated with the proposed development, although it does not resolve the wider capacity issues at this junction.

Another junction that would be affected by the wider impact of the development is the Heatherton Park Crossroads both in terms of traffic impact and highway safety concerns. This junction suffers from existing side-arm capacity issues. These will be significantly worse by 2028 with the average delay envisaged at around two minutes. The additional development traffic would result in severe congestion and due to the length of the delay it is likely to lead to traffic re-routing along country lanes. The applicant has not proposed any capacity mitigation at this junction, but have proposed to reduce the vehicle speed limit from 50mph to 40mph. This would address the highway safety concerns raised by the Highway Authority.

Regarding the southern access junction and the route into Taunton, the main junction capacity issues will be at the Galmington Road/Trull Road mini-roundabout. The TA indicates that there will be capacity issues forecast for 2028 but this is based on the natural growth of traffic. With the proposed development this would increase to severe delays. Mitigation is therefore proposed in the form of the signalisation of the junction. The results of the modelling suggests that this mitigation would be effective and is therefore considered acceptable by the Highway Authority.

Finally in terms of the motorway junctions, the TA argues that in terms of junction 25 there is “only an insignificant rise in delay and queue lengths”. Highways England has been consulted on this proposal and have raised no concerns over this or the capacity at junction 26 of the motorway.

The TA does not consider the link capacity of the A38 between Wellington and Taunton. The Highway Authority has estimated the congestion reference flow (CRF) as 22,000 vehicles per day. This figure (the CRF) is defined as the estimate of annual average daily traffic (AADT) at which a link will be congested during peak periods on an average day. The current A38 AADT is 16,300 vehicles, well below the CRF. Growth is forecasted at 15% in 2028, which would take this figure to 18,800. The addition of Comeytrove traffic has the potential to take the road almost to this capacity, but the proposed mitigation measures will help reduce this. Therefore there is unlikely to be a capacity issue with the A38 arising from this current proposal.

The traffic impact vehicle trip generation from the site has been underestimated, however the Highway Authority believes that there will be a modal shift which would mitigate any impact in this regard. The Highway Authority believe that this modal shift may be lower than the assumptions put forward in the TA and the proposal will result in a significant increase in traffic across the network and without the mitigation that has been proposed then the impact would be considered to be severe in terms of section 4 of the National Planning Policy Framework (NPPF). However, it is recognised that the impact at some junctions can be offset if the proposed mitigation schemes are implemented through a suitable agreement. With the mitigation measures that have been proposed and provided that the Highway Authority is satisfied that these can be secured and delivered then on balance the proposal could be considered acceptable in traffic impact terms.

(f) Travel Plan

The planning application has been accompanied by a Travel Plan, which has been subject to extensive pre-application discussions between the Highway Authority and the applicant. The latest version has been audited by the Travel Plan Team at the Highway Authority. Initial concerns about the Travel Plan have subsequently been resolved through the revised submission. The only outstanding issue relates to concerns that the membership of the Transport Management Organisation is voluntary and the amount to be charged to each household. However, the Highway Authority considers that these are elements that can be discussed further at the reserved matters stage.

Regarding the bus priority from Stonegallows into Taunton town centre, it is now clear that the existing bus services will be improved which will see the diversion of existing services into the site and an increase in frequency of the main services. The applicant has spoken with the commercial operators who have no objection in principle to providing additional services. The Highway Authority is now satisfied that the proposed mitigation measures in the TA will improve journey times but this is for all vehicular traffic as such the level of modal shift is likely to be less than what has been envisaged in the Travel Plan. On this basis, the Highway Authority is satisfied with the targets set out in the Travel Plan and how they are linked with the phasing of the site, so long as this can be appropriately secured by a s106 legal agreement.



(g) Off Site Highway Works.

In addition to those works referred to above, the proposal will also include three new access into the site. Two of these will include new roundabouts and access into the site from on the A38 (northern access) and Honiton Road to the south. The third new access is proposed to provide an emergency/bus access onto Comeytrowe Road with only limited residential access. All three of these works have been subject to extensive discussions with the Highway Authority who are now satisfied that the principle of the proposed access arrangements can be delivered subject to a S106.

From the extensive discussions between the applicant and the Highway Authority in regards to the TA it has become apparent that all of the off-site highway works proposed are required to facilitate the development, because without them the proposal will result in a severe impact on the highway network. Therefore the Highway Authority would want assurances that these works will be delivered by the suitable agreement.

(h) Conclusions to the highways issues.

To conclude, it is recognised that the proposal will result in a significant increase in vehicle movements on the highway network. However the TA and addendum has shown that if all the mitigation measures which are proposed are secured and delivered, then the impact is unlikely to be considered to be severe as set out in section 4 of the National Planning Policy Framework (NPPF) and the impact of the development can therefore be considered acceptable. The Highway Authority is satisfied that the principles of the TP are considered to be acceptable at this stage although it should be noted that it will need to be secured via S106. Regarding the off-site works, the points of access proposed on the A38, Honiton Road and Comeytrowe Lane are considered to be acceptable in principle although it should be noted that these would need to be secured via a S106 and also subject to a full safety and technical audit. Based on the information set out in the TA, it is the Highway Authority's view that the delivery of the mitigation measures is essential to the acceptability of the application and as such should be secured and delivered by appropriate measures and will be subject to full safety and technical audits. In terms of the internal layout this be considered at the detailed stage. It should be noted that the Highway Authority is in on-going discussions in regards to the spine road link through the site, but they are satisfied that the general principle of the link road is acceptable.

On the basis of the above, the Highway Authority raises no objection to this proposal subject to conditions and legal agreements as specified. It is therefore recommended that this application should not be refused on traffic or transportation grounds, so long as the suggested conditions are incorporated into any approval subject to the required off-site measures can be secured.

**Landscaping and visual amenity considerations.**

(a) Landscape introduction.

The planning application is accompanied by a Landscape & Visual Impact Assessment which has informed the Landscape and Visual Amenity chapter of the Environmental Statement.

The landscape and visual chapter concludes that, while the Proposed Development

would have significant effects on the landscape character of the Application Site itself, it would not significantly alter the character of the surrounding landscape. Furthermore, it argues that those effects would reduce quickly with distance (from the site) so that the overall effects on landscape character types would not be significant. In relation to designated landscapes, there would be a major/moderate significance adverse effect on a small portion of the Stonegallows Ridge Special Landscape Feature, but this would not affect the role of the Stonegallows Ridge as a landscape feature or its function of providing a visual barrier to Taunton.

The Stonegallows Ridge Special Landscape Feature is a local designation under saved policy EN11 of the 2004 Local Plan. Policy EN11 itself seeks to avoid harm to the appearance, character and contribution to landscape policy of Special Landscape Features. By contrast, policy CP8 of the Core Strategy seeks the conservation and enhancement of natural environments unless other material factors are sufficient to override their importance. Policy CP8 also seeks that development outside settlement boundaries should protect, conserve or enhance the landscape.

In terms of visual amenity the Landscape and Visual chapter notes that the overall visibility of the application site is relatively well contained due to the existing Stonegallows Ridge landform to the west, the urban area of Comeytrove and Trull to the east and existing tree and hedgerow vegetation within the surrounding areas. The relatively contained nature of the application site therefore ensures that effects are predominantly within localised areas comprising the application site and its immediate context. The retention of existing hedgerows and trees along and within the application site boundary, together with the provision of new public open space and planting to the west of the proposed development, will help to integrate the proposed development into the urban and rural context.

Within the wider landscape, mature hedgerow and tree vegetation and the Stonegallows Ridge help to screen the proposed development from the north, south and west, thus retaining its inherent function within the landscape.

(b) Background to the landscape assessment.

Taunton Deane Local Planning Authority instructed Swan Paul Partnership Ltd to assist with the issues and assessments required to help the Council understand and respond to all landscaping issues associated with the submitted Planning Application for the South West Urban Extension to Taunton. In their capacity as Chartered Members of the Landscape Institute they looked at the landscape and visual elements of the application and examined whether the basis of the evidence was sound and reliable and met current landscape assessment guidelines. From all this they have been able to comment on the appropriateness and comprehensiveness of the information submitted by the applicant and made an impartial and detailed critique to assist the Council in understanding the landscape issues and considerations involved in the proposal. This consultation with Swan Paul was required due to the complex and time consuming resources required to deal with the landscaping issues arising from an application of this size. The advice given is intended to aid the LPA in making its decision on the application and to examine whether the mitigation proposals

described will meet the stated objectives.

(c) Landscape evaluation and attributes of the application site.

The topography of the area is complex and important with the site sloping to the north east, facing Taunton and bisected by the Galmington Stream, having higher ground to each side of it at Hillbrook and around Higher Comeytrowe Farm. It is therefore generally contained and contiguous with the existing urban fringe of Taunton. The land either side of the Galmington Stream is allocated under the Local Plan Policy CP8 as Green Wedge. These are proposed to be delivered as an integral part of urban extensions and will be expected to “adopt Natural England’s Accessible Natural Green Space Standards” and contribute to the TDBC Green Infrastructure Strategy. Where the Galmington Stream continues north east beyond Comeytrowe Road and outside the site it is designated as a Local Nature Reserve (South Taunton Streams).

The Stone Gallows Ridge is designated as a Special Landscape Feature within the Local Plan and lies to the south west of Taunton and the majority of the site. It is a crucial element when considering development in this locality, which is reinforced in the TDBC Taunton Strategic Urban Extensions study produced by Parsons Brinkerhoff in 2013. The ridge extends to the north of the A38 at Stone Gallows Hill where views south towards the site are prominent.

The site contains a number of hilltops and areas of high ground within it including areas at Hillbrook, and to the south and east of Higher Comeytrowe Farm, and to the north (around the area referred to as North Park in the Masterplan Appendix 1). Development on these would be visible at a local level from within the site and the edge of Comeytrowe. A small reduction in visibility from west of the Stone Gallows Ridge and from more distant receptors is possible, however these high points remain significant markers within quite a wide area. High ground to the south is encompassed by the Blackdown Hills Area of Outstanding Natural Beauty and the potential impacts of the development upon this designation will be an important consideration.

The general agricultural and pastoral nature of the land south west of Comeytrowe is important and provides a rural character to the settlement settings of Trull and Rumwell.

Panoramic and distant views towards the Blackdown Hills, Quantock Hills and glimpses of Exmoor National Park are available out of the site from the high ground within it. Ridgelines and hilltops form a prominent part of the undulating landscape beyond the site including and views into the site from these locations are also an important consideration.

There are a number of Tree Preservation Orders (TPO’s) affecting individual trees, groups of trees and woodlands within the application site. All trees and hedgerows found within the application site make an important contribution to its character and the site supports a strong and consistent small to medium scale field pattern bounded by a strong network of hedgerows. The hedgerows and mature hedgerow trees also provide functional links between settlements at Dipford, Sweethay, Trull and Staplehay

and could be strengthened as part of any new development. The existing network of attractive country lanes including Comeytrowe Lane and Dipford Road should be retained and enhanced if practicable but this should not be at the expense of road safety (for example visibility splays). Views from Comeytrowe Road are important and existing hedge boundaries and trees should be preserved where possible. A green buffer strip would help achieve this.

There are a limited number of built elements within the application site with the only significant structures being to the north at Comeytrowe Manor. Comeytrowe Road forms the current boundary to the built up area of Taunton and buildings along this route generally face the pastoral landscape of the application site to the south west. The transition of the site boundary at Comeytrowe Road will therefore be an important consideration.

The Trull Village Conservation Area lies to the east of the site straddling Honiton Road with some of it falling within the application site at its boundary and access junction with Honiton Road. Maintaining the quality and character of the conservation area will be an important consideration in this area. The setting to the Trull Conservation Area should be preserved and enhanced with incongruous and urbanising influences kept to a minimum.

The Galmington Stream forms an attractive visual element with associated trees and riverine vegetation scattered along its route. This should be preserved and enhanced. Public footpath links traverse the site and the Galmington Stream, connecting the villages of Rumwell, Trull and Staplehay. They form valuable and sustainable recreation routes that can be used with a minimum (or no) vehicle trips required to access them, and from a sizeable population. Views from the footpath network are important and features that lend character and visual appeal to these routes, such as stiles, hedges and trees should be retained where possible.

(d) Landscape evaluation.

The development site falls largely within the Taunton Deane Landscape Character Assessment area 1A – Vale of Taunton Deane and it assesses the landscape to have a moderate strength of character and to be in moderate condition, giving an overall evaluation quality as ‘moderate’. In terms of landscape evaluation the Council’s consultants have assessed the quality of the site landscape as ‘good’. The condition of the landscape would be assessed as ‘moderate/good’ with the hedgerow network in need of better management and enhancement. Overall the sensitivity of the landscape would be ‘moderate/high’ due to the prominent ridgelines in and around Stone Gallows Ridge; the presence of the Local Nature Reserve being contiguous with the stream passing through the site, and parts of the site being included within the Trull Conservation Area. It is also visible from the Blackdown Hills AONB ridge to the south.

(e) Effects on the landscape resource.

The landscape section of the submitted Environmental Statement (ES) identifies a number of effects that would arise from the proposed development and the Council’s

Landscape consultants have been asked to verify these. Whilst there is a measure of agreement, there are also some areas of disagreement. It is not felt that the areas of disagreement unduly affect the conclusions reached and further mitigation has in any event been suggested.

(f) Effects on the visual amenity.

The LVIA concludes that, from a landscape and visual perspective, the Application Site is suitable for the proposed development due to the 'embedded' mitigation, which has been employed to reduce the landscape and visual effects of the proposals. It states "this will have a limited effect on views from the surrounding areas as it would be perceived in the context of the existing urban areas of Comeytrowe and Trull to the east, and within the longer term would represent a well-designed and sensitive extension to the wider settlement. Within the wider landscape, mature hedgerow and tree vegetation and the Stonegallows Ridge topographic feature help to screen the Proposed Development from the north, south and west, thus retaining its inherent function within the landscape." The Council's landscape consultants largely agree with this statement and conclude that, with some additional considerations and information, that the development proposals would be acceptable. To summarise those considerations would be:

- More detail of the main junctions at each end of the spine road and confirmation that the reduction of landscape and visual impacts is primary among the design considerations.
- Improvements to the western structural landscape buffering to the park and ride area and employment area.
- Confirmation of the additional impact considerations at the Stone Gallows Ridge SLF (update of EDP report).
- Better vehicle connection between the new proposals and the existing urban areas to the north.
- Ensuring that high points within the site are primarily reserved for structural landscaping and not built development, with the 60m contour being considered as a design height limit across the site.
- Greater consideration of the existing field pattern and the retention of hedges and trees in the layout.
- That the design of the main spine road is sympathetic to its suburban location and is not dominated by elements such as signage, lighting, barriers, bollards and unnecessary visual clutter. It should also be difficult to use as a 'rat run' around Taunton and should be safe and appealing for residents to cross.

Many of these requirements will, however, fall to be decided at the reserved matters stage and need not concern Members at the Outline stage.

(g) Conclusions.

The proposals have set out to demonstrate how the urban extension is a suitable response to the site and its setting. In general, all assessments recognise the importance of the Stonegallows Ridge; the small to medium size fields and hedgerows; Galmington Stream Local Wildlife Site and Green Wedge; important views to the AONB and landmark features such as the Queens College Tower and a number of

veteran trees. All TDBC documents (ref: Parsons Brinkerhoff Study 2013) also stress the importance of keeping any development below the ridgeline as not to break the skyline. The proposals masterplan has much to recommend it and this is borne out in the assessment of the landscape and visual impacts as made by the EDP landscape and visual impact assessment. In particular the Council's landscape consultants emphasise the following as being a **positive contribution** to the design and mitigation strategy as put forwards by the consortium:

- The proposals meet the recommendations of the NPPF in that the functionality, quality and sustainability of the proposals have been well considered.
- Core Strategy Policy CP8 and the SADMP have been well integrated into the proposals, particularly with reference to the Green Wedge proposals that create extensive public open space along the Galmington Stream.
- The Trull Ridge open space remains largely unaffected by the development and will not experience effects that have been assessed as significant.
- National Landscape Character and the Blackdown Hills AONB are assessed as having no significant effects resulting from the development.
- Regional landscape character remains largely unaffected by the proposals, particularly at some distance from it with Landscape Character Area 1 'Farmed and Settled Vale and Landscape Character Type 3 'Farmed and Settled High Vale' having impacts assessed as moderate/minor and not significant at both construction and completion stages.
- The proposals build on earlier masterplanning studies and include the majority of the recommendations from these, combined with changes brought about by extensive public consultation into the new proposals.
- Although the proposals were formulated before the Trull Neighbourhood Plan was published it does include many of the recommendations of that report (in landscaping terms). Although it is not adopted by the Council at this stage this convergence demonstrates that many of the local sensitivities have been met. These include the creation of distinct neighbourhoods, creating a green buffer to Trull and respecting the Galmington Stream and a potential recreational space.

(c) Many of the hedges existing on the site have been maintained and incorporated into the development.

- The masterplan includes extensive vegetation buffers to the south west edges of the housing areas to ease the transition to the rural landscape and the density of development is also decreased towards these.
- Much of the detail of the Parsons Brinkerhoff masterplanning study has been followed including elements such as two distinct neighbourhoods separated by the Galmington Stream open space, an organic spine road to reduce traffic speeds and including vegetation buffers to existing residential areas.
- SUDS development within the proposals has been considered and reduced urban drainage established as an important consideration.
- The sensitivity of the SLF has been well considered with reference to Policy EN11 of the Core Strategy, with building heights restricted to 60m AOD within it and adequate screen planting provided to the north and west. Building density is also reduced to its west edge.
- Most high points within the site have been kept free of development (in line with earlier studies) including Areas west of the employment land, Higher Comeytrowe

Farm (some parts) and North Park.

In making a detailed analysis of the application documents that are of relevance to landscape and visual matters it has become clear to the Council's landscape consultants that there are also a number of issues where we feel that the proposals are not offering the optimum solution. With reference to the landscape and visual impacts of the development they found that the following issues need **further consideration:**

- The analysis of the viewpoints assessed within the LVIA concluded that there were two additional viewpoints that were worthy of consideration. These have not been included by EDP and we can only assume that the consultants have visited these sites and have discounted them. A note within the document to this effect would aid completeness.
- We believe that there are sections of the outline masterplan that will sit on the ridgeline and will have a higher impact on the landscape and visual amenity than has been assessed. Also, development proposed for the high ground around Higher Comeytrove Farm will be visible from the south and west, particularly while any mitigation planting is establishing.
- There is also development proposed for the high ground at Hillbrook just north of Gatchell Farm and this may be a better location for the proposed Broadland Park shown on the Masterplan. It is however acknowledged that the park is well located centrally to nearby proposed development and relates well to the existing public footpath.
- Whilst the addendum report on the potential effects of the park and ride and employment land on the SLF has concluded that they can be kept within acceptable levels our analysis of this information has concluded some further points of consideration which include:
  - The recommendation that building heights within the study area should be restricted to 60m AOD to be confirmed.
  - Pale colours within the employment buildings are more recessive and to be recommended.
  - EDP 'viewshed' diagram EDP5 to be given greater consideration in directing development to the north and west of the site.
  - Buffer planting to the west of the site be increased in depth.
- The proposed access roundabouts at each end of the spine road have the potential to affect character and visual amenity. This is less problematic to the north at the A38 where the nature of this busy road has a higher capacity to accommodate change; however, detailed design considerations should seek to minimise visual clutter from excessive signage and lighting.
- The junction to the south at Honiton Road and within the Trull Conservation Area is more sensitive and detailed proposals should seek the minimum of engineering intervention. The addendum drawing 13708.9940 rev C produced by Barton Willmore proposes appropriate design in response to the shops on Honiton Road which will form an attractive streetscape in this area. However, the drawing does not show how the roundabout will be treated in detail, where again a minimum of signage and lighting would be appropriate. To reduce the likelihood of the development spine road being used as a 'rat run' consideration should

be given to making this a T junction as an alternative.

- There is poor vehicle connectivity between the development and Comeytrove to the north east with vehicle access being only from the main junctions to the north and south. This will limit the functioning of the development as an 'extension' of Taunton and make it more of an isolated suburb. Consideration should be given to extending one or two vehicle links into existing built development to the north east. This will also relieve pressure on the north and south access points, providing opportunities to reduce their size/ capacity and enabling less engineered design solutions.
- The location of the key service area designed around a central square could be an attractive feature if handled well at the detailed stage. Care should be taken to ensure that the central spine road does not detrimentally affect this and at the detailed stage consideration should be given to traffic calming and adequate pedestrian access to both sides. Measures that prevent the spine road being used as a 'rat run' would also be welcome for the safer functioning of this area.
- The location of the sports pitches on the southern boundary does have the effect of softening the perimeter of the development, however, it is unclear how this will be managed or if any associated buildings/ changing facilities will be provided. It is also located on south facing sloping ground and a percentage of cut and fill will be required to achieve level playing pitches, creating an artificial landscape appearance from the south.
- Although this is only an Outline Application it is unclear how some elements of the Masterplan will be managed and this will need clearing up at the detailed stage. As well as the sports pitches mentioned above there are also elements such as planting design, species mixes etc. and the management of the green infrastructure to promote biodiversity enhancements. The proposal for orchards and wildflower areas is admirable adding an extra ecological layer to the open green space but again concern is the future maintenance of these spaces. Even with a set management plan in place, if handed across to local authority control the overall desired effect maybe become lost due to budgetary constraints.
- The need to incorporate SUD's design into the scheme could be taken further using the new development as a design exemplar with swales running through the centre or edges of roads rather than a series of small attenuation ponds in public open spaces, which would make the public open spaces more accessible to the public.
- It appears as if formal play areas are not as extensive as they could be.
- Some of the hedges identified as 'important' under the Hedgerow Regulations and identified on the D&A Constraints and Opportunities Plan have been replaced by development blocks and the justification for doing this needs to be made clearer.

The applicant has seen the landscaping report prepared on behalf of the Council and has responded to the points it raised which stated that further consideration was required. Where proposals have needed to be changed, the applicant has taken this on board and has agreed to make those changes in the reserved matters application for landscaping. Where there was confusion or misunderstanding, clarification has been given. In more detail, the matters identified in the Swan Paul report above have been addressed and the applicants offer the following comments in response.

- The revised landscape information has included, within the addendum, a viewpoint at Poundisford, as requested by Swan Paul. It is maintained that there is no view



of the proposal from here. The second viewpoint referenced by Swan Paul is one to the north of the A38 and included in the updated report.

- In respect of Swan Paul's contention that there would be sections of the outline masterplan that will sit on the ridgeline and will have a higher impact on the landscape and visual amenity than has been assessed, The applicant has clarified that the blue areas on the submitted graphic are not those above the 60m contour (the blue actually sits arbitrarily across multiple contours). In fact the blue represents 10m residential development, and excludes the special treatment for the commercial areas. The applicant has confirmed that the areas above 60m are indeed kept free from development on the Illustrative Masterplan.
- The location of Broadland Park is acknowledged to be flexible as set out in the Urban Design Framework Plan. The optimum location can be agreed as part of the detailed masterplanning and design guide.
- Buildings are stated as being restricted to 68m AOD, with footprints not higher than 60m AOD.
- This is an outline application and the colours of buildings are to be agreed at a more detailed design stage.
- In respect of the contention that the proposed access roundabouts at each end of the spine road would have the potential to affect character and visual amenity, it is acknowledged by the applicants that matter was also raised by ATLAS and on this basis the applicant has agreed to prepare a design brief for both of these areas (areas defined on the Urban Design Framework Plan) prior to the submission of Reserved Matter Applications.
- The Honiton Road Access Report submitted with the Addendum explains how the proposed roundabout option is the only technically viable solution. Further to the discussions with ATLAS, the applicants have agreed to prepare a design brief for this area (as defined on the Urban Design Framework Plan) prior to the submission of Reserved Matter Applications.
- In consultation with the local community over the last few years it has become clear to the applicants that local residents, especially those in Comeytrove, are opposed to any vehicular connections between the existing areas and the proposed community. The proposals include a bus/cycle pedestrian link in this area (as well as vehicle connectivity for up to 50 dwellings). A total of 5 new bus/cycle connections are proposed along the eastern boundary to optimise the potential for integration between the existing and new communities as well as a proposed bus link and provision for a further future rapid-transit connection. All of these will provide for connectivity and integration via sustainable means of transport. Neither the County Highway Authority nor ATLAS have requested further vehicle connections between the existing communities and the proposed development.
- The detailed design of the central square will be fixed through the preparation of the detailed masterplans and design guide required prior to the submission of Reserved Matter Applications. These will include consideration of traffic calming and safe pedestrian access.
- The sports pitches will create a soft edge to the development, and will reflect the character of the cricket pitch in this area. There will however be some inevitable

impact on landscape character, and this has been considered in the round within the EIA, and found to not unduly harm the landscape character of the wider context. Furthermore these pitches are located close to the existing neighbourhood at Trull, and close to the existing cricket pitch, thereby creating a well-connected set of recreational spaces.

- The outline application makes a commitment to the provision of an integrated sustainable drainage system to control surface water runoff. The Detailed Masterplans and Design Guides required before the submission of Reserved Matter applications will set out further detail on these and their design will be the subject of discussion and consultation at that stage.
- The “Indicative Green Space Provision” set out in the Design and Access Statement was discussed and agreed with the LPA and the proposed provision and the calculations behind them is based on the TDBC Green Space Strategy. In any case, it is not proposed to fix the exact areas of specific types of play at this stage (this is a reserved matter). The purpose is to demonstrate that the amount of open space proposed can accommodate the range of uses required. The exact quantum, location and arrangement of each type of open space will be fixed at the Detailed Masterplan / Design Guide / Reserved Matter stage.

Taking the above responses into account and giving an overview on the landscaping submission as a whole, it is the view of the Council's consultants that the proposal is acceptable in landscaping terms. It is then view of Swan Paul that, on balance when the negative aspects of the proposal are considered alongside the positive, at least in relation to the landscape and visual effects the Council's landscape consultants consider that the proposals as put forwards by the Comeytrowe Consortium in this Outline Application are acceptable and would not cause an unacceptable level of negative impact. This **conclusion** has been reached following the analysis of the relevant application documents with reference to landscape and visual matters and can be summarized as follows:

- The analysis of the LVIA has concluded that the effects on the landscape resource will be moderate or minor, reducing over time as the mitigation measures take effect. These effects will be greater at the construction phase and are associated with the sudden landscape change and the site activity.
- Effects on the Blackdown Hills AONB would be noticeable, with the built envelope of Taunton moving further west. With the extensive green infrastructure breaking up the site and the distance we do not consider this to be significant.
- Regional landscape character is assessed as moderate minor and not significant.
- On a local scale the character is assessed by baseline analysis with four landscape units (Units A-D) being analysed within the LVIA. Changes at this level are assessed as major/ major moderate and therefore significant. Structural mitigation planting will lessen these effects
- The effects on local landscape designations such as the Trull Conservation Area and the Stonegallows Ridge SLF have been analysed in the LVIA and supplementary addendum in Appendix 7.7 of the Environmental Statement. The landscape consultants consider that the sensitivities of these resources are mainly local and have been mitigated to an adequate extent, but could be further improved subject.
- Visual effects are assessed as reducing in significance at greater distance from the

development with only some very close viewpoints experiencing change that could be described as significantly adverse. The mitigation proposals seek to reduce these and will be largely successful, however, in particular it is felt that development on high ground needs further consideration.

- The Design and Access Statement has presented a thorough analysis of the landscape constraints and demonstrated a good degree of community involvement in the decision making process. Landscape context is provided by the LVIA and the masterplanning process has been influenced by previous reports made on the site, in particular the 2013 masterplan by Parsons Brinkerhoff and the TDBC Green Infrastructure Strategy.
- It has been noted that local consultation has possibly over influenced the design to the extent that the integration between existing and proposed development (particularly vehicular) is quite poor, and this is one of the elements we recommend for further consideration.
- In general a strong landscape strategy has been used to direct the development within the Masterplan area which will result in an attractive and cohesive development. This is further enhanced by the provision of a number of distinct neighbourhoods. This has a few Weaknesses, in particular development proposals on some high ground contrary to the advice of the landscape consultants in their 'Viewshed' diagram, which is recommended for re-consideration

Officers are now of the opinion that there are no outstanding issues which either have not been resolved or are not capable of resolution (in landscaping terms) when the reserved matters are submitted. Subject to the consideration of these elements (as listed above) and further dialogue with officers of Taunton Deane Borough Council on the nature of any action or change to the proposals, the landscape consultants commissioned by the Council consider that the benefits of the scheme in delivering much needed housing (as required by the Local Plan), outweigh any negative and mainly very local significant effects and the application can therefore be supported on landscape grounds.

### **Flood risk and drainage issues (incl. ground conditions and contamination).**

#### **(a) Flood Risk**

The Environment Agency flood map shows the majority of the site as lying within Flood Zone 1. This means that it is an area outside the limit of extreme flooding from tidal or fluvial sources with less than 1 in 1000 annual probability of flooding, in any year. Only narrow strips of land adjacent to the Galmington Stream are located within Flood Zones 2 and 3, where the risk of flooding is greater. In accordance with the NPPF and PPG, all development, other than essential road crossings, would be located in Flood Zone 1 to ensure the flood risk to properties is low.

The application is accompanied by a Flood Risk Assessment (FRA) and the results of which are included in the Water Resources and Flood Risk chapter of the Environmental Statement. The FRA demonstrates how the proposed mitigation measures will manage the risk of surface water flooding (to a 1 in 100 year event, plus a 30% allowance for predicted climate change). The proposed attenuation and drainage strategy for the site comprises the following. Open pond storage and linear

storage features, containing both the attenuation and long-term storage. The ponds would be located within areas of public green space throughout the site. The application maintains that the ponds will be integrated into the landscape as a combination of publically accessible green space which is allowed to flood in extreme events, and ecological wet areas utilising suitable planting, boardwalks and other features to enhance the amenity benefit. The flow from these ponds is controlled to the annual average greenfield rate prior to discharging into the brooks. There will be no on-line attenuation on the Galmington stream itself, the characteristics of which would therefore remain unaltered by the development proposals.

The surface water drainage strategy has been designed to ensure that the buildings within the proposed development would not be flooded by a 1 in 100 year flood event (including a 30% allowance for climate change). The rates of surface water run-off draining to Galmington Stream has been demonstrated to be limited to the same as, or better than, current conditions. Accordingly, the risk of flooding to the proposed development is low.

(b) Ground conditions.

The planning application is accompanied by a Phase 1 Ground Conditions Report. The results of which have informed the Ground Conditions and Contamination chapter of the Environmental Statement. In summary, the report concludes that it is unlikely that there are any geoenvironmental and geo-technical ground conditions that will have any significant implications for the site layout and land usage of the proposed development. This is not disputed, and would not in any event affect the ability of the Planning Committee to grant planning permission.

**Archaeological and cultural heritage and conservation issues.**

The planning application is accompanied by an Archaeological and Heritage Assessment, the results of which have informed the Archaeology and Cultural Heritage chapter of the Environmental Statement. The designated heritage assets identified include:

Grade II listed buildings:

- Comeytrowe Manor;
- Former Entrance to Comeytrowe Manor;
- Comeytrowe Farmhouse and Attached Farm Buildings to South West;
- Higher Dipford Farmhouse;
- Dipford Farmhouse Barn;
- Higher Dipford Farmhouse;
- The Lawn;
- White Lodge;

Conservation Areas

- Trull Conservation Area

The Archaeology and Cultural Heritage chapter considers the effects of the development on designated and undesignated heritage assets. It concludes that there would be no significant effects on either designated or undesignated assets. However, there will be residual effects on the significance to two designated heritage

Assets. Firstly, a moderate/minor direct effect through construction within a small area of the Trull Conservation Area, and secondly, a moderate effect on the setting of the Conservation Area, and thirdly, a moderate/minor effect on the setting of Grade II listed Rumwell Park. None of these effects is considered to amount to 'substantial harm' to the significance of a designated asset for the purposes of Part 12 of the NPPF. The NPPF (paragraph 134) states that where less than substantial harm to the significance of a designated heritage asset is identified, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. A similar statement is contained in policy CP8 of the Core Strategy which states that the Council will not permit development which causes harm to the historic environment unless other material factors are sufficient to override their importance. The Environmental Statement argues that the harm to the Conservation Area and setting of the listed building is considered to be limited, but it nonetheless must be given considerable importance and weight. This creates a presumption against the grant of permission which must be outweighed. It is considered that the public benefits the proposal would bring identified elsewhere in this report, particularly in achieving the Core Strategy's vision for a mixed use urban extension at Comeytrowe and thereby contributing to meeting the Borough's housing needs, do outweigh the limited harm to designated heritage assets and the statutory presumption in favour of their preservation.

During the course of this application, the Somerset Industrial Archaeological Society (SIAS) have drawn to our attention a relatively small but important industrial archaeological site at the former Comeytrowe Farm. It is not included in the Archaeological and Heritage Assessment submitted but this is probably because it only came to the attention of SIAS last year. Further research has traced sales particulars at the Somerset Heritage Centre dated 1901 which identifies the Mill House and the overshot waterwheel driving machinery via six pulleys, shafting and brackets. SIAS submits that whereas farm mills were once common in Somerset, this particular example is worthy of consideration for retention within the overall planning scheme. They suggest that the site should initially be flagged up as a possible open public area, the combination of the wheel and restored building providing a leisure facility to the greater enjoyment of the public. They state their willingness to co-operate with the developers over its enhancement. The Council's own research has identified that it is possible that the water wheel is curtilage listed. The crucial test is the ownership situation at the date of listing - 9 November 1987. If Comeytrowe Manor and the wheel were in the same ownership at this date then the wheel is listed. This is not clear however. The same would apply to the industrial sheds to the north and west of the house if they were built before 1948 - some of which are on the same site as C19 buildings and could date from this period. The Conservation Officer has sensibly recommended that, if they are curtilage listed we could add an informative to state that LBC would be required to demolish or alter any of the curtilage structures. If they are not curtilage listed, the water wheel would be classed as a non-designated heritage asset and the usual tests applied in the NPPF. In that circumstance, the application would still need to make provision for the water wheel, as clearly, its loss would represent substantial harm. Therefore, every effort should be made to retain this feature. The applicant has reviewed the information from the Somerset Historic Environment Record and National Heritage List for England, and confirms that neither

of these sources mention a waterwheel or give any indication of important buildings in the curtilage of the Grade II listed Comeytrowe Manor. On this basis, the applicant supports the Conservation Officer's recommendation to provide an informative note appended to any future planning permission, which would ensure that any subsequent listed building consent is obtained for the demolition, or conversion of the Manor outbuildings (if any survive). The applicant also points out that even if the outbuildings and waterwheel are listed by virtue of being within the Manor's curtilage, it does not prejudice the outline planning application, which simply establishes the principle of development and its broad form.

### **Biodiversity.**

- **Ecology and nature conservation.**

Appropriate ecological surveys have been undertaken at the application site, which have helped inform the planning application for the development. The results of the surveys are included in the Ecology and Nature Conservation chapter of the Environmental Statement, which includes an assessment of the impacts and the mitigation works proposed. In summary, the habitats within the site are generally of low ecological value, reflecting the agricultural land use which dominates. However some habitats of higher value were identified, namely the Galmington Stream (which is part of a Local Wildlife Site and connects with a Local Nature Reserve), hedgerows, trees and ponds. Protected species and species groups which were recorded within the site include bats, birds, dormice, badgers and reptiles. The long-term strategy to mitigate adverse effects proposed by the application includes creating and managing new habitats of ecological value and/or new opportunities for protected species, to provide net gains for biodiversity. The design and layout of the proposed new and compensatory habitats, which includes woodland, hedgerows, flower-rich grassland and wetlands, has been closely integrated with the other objectives for undeveloped open ('green') spaces such as public enjoyment and surface water management. The Application maintains that through sensitive design and additional mitigation measures proposed, there are no significant ecological constraints to development on the site and there are opportunities for ecological benefits to be delivered as part of the development.

It is clear that Natural England does not object to the planning application, nor does it have any significant concerns regarding the proposals. Both the site-specific comments, and the generic advice provided, have been fully addressed by the application proposals at an appropriate level of detail for an outline planning application. It is noted that Natural England have no objections on the grounds of internationally and nationally designated sites. This accords with the position agreed between the applicants' biodiversity consultants and Somerset County Council's Ecologist, namely that no adverse impacts upon internationally and nationally designated sites are anticipated as a result of the proposed development. In terms of designated Landscapes, the potential impacts upon the Blackdown Hills AONB and other landscape receptors have been assessed in detail within Landscape Assessment, submitted with the planning application. This has been agreed by the Council's own landscape consultants. In respect of protected Species, it is noted that

Natural England have not assessed the application for impacts upon protected species, instead referring to their Standing Advice. Reference is made to concerns raised by Somerset County Council's Ecologist in relation to dormice, bats and skylarks, although these concerns have been subsequently resolved through correspondence and meetings. A full record of this consultation is provided within the Environmental Statement Addendum. There is confirmatory correspondence from the County Ecologist, dated 10 August 2015, which states "I can confirm that ecological matters are resolved". However, the applicants agree that further advice from Natural England should be sought in this respect at the detailed design stages of the development. In respect of green infrastructure and biodiversity enhancements, Natural England notes that "The application provides for an extensive green infrastructure," which is one of many benefits of the proposed development. It is agreed that further details regarding species planting and management will be required in due course, but this is clearly a matter of detail which is capable of being controlled through the attachment of planning conditions to the outline planning consent. Similarly, a range of measures are proposed within the submitted Ecological Assessment which would provide biodiversity enhancements, full details of which would be submitted for approval by the LPA at the detailed design stages and which should be secured by planning condition. Natural England rightly expects the LPA to also consider impacts upon features (sites, habitats and species) of local importance, including non-statutory nature conservation designations such as the Galmington Stream Local Wildlife Site. Such features have been fully considered throughout the design process and in determining the principles of mitigation to ensure that no significant adverse impacts would arise. It is clear that Natural England does not object to the planning application nor does it have any significant concerns regarding the proposals. Both the site-specific comments, and the generic advice provided, have been fully addressed by the proposals at an appropriate level of detail for an outline planning application.

To re-iterate, the County Ecologist (8th August 2015) has now confirmed that all ecological matters are resolved

### **Social dimensions.**

#### **(a) Local centre**

A mixed use area of up to 1.6 hectares is proposed at the centre of the site on the intersection of the proposed east-west avenue and the south avenue link, as the key location for activity. It is important that the local centre complements, rather than competes with existing town centre retail facilities and so it will need to provide a range of small-scale facilities within convenient walking distance of new homes. Although this application seeks to establish the principle of a mixed use local centre, the exact composition will be reserved for later consideration by the Local Planning Authority. However, the Environmental Statement assumes the following maximum gross internal floor space areas within the local centre:-=

- (d) Up to 1,000 m<sup>2</sup> of A1, A2, A3, A4 and A5 Use Classes;
  - Up to 500 m<sup>2</sup> of B1 Use Class;
  - Up to 250 m<sup>2</sup> of D1 Use Class.

It is anticipated that a range of facilities could include a local food store with a gross internal floor space of 500 m<sup>2</sup>, other retail with a gross internal floor space of up to 500m<sup>2</sup>, office (on upper floors) and multi-functional community uses. Uses within this range are considered to be appropriate for a truly local centre and would not adversely compete with existing town centre facilities.

It is clear that the new local centre needs to be handled sensitively given the many functions and activities it will host. The applicants have agreed to the suggestion of a design brief to handle all aspects of the local centre, with a view to providing an excellent, well planned environment at this point that would be pedestrian friendly, have a strong economic viability, a pedestrian friendly and human scale environment, and an attractive, prosperous and pleasant environment. The design brief would be required by condition before any work took place on this phase of the development.

(b) Employment

The Proposed Development includes potential employment opportunities within the proposed Local Centre and the employment area, with floorspace proposed within the A and B use classes. The submitted information calculates the indicative number of jobs that are likely to be generated in accordance with guidance provided in the Homes and Communities Agency, Employment Densities Guide 2nd Edition, 2010 (Ref 15.21) and provides the range of potential jobs created from worst to best case scenario, demonstrating the extremes of floorspace per full time worker within each use class. The Table demonstrates that a worst case scenario of 358 jobs and a best case scenario of 836 jobs could become available. Deducting the 31 existing jobs identified in the baseline assessment, generates a net additional employment figure of 327 to 805 jobs. On the basis that there currently exists a 5.5% unemployment rate within TDBC; that over 1,000 local residents are claiming out of work benefit; that the job density within TDBC has decreased over the past decade; and that the Region overall relies heavily on Manufacturing as an economic driver which, due to improvements in technology is generating fewer and fewer jobs, the provision of an additional 327 to 805 job opportunities is considered to have a moderate beneficial effect on employment.

(c) Healthcare

It will be noted from the comments provided by NHS England (earlier in this report) that a considerable sum of money has been requested in order to ensure the kinds of health services at a local scale that as new community of this size would need. This would include a new doctors surgery, 2 doctors, pharmaceutical services, optometry services and dental healthcare. From debate below in the section on planning obligations, it will be noted that the applicants do not accept the need to fund these services through a s106 agreement, as they make the case that the request is not necessary to make the development acceptable in planning terms, it is not directly or fairly related to the development, it is not fairly and reasonably related in scale and kind to the development, and was likely to fall foul of the requirements not to have more than five contributions pooling towards a provision. These arguments have been subsequently disputed by NHS England. However, caselaw implies that this type of infrastructure should not be funded through s106 monies. Whilst healthcare does not specifically appear on the Council's regulation 123 (CIL) list, healthcare funding could



still theoretically be delivered through CIL, although in light of the many demands on CIL funding, it is officers' opinion that it is highly unlikely that this will be the case.

(d) Education

The application proposes a primary school which has been required by the County Education Authority. The Masterplan Parameters and Principles document identifies two potential locations for a 2.2 hectare area for a primary school site and land has been set aside for this purpose. Officers have been working closely with Somerset County Council and the applicants to ensure a primary school is delivered on site. It is not critical to identify which site would be preferable at this stage because the application only seeks outline permission and that would be a detailed consideration that would be agreed at the reserved matters site. Officers have raised a query about the size of land proposed for allocation of the school and whether or not it would include pre-school facilities (a County Education Authority requirement). The applicant has now confirmed that the application proposals seek to reserve land for 2.2 hectares of land for a "14-class, 2-form intake primary school with pre-school facilities," in accordance with Policy TAU1 (5th bullet point). They make the case that the policy simply refers to a generic requirement for "approximately 2.5 hectares" of land. The proposals provide for 2.2 hectares which meets the Government's Design bulletin guideline. This is therefore considered to be in line with the relevant policy within the Publication Draft of the SADMP.

The Applicants have indicated that they would be willing to deliver the primary school and pre-school facility 'in kind' against its CIL liability. The County Education Authority has welcomed the developers' commitment to early delivery of the school. They have requested that it should be delivered at 350 dwellings.

(e) Community hall.

The developer has offered to build the community hall and off-set its cost against their CIL liability. However, due to other demands on TDBC's proportion of the CIL funding, and in the event of 25% going to the Parish, it is considered unlikely that the community hall will be delivered unless the Parish Council is willing to use its proportion of CIL towards this.

(f) Sports pitches, play areas, allotments and other areas of open space.

The application proposes at least 26 ha of land for use as public open space to include a Neighbourhood Equipped Area of Play (NEAP), 3 Locally Equipped Areas of Play (LEAP), at least 1.35 ha of allotment space, at least 7.5ha of active recreation space (as defined in the Taunton Deane Green Space Strategy 2010), amenity open space, natural areas (including ecological habitat areas) and other green space.

**Planning Obligations and Infrastructure Delivery.**

Policy TAU1 in the emerging Site Allocations and Development Management Plan outlines specific infrastructure requirements in order to create a sustainable community. These have already been considered above.

There have been on-going discussions with the developers and Somerset County Council (as the Education and Highways authorities) to agree the timely delivery of infrastructure required to support the development. Discussions have also taken place

with relevant officers within Taunton Deane Borough Council. Appendix one details the identified infrastructure needs arising from the development and the possible funding mechanism for delivery (i.e. s106 and CIL). As part of the amended CIL Regulations developers are able to deliver infrastructure items through Payment in Kind (Regulation 73A) and off-set this infrastructure payment against their CIL liability. This has been suggested in the case of the proposed new school.

The proposed development is likely to generate between £11-£12m in CIL receipts over the lifetime of the development. The CIL Regulations, as amended (Reg 59A), requires Taunton Deane as the charging authority to pass 25% of the CIL receipts to a relevant parish council with an adopted Neighbourhood Plan and 15% in the absence of an adopted Neighbourhood Plan. For the maximum amount to be due (25%), the Neighbourhood Plan has to have passed through its examination, had a positive result from its referendum and been adopted formally by the borough Council. In the case of this application, these steps would need to have been completed before the submission of a reserved matters application, otherwise the amount due to the Parish Council would be 15%. The amount due to the Parish Council may change over the course of the reserved matters applications, as they are likely to be the subject of phased submissions. The best estimate that can currently be given is that for Trull Parish Council, this could result in CIL receipts to the Parish of between £2.75m - £3m, with the balance of £8.25 - £9m remaining with Taunton Deane.

The developers have offered to deliver the following items of infrastructure on-site as payment in kind. This would then be off-set against their CIL liability:

- Primary school with an on-site preschool
- Community Hall- Any such proposal would ultimately need to be considered by the by Full Council.

The Consortium have also offered to deliver on-site infrastructure items on behalf of the Trull Parish Council and off-set these against the 15% / 25% CIL receipts the Parish will receive. Such matters could include:

- Sports pitches
- Pavilion and changing rooms
- Allotments

It is a decision for Trull Parish Council to confirm whether they choose to accept the delivery of infrastructure items in lieu of CIL payments. However, due to other demands on TDBC's proportion of the CIL funding, and in the event of 25% going to the Parish, it is considered unlikely that these facilities will be delivered unless the Parish Council is willing to use its proportion of CIL in this regard.

The remaining CIL funded infrastructure item is the provision of additional secondary school places generated by the development. The Education Authority has confirmed that the development in itself does not trigger the need for a new secondary school. The Education Authority have confirmed that at present there are sufficient secondary school places in Taunton to accommodate the secondary school places generated by the development. It is acknowledged that the lack of capacity at the local secondary schools (Castle and Bishop Foxes) is partly due to pupils from outside the catchment areas. The Infrastructure Delivery Plan (2014) highlights the need for a new 7-form entry secondary school towards the end of the plan period. The provision of CIL

funding to support the delivery of the new secondary school will need to be considered by the Council based upon its CIL Governance arrangements.

As confirmed earlier in this report NHS (England) have asked for a considerable sum of money to fund new healthcare practices to serve the new development. The applicant has sent in a detailed response explaining why in their opinion the request does not meet the tests in the regulations for either a CIL or s106 payment. The request is not necessary to make the development acceptable in planning terms, it is not directly or fairly related to the development, it is not fairly and reasonably related in scale and kind to the development, and was likely to fall foul of the requirements not to have more than five contributions pooling towards a provision. These arguments have been subsequently disputed by NHS England. However, case law implies that it should not be funded through s106 monies. Whilst healthcare does not specifically appear on the Council's regulation 123 (CIL) list, healthcare funding could still theoretically be delivered through CIL, although in light of the many demands on CIL funding, it is officers' opinion that it is highly unlikely that this will be the case.

There has been some debate between the applicants and the Council's Community Leisure Officer as to the exact amount that will be due to support community leisure facilities. In particular, whether the figures should be based in accordance with the standards found in the Council's most recent Green Space Strategy (2010), or the saved Local Plan Policy C4 and its supplementary planning guidance (SPG) ('Public Space Developer Guidance,' 2008). However, it is now recognised that the Green Space Strategy should be used to calculate the requirement for leisure facilities and any required payments. This will need to be agreed as part of the s106 legal obligation.

Appendix one attached gives officer's opinion on how the infrastructure works could be funded. The list of required infrastructure is accurate and reflects the requirements of the various consultees on this application. However, the detail will still need to be confirmed and ratified in a legal agreement. The detailed requirements of the s106 obligations will need to be delegated to the Assistant Director to resolve under delegated powers in consultation with the Chair/Vice-Chair of the Planning Committee. In the event that agreement cannot be reached, the application would be referred back to the Planning Committee for their further consideration.

### **Conclusions.**

It is concluded that the applicants have demonstrated that a high quality, sustainable development is achievable and deliverable. The proposals have been shaped by the involvement of the local community and key stakeholders through a series of comprehensive and collaborative workshops. It is considered that the development of the proposed allocation site will be largely visually contained within the landscape and will form a natural and sensitive urban extension to Taunton. The proposed development will be well-connected to the surrounding area and the proposed mix of uses will complement the existing uses in the immediate and wider area. The transport strategy has demonstrated that the site is both accessible and permeable. A comprehensive green infrastructure network demonstrates an appropriate landscape setting for the development as well as providing a green interface between the new neighbourhood and nearby existing residential areas.

The application relates to the area allocated for a mixed-use urban extension in the emerging Site Allocations and Development Management Plan and in the adopted Core Strategy. The site itself is proposed for allocation in the SADMP which is therefore already agreed Taunton Deane Council policy. The planning application is broadly compliant with the Council's Plan and this must weigh heavily in favour of granting permission. The Council also relies upon the early delivery of new homes from this site in its identified five year deliverable supply of housing land, all of which are factors that weigh in its favour of approval. As stated above, the application proposal is in accordance with development plan policy and would deliver the sustainable comprehensive mixed use urban extension that Taunton needs. The application should, therefore, following NPPF paragraph 14, "be approved without delay".

Officers are satisfied that the level of detail supplied, the responses to the negotiations and the revisions incorporated into the scheme have now provided a scheme that can be accepted by Members, subject to the delegation of various matters in terms of Planning obligations and conditions as indicated. The recommendation is therefore one of conditional approval, subject to conditions and the agreement of planning obligations under the Assistant Director's delegated powers.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr J Burton Tel: 01823 356586**

APPENDIX 1

Item	Development Cost	CIL	Section 106
<b>EDUCATION</b>			
Primary School with on-site preschool		✓	
Secondary Education provision off-site		✓	
<b>HIGHWAY WORKS</b>			
A38 Bus Priority & Silk Mills Roundabout			✓
A38 Bus Priority, near school			✓
Heatherton Park Crossroads Safety Scheme			✓
A38 Chelston Roundabout			✓
Galmington Road/Trull Road Improvements			✓
Park & Bus			✓
A38 Park & Bus access Junction			✓
Comeytrove Lane Access Junction including works to Comeytrove Manor Farm			✓
Honiton Road Access Junction			✓
Dipford Road Crossing	✓		
Comeytrove Lane Crossing including downgrading of highway	✓		
Higher Comeytrove Farm Access	✓		
Reinforcement/realignment of existing pedestrian/cycle access points	✓		
New pedestrian/cycle access points	✓		
Pedestrian Access Point; upgrading existing	✓		
Pedestrian Access Point; new	✓		
Formal Footpath - 2m wide unlit	✓		
Informal Footpaths - 2m wide unlit	✓		
Cycleways - 3m wide lit	✓		
Link road between A38 and Honiton Road	✓		
<b>TRANSPORT</b>			
Improvement to the Webber bus service between the northern part of the site, the park and bus site and the town centre via the railway.			✓
Improvement to the Hatch Green bus service between the southern part of the site and the town centre via Trull Road			✓
Car Club			✓
Travel Plan			✓
<b>ON-SITE LANDSCAPE</b>			
Squares, parks; amenity space, landscape buffers and green areas	✓		
<b>SOCIAL &amp; COMMUNITY</b>			
Affordable Housing		✓	
Community Hall		✓	
Allotments		✓	
<b>FLOOD ATTENUATION</b>			
Swales	✓		
Retention basins	✓		
<b>PLAY EQUIPMENT AND SPORTS FACILITIES</b>			
LEAPs			✓
NEAPs			✓
MUGAs			✓
Skate Park			✓
Play Equipment Maintenance Costs			✓
Laying out of Sports Pitches		✓	
Pavilion / Changing rooms		✓	
Open Space Maintenance Costs			✓
<b>ECOLOGY</b>			

## APPENDIX 1

Ecological Management Plan - Long Term  
Management



## Appendix 2

### AGENDA ITEM 5

#### APPLICATION NUMBER – 42/14/0069

#### AMENDED TITLE –

None

#### AMENDED RECOMMENDATION –

Please add an additional s106 clause relating to the need to set up a Design Working Group.

#### AMENDED CONDITIONS –

Condition 1 - Approval of the details of the layout, scale, appearance, and landscaping of each phase of the Development (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase is commenced and the development of that phase shall (unless otherwise agreed with writing by the local planning authority) be carried out as approved. Application for approval of the reserved matters of the first phase shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. Application for the final phase of the development shall be submitted to the Local Planning Authority not later than the expiration of fifteen years from the date of this permission. Each phase of the development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters for that phase, or in the case of approval on different dates, the final approval of the last such matter to be approved. Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the local planning authority in accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

Condition 2 - Please add (at the end of the condition) ‘The development should be carried out in accordance with the approved phasing and placemaking strategy unless otherwise agreed in writing by the LPA’

Condition 26 - To be reworded as follows - “No more than 200 dwellings within the development hereby permitted shall be occupied until a site of at least 2.2 hectares for a primary school (being one of the two sites referred to in section 5.7 of the submitted Design and Access Statement, dated November 2014) has been offered for transfer to the education authority, unless otherwise agreed with the Local Planning Authority. The site as offered for transfer shall be fully serviced, level and in a condition suitable for the immediate construction of the school with access to the public highway constructed to an adoptable standard.”

New/additional condition 27 - No development shall commence on any phase until a proposed layout scheme to include the provision for access to other parts of the Comeytrove/ Trull site as identified in policy TAU1 of the publication draft of the Site Allocation and Development Management Plan has been submitted for approval in writing to the Local Planning Authority. The layout scheme will be in a form that is

adequate to accommodate public transport, vehicles, cycleways and footpath linkages for the future development of the Comeytrove/Trull site. The development shall be carried out strictly in accordance with the approved details.

Reason: In order to ensure that other land that may come forward for development within the parameters of policy TAU1 of the Site Allocation and Development Management Plan are not unduly prejudiced.

New/additional condition 28 - No more than fifty residential dwellings shall have vehicular access off the proposed access into the site from Comeytrove Lane.

These residential properties shall only have pedestrian access or cycle links to the other parts of the development site and no form of vehicular access at all to the other parts of the development site. Any access into the wider site from the Comeytrove Lane point of entry provided for public transport vehicles shall be controlled by a bus gate which would not permit penetration by other forms of vehicular traffic.

Reason: Fifty is considered to be the maximum number of private motor vehicles that should

reasonably access this part of the site in order to prevent unacceptable conditions along Comeytrove Lane for all users of the road in accordance with policy DM1 (b) of the adopted Core Strategy.

#### AMENDED NOTES –

None.

#### AMENDED CONSULTATIONS –

##### HISTORIC ENGLAND -

No further comments to offer.

##### NATURAL ENGLAND -

No comments to make in addition to the original comments.

#### FURTHER REPRESENTATIONS–

Three further representations have been received making the following comments.

- The development would significantly increase flooding in an area that regularly floods e.g. next to Galmington Stream and Comeytrove Lane. Taunton cannot take any more development on the flood plain.
- The A38 is already well beyond capacity and this proposal would make the road network intolerable.
- In the absence of an up to date local plan, the developers are relying upon the NPPF to bypass local plan policy.
- The LPA are fearful of their vulnerability on appeal if they were to refuse the application.
- I fear that there will be no financial contribution towards the cultural infrastructure that Taunton needs.
- The allocation of land for development is not in doubt and the need for people to have homes is supported. The question for Committee is whether the submitted application accords with the Council's policies in its Core Strategy and can thus be permitted.
- If the future shape of our towns is to be sustainable it must be plan led not developer driven.



- Without a thorough Masterplan that has been both widely consulted upon and agreed by the Council it is not possible to assess an application of the scale being considered.
- Policy SS7 of the Core Strategy states that a piecemeal approach to development before a comprehensive Masterplan has been agreed will not be permitted. A Masterplan has not yet been agreed and the SADMP has not yet been adopted and allocations have not been made. This is piecemeal and therefore clearly contrary to policy SS7.
- To permit this development before allocation in the SADMP would not be appropriate in sequential terms and would prevent the best use being made of previously developed land making it contrary to policy SP1 of the Core Strategy.
- The proposal would significantly overload access roads within and around the site contrary to the policy requirement in DM1 and in the absence of any detailed Highway Impact studies from the applicant.
- The proposed development and the draft masterplan would not secure delivery of a local centre, 5 hectares of employment land nor timely provision of the link road all as required by policy TAU1 of the emerging SADMP.
- ATLAS appears to have numerous and significant criticisms which do not appear to have been addressed in the application.
- The new estate road must be completed prior to completion of the dwellings at each end of this new development.
- The highways Department must provide a workable plan before any permissions are granted. In addition a letter has also recently been received from the Comeytrove Residents Action Group on the proposal. As this letter has been sent to every Member of the Planning Committee, Members will have had the opportunity to assess it. On this basis, it is not summarised in this update sheet. The Agent has responded to the letter from the Comeytrove Residents Action Group and makes the following comments –
- Officer's conclusion is that the application is in accordance with the policies of the SADMP and therefore its approval would not prejudice the outcome of the examination of that plan.
- It is argued by CRAG that a review of the Core Strategy may lead to reconsideration of the need for an urban extension. In our view this is a remote possibility and is not a reason to suspend implementation of the Core Strategy's and SADMP's plan for the Borough.
- Community liaison has not been "one way" as alleged. While a wide range of views were received, not all consistent with one another, these were thoroughly considered by the applicant and this is demonstrated by changes which were made to the proposals as the consultation process progressed. To ensure that everyone who had their say in the pre-application consultation was heard by Taunton Deane Borough Council a formal Statement of Community Engagement document was prepared which included every feedback form comment received. SCC were invited to both planning workshop events and highways officers were present at some of the events.
- It is argued by CRAG that the site is a poor location for employment development and that 5 hectares of employment development is inadequate. The principle of employment development in this location has already been established and forms part of adopted Core Strategy policy. The Core Strategy supports employment as a component of the urban extension and the SADMP requires 5ha of employment land in this location. The application accords strictly with those policy requirements.

- CRAG argue that the development would result in the loss of parts of Comeytrowe Park. That is not the case and is based on a misreading of an illustrative element of the applicants' Masterplan Parameters and Principles document. At the request of SCC that document shows that the development would not prejudice the potential future delivery of a bus connection. However, the route of that bus connection does not form part of this planning application. The desirability and route of any future bus connection would need to be considered and decided by TDBC as part of any future planning application by SCC.
- We share your officer's view that proposal is compliant with policy TAU1. - It suggests a community hall is not proposed, when principle 67 of the submitted Masterplan Principles Document makes clear that it is.
- The consideration of transport implications of the proposals and necessary mitigation have been subject to lengthy and continuous negotiations with SCC officers both before and after the application was submitted. As a result of that work, as recorded in your officer's report, SCC consider the proposals acceptable in transport terms.
- CRAG's comments are a negative and selective portrayal of the applicant's and SCC's work which do not reflect the more balanced assessment undertaken by SCC.
- Paragraph 3.18 of the IEMA document (1993) [referred to by CRAG] references PPG13 as the source where 5% traffic increases are considered to be significant (this guidance is not cancelled by government). This 'threshold' was abandoned when DfT issued Guidance for Transport Assessment in 2007. Paragraph 3.19 confirms 30% change in traffic flow is, as a starting point, a reasonable threshold for other environmental impacts.
- Contrary to CRAG's arguments, the applicants have assessed cumulative effects as these are assessed within the Council's own modelling work.
- It is not agreed with CRAG that the proposed mitigation works are minor (e.g. bus lanes and associated equipment). A Park and Bus site is also provided, which is not mentioned in the CRAG response. Furthermore, CRAG do not acknowledge the travel plan and bus routes investment. These mitigation measures should be given significant weight.
- CRAG seem to be confused about which are the relevant traffic models. The Junction 25 Model is a stand-alone model. It is not the SCC Paramics model. The key point here is that there is no material impact against base traffic operation.
- It is not reasonable (as CRAG suggest) to design highway improvements to accommodate road works or traffic diversions.
- It was agreed with SCC that Compass Hill would be scoped out of the transport assessment for a development of 2,000 homes. CRAG's comments on that junction are therefore not relevant to this application.
- The applicants are suggesting an increased frequency for bus services 15 and 97. There is a lot of discussion in CRAG's document about whether or not there is a need for bus Number 7 to be diverted to serve the development. CRAG don't want this to happen and the applicants are not proposing it.
- No new access or bus route through Comeytrowe Park is proposed.
- The CRAG argument is more a critique of secondary school place allocation policy than it is a critique of the proposed development. That it might have implications for secondary school catchment areas is not a valid planning reason to refuse to grant planning permission for the new homes that Taunton needs.

- CRAG also criticise the proposed location of the primary school. That location has been determined following detailed negotiations with Somerset County Council, Taunton Deane BC officers and the local community.
- Neither SCC Flood Risk Manager nor the Environment Agency has objected to the planning application and both are content with the submitted Flood Risk Assessment.
- In line with Taunton Deane/Environment Agency updated policy guidance which has been developed in response to the flooding of 2012 and 2013/2014, the post-development surface water discharge will be reduced to 2l/s/ha for all rainfall events up to and including a rainfall event with a 1 in 100 chance of occurring in any one year, plus an additional 30% for climate change. This represents a significant reduction in runoff from the site from the existing situation and will help reduce localised flooding problems.
- In relation to the specific comments about Comeytrove Manor and Horts Bridge, this is an outline planning application and detailed reviews of each outfall location will be undertaken as part of detailed drainage design for subsequent reserved matters submissions.
- In relation to the primary school, the precise layout of the school is yet to be determined, however detailed design (as part of reserved matters submissions) will ensure flows within the Galmington Stream are not affected and the development is not affected by flood extents.
- On the maintenance of SUDS and attenuation points, early discussions have been held regarding approval, future adoption and future maintenance. Ownership and maintenance responsibilities will need to be agreed prior to construction and further discussions will be held with the relevant stakeholders and authorities as part of the detailed design stage. Should SCC or TDBC not be in a position to adopt, a private maintenance company may need to be established.
- Section 9 of the CRAG response principally comprises criticisms of Taunton Deane planning policy, its delivery and the Borough's Infrastructure Delivery Plan, rather than criticisms of the submitted planning application.

#### GENERAL –

Bishop's Hull Parish Council would also receive a proportion from the total CIL receipts because a portion of their parish sits within the development site. Approximately 2.5 hectares of the development land allocated for residential development sits in Bishops Hull parish. The Masterplan advises that this area is for low density residential housing. Low density is defined by the application as meaning 20 - 40 dwellings per hectare. On this basis, taking the mid line of 30 dwellings this would give us 75 dwellings in this area. Using an average house size of 100m<sup>2</sup> per dwelling this gives 7500 m<sup>2</sup> of residential floorspace. This area of Bishop's Hull is CIL rated at £70 per m<sup>2</sup>.  $7500 \times £70 = £525,000.00$  of CIL.  $15\% \text{ of } £525,000.00 = £78,750.00$  meaningful proportion. The maximum CIL meaningful proportion that Bishops Hull can receive in any one year is currently £148,200.00 as they have 1482 parish dwellings and the meaningful proportion is capped at £100 per parish dwelling. These calculations are provided to assist Members in their understanding, but please bear in mind there are many factors that mean that this figure must be treated as a very rough estimate only.

Please note that Appendix 1 on the financial provisions for the infrastructure requirements has placed Affordable Housing as a CIL item. This is an error. Affordable Housing is of course a S106 item and should not therefore appear in the CIL column of this appendix. All other items are correctly placed.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: John Burton.**

## Appendix 3

### TAUNTON DEANE BOROUGH COUNCIL MEETING HELD ON 4 NOVEMBER 2015

#### Presentation by John Burton, planning case officer

Thank you Chair

I intend to make my presentation to you in two parts and with the assistance of others, so let me outline how I will proceed.

Firstly I am going to show you some slides. These will give you some background to the application and related issues. The slides will include plans about the proposal but please bear in mind that as an outline application, the information submitted and hence the slides I will be showing you will not go into matters of detailed design. It will also look at the parameters and principles of the scheme which you are being asked to consider tonight

I will then show you some photographs of the site which will identify key points within the application site boundaries, which I will previously have identified to you on the maps shown earlier.

After this, I intend to make a mainly verbal presentation on the application discussing the determining issues and considerations and so I will follow the substantive headings I have used in the written agenda report. At the appropriate points, I will defer to colleagues –

Firstly Kate Murdoch who is the Councils planning policy officer and will deal with the planning policy issues.

Secondly, Ian White who works for the Advisory Team for Large Applications or ATLAS, who provide an independent advisory service to support Local Authorities in dealing with complex large scale housing led projects. ATLAS is now sponsored by the Department for Communities and Local Government (DCLG) and hosted and delivered through the Homes & Communities Agency. Ian will talk primarily about masterplanning issues, but has also been enormously helpful to this authority in steering the whole project towards this evenings meeting.

After my concluding remarks, I will take you briefly through, what we call the update sheet, which is the means by which we are able to refer you to and discuss issues that have arisen since the publication of the agenda.

Finally, the Assistant Director Planning and Environment will add some thoughts on the proposal.

I now wish to take you through the main considerations of this proposal in the order that they appear in the agenda report. So we will start with **Planning Policy**

considerations and for this I will defer to my colleague Kate Murdoch the Council's Planning Policy officer.

The next issue in the agenda for consideration is **Masterplanning** and related issues and in this regard I would like to hand you over to Ian White of ATLAS.

### **Highways and transportation issues**

(a) The points of entry into the new community.

The proposed vehicular accesses into the site are not reserved matters and will therefore obtain full planning permission with any approval granted to this outline application. This has been done in this way because it provides certainty and will enable early access onto the site so that the phases of development can be planned and begun. Vehicular access is proposed into the new community at 3 key points across the development. Firstly, a new access is proposed off the existing A38 Wellington Road, which is shown designed as a four-arm roundabout junction. This is to be accompanied by a reduction in speed limit on the A38 from 50 to 40 mph along the development frontage, with improved pedestrian facilities. The proposal also includes a separate access into the park and bus facility.

Secondly, a new access is proposed in the south-east of the new community in the form of a smaller three-arm roundabout. This will come off the existing Honiton Road and will provide links between Dipford Road, the proposed development and the old Honiton Road, including local improvements to pedestrian facilities. 5 other alternative junction designs have been explored and none of them work for reasons of engineering design, unacceptable traffic queuing, or environmental impact reasons. The applicants have agreed to Officers suggestion of a design brief to handle the new junction, the future of the 'old' Honiton Road, the shops and the Conservation Area, with a view to providing an excellent environment at this point that would be pedestrian friendly, would increase patronage of the shops and make this, eventually, an attractive, prosperous and pleasant environment. The design guide would be required by condition before any work took place on the new junction. Officers have already seen a feasibility study of the required design guide and are confident that it will produce the attractive reinvigorated space that the area deserves.

Thirdly, access is proposed off Comeytrowe Lane as a new priority junction, including a 5.5m wide carriageway and 2m wide footways and crossing facilities, with improved facilities for pedestrians. This is intended primarily for use as a bus access point, for cyclists and for pedestrians. Initially it was also proposed to access up to 100 dwellings (maximum) off this road and provide temporary access to the new school until the on-site highways infrastructure was advanced enough to take over. The Council have negotiated this down to 50 dwellings accessed off this road with no access for cars into the rest of the site. This would be controlled by a bus gate.

(b) Park and bus facility

The application proposes to deliver a 'Park & Bus' service, with up to 300 car spaces, off a new junction. The facility will measure approximately 1.4 hectare and will be landscaped and easy to access.

Difference - Park and ride = parking facilities with a dedicated laid on bus service to take people to a specific destination, such as the hospital or the town centre.

Park and bus = parking facilities near an existing public transport corridor utilising existing bus services (not the provision of a new dedicated service).

A park and bus facility is crucial to the scheme because unless new residents at the site change from using their private cars to using the bus services (what is termed modal shift) there would be too many private cars on the surrounding road network which could lead to problems with congestion. Travel planning and publicity will ensure the required modal shift and the Highway Authority has agreed that this proposal works.

All this should not be confused with the Council's wider aspirations to deliver a Priority Bus Corridor link between Bridgwater and Wellington via the A38 corridor in any event. This would run past the proposed development site and so would link in well with the application proposals in this regard.

A package of measures has been proposed to mitigate any adverse effects including off-site junction improvements, Travel Plans, new and improved pedestrian and cycle routes and improvements to bus stops and a park and bus facility. The off-site mitigation includes

- the widening of Wellington Road (north) exit of the Silk Mills Road/Wellington Road Roundabout to allow two lanes.
- contributions through marketing, signing and review of the existing Park and Ride to "reduce the traffic demand"
- the creation of a bus priority lane on one of the arms of the new roundabout which would improve bus journey
- widening of the Taunton and Wellington approaches of the Chelston Roundabout
- reduced the vehicle speed limit from 50mph to 40mph at the Heatherton Park Crossroads
- signalisation of the Trull Road/ Galmington Road junction.
- Additional bus services between Stonegallows and Taunton Town Centre.

These off-site works are considered to be essential in order to prevent congestion that might otherwise arise from the proposal and so are a development cost that will need to be met by the applicants. This would be formalised in the required legal agreement. The Highway Authority has also negotiated an acceptable travel plan which will assist and this would need to form part of the S106 legal agreement.

#### **Landscaping and visual amenity**

It is clear in my report that while the Proposed Development would have significant effects on the landscape character of the Application Site itself, it would not significantly alter the character of the surrounding landscape. Furthermore, it is clear that those effects would reduce quickly with distance (from the site) so that the overall effects on landscape character types would not be significant.

The Council commissioned independent assessment of the landscaping submission by local Landscape Architects, Swann Paul. As a starting point, it should be borne in mind that most of the landscaping issues would fall to be decided at the reserved matters stage and need not concern consideration at this Outline stage. However, Swan Paul have concluded the following

- The proposals meet the recommendations of the NPPF in that the functionality, quality and sustainability of the proposals have been well considered.
- Core Strategy Policy CP8 and the SADMP have been well integrated into the proposals, particularly with reference to the Green Wedge proposals that create extensive public open space along the Galmington Stream.
- The effects on local landscape designations such as the Trull Conservation Area and the Stonegallows Ridge Special Landscape Feature are considered to be mainly local and have been mitigated to an adequate extent, but could be further improved at the reserved matters stage.
- The sensitivity of the Stonegallows Ridge has been well considered, with building heights restricted to 60m AOD within it and adequate screen planting provided to the north and west. Building density is also reduced to its west edge.
- The Trull Ridge open space remains largely unaffected by the development and will not experience effects that have been assessed as significant.
- Effects on the Blackdown Hills AONB would be noticeable with the built envelope of Taunton moving further west. However, with the extensive green infrastructure breaking up the site and the distance involved there are considered to be no significant effects resulting from the development on the Blackdown Hills AONB.
- Although the proposals were formulated before the Trull Neighbourhood Plan was published it does include many of the recommendations of that report (in landscaping terms). Although it is not adopted by the Council at this stage this convergence demonstrates that many of the local sensitivities have been met. These include the creation of distinct neighbourhoods, creating a green buffer to Trull and respecting the Galmington Stream and a potential recreational space.
- Many of the hedges existing on the site have been maintained and incorporated into the development.
- The Masterplan includes extensive vegetation buffers to the south west edges of the housing areas to ease the transition to the rural landscape and the density of development is also decreased towards these.
- Most high points within the site have been kept free of development.
- The analysis of the LVIA has concluded that the effects on the landscape resource will be moderate or minor, reducing over time as the mitigation measures take effect. These effects will be greater at the construction phase and are associated with the sudden landscape change and the site activity.
- Visual effects are assessed as reducing in significance at greater distance from the development with only some very close viewpoints experiencing change that could be described as significantly adverse.
- It has been noted that local consultation has possibly over influenced the design to the extent that the integration between existing and proposed development (particularly vehicular) is quite poor, and this is one of the elements we recommend for further consideration.

Officers are now of the opinion that there are no outstanding issues which either have not been resolved or are not capable of resolution (in landscaping terms) when the reserved matters are submitted. The conclusion to the landscape analysis is that



the benefits of the scheme in delivering much needed housing (as required by the Local Plan), outweigh any negative and mainly very local significant effects, would not cause an unacceptable level of negative landscape impact and the application can therefore be supported on landscape grounds.

#### **Flood risk and drainage**

The Environment Agency flood map shows the majority of the site as lying within Flood Zone 1. This means that it is an area outside the limit of extreme flooding from tidal or fluvial sources with less than 1 in 1000 annual probability of flooding, in any year. Only narrow strips of land adjacent to the Galmington Stream are located within Flood Zones 2 and 3, where the risk of flooding is greater. In accordance with the NPPF all development, other than essential road crossings, would be located in Flood Zone 1 to ensure the flood risk to properties is low.

The proposed attenuation and drainage strategy for the site includes open pond storage and linear storage features. The ponds would be located within areas of public green space throughout the site, integrated into the landscape as a combination of publically accessible green space which is allowed to flood in extreme events, and ecological wet areas utilising suitable planting, boardwalks and other features to enhance the amenity benefit. The flow from these ponds is controlled to the annual average greenfield rate prior to discharging into the brooks. There is therefore no increase in flood potential arising from this proposal. There will be no on-line attenuation on the Galmington stream itself, which would therefore remain unaltered by the development proposals. The submitted Flood Risk Analysis has been considered and accepted by both the Environment Agency and the Lead Local Flood Authority at Somerset County Council.

#### **Archaeological and cultural heritage**

The Environmental Statement has been analysed by both Heritage England and the Council's Conservation Officer and it is concluded that there would be no significant effects on either designated or undesignated assets. There will be residual effects on the two designated heritage Assets. Firstly, a moderate/minor direct effect through construction within a small area of the Trull Conservation Area, secondly, a moderate effect on the setting of the Conservation Area, and thirdly, a moderate/minor effect on the setting of Grade II listed Rumwell Park. None of these effects are considered to amount to 'substantial harm' to the significance of a designated asset for the purposes of Part 12 of the NPPF. The NPPF (in paragraph 134) states that where less than substantial harm to the significance of a designated heritage asset is identified, this harm should be weighed against the public benefits of the proposal. Officers consider that the public benefits the proposal would bring, particularly in achieving the Core Strategy's vision for a mixed use urban extension at Comeytrove and thereby contributing to meeting the Borough's housing needs, do outweigh the limited harm to designated heritage assets and the statutory presumption in favour of their preservation.

During the course of investigation, some additional heritage assets were found at the former Comeytrove Farm in the form of a water wheel and related buildings likely to date back to the Industrial revolution. The applicants have confirmed that they will work with the Council to seek their preservation.

#### **Biodiversity**

Neither Natural England nor the Somerset County Council Ecologist now object to the proposal. The County Ecologist confirmed in August this year that all ecological matters are resolved. In respect of green infrastructure and biodiversity enhancements, Natural England notes that “The application provides for an extensive green infrastructure,” which is one of the benefits of the proposed development. It is agreed that further details regarding species planting and management will be required in due course, but this is clearly a matter of detail which is capable of being controlled through the attachment of planning conditions to the outline planning consent. The applicants have agreed to seek the advice of Natural England at the detailed design stages.

### **Social dimensions**

A mixed use area of up to 1.6 hectares is proposed at the centre of the site to act as a local centre and as the key location for activity. It will include a mixture of A1, A2, A3, A4 and A5 Use Classes with some B1 and D1 Uses. It is anticipated that a range of facilities could include a local food store with a gross internal floor space of 500 m<sup>2</sup>, other retail with a gross internal floor space of up to 500m<sup>2</sup>, office (on upper floors) and multi-functional community uses. Uses within this range are considered to be appropriate for a truly local centre and would not adversely compete with existing town centre facilities.

The Proposed Development includes potential employment opportunities within the proposed Local Centre and the employment area and calculates that between 327 (worst case scenario) and 805 jobs (best case scenario) would be created. Both the employment area and the local centre would need to be the subject of pre-agreed design guidance, which has been sought by conditions.

It will be noted from the comments provided by NHS England that a considerable sum of money has been requested in order to ensure the kinds of health services at a local scale that a new community of this size would need. This would include a new doctor’s surgery, 2 doctors, pharmaceutical services, optometry services and dental healthcare. Case law implies that this type of infrastructure should not be funded through s106 monies. Whilst healthcare does not specifically appear on the Council’s regulation 123 (CIL) list, healthcare funding could still theoretically be delivered through CIL, although in light of the many demands on CIL funding, it is officers’ opinion that it is highly unlikely that this will be the case.

The application also proposes a 2 form entry primary school with pre-school facilities as required by the County Education Authority. The Masterplan reserves two potential sites for this purpose. It is not critical to identify which site would be preferable at this stage because the application only seeks outline permission and that would be a detailed consideration that would be agreed at the reserved matters site. The County Council have confirmed that the reserved site area of 2.2 hectares is sufficient for this purpose. The County Council has also confirmed that a secondary school is not needed at this time. The Deane as a whole has sufficient capacity to take the children of secondary school age that this new community would be likely to generate. It is understood that the places may not be in the nearest or necessarily the better schools, but it would be entirely wrong to expect the developer to pay for a secondary school when there is currently sufficient capacity.

The application also proposes a community hall, sports pitches, play areas, allotments and other areas of open space.

### **Infrastructure delivery.**

There have been on-going discussions with the developers, officers within Taunton Deane Borough Council and the County Council (as the Education and Highways authorities) to agree delivery of infrastructure required to support the development. Appendix one attached to the report (not titled) details the identified infrastructure needs arising from the development and the possible funding mechanism for delivery (i.e. s106 and CIL). The list of required infrastructure is accurate and reflects the requirements of the various consultees on this application, but the detail of the s106 items will still need to be confirmed and ratified in a legal agreement. CIL spending would be ratified by the Council under different procedures.

The proposed development is likely to generate between £11-£12m in CIL receipts over the lifetime of the development. The CIL Regulations, as amended requires Taunton Deane as the charging authority to pass 25% of the CIL receipts to a parish council whose jurisdiction is within the development boundaries and who has an adopted Neighbourhood Plan and 15% in the absence of an adopted Neighbourhood Plan. For the maximum amount to be due (25%), the Neighbourhood Plan has to have passed through its examination, had a positive result from its referendum and been adopted formally by the Borough Council. In the case of this application, these steps would need to have been completed before the submission of a reserved matters application, otherwise the amount due to the Parish Council would be 15%. In the case of a parish council without an adopted neighbourhood plan the figure due is capped at £100 per existing dwelling within that parish boundary, even if that figure is less than the 15% would realise. The best estimate that can currently be given is that for Trull Parish Council, this could result in CIL receipts to the Parish of between £2.75m - £3m, with the balance of £8.25 - £9m remaining with Taunton Deane. Bishops Hull would also receive some at the 15% rate but this amount would be much smaller. I can only apologise that I did not make this clear in my report. The recommendation seeks delegated authority for the Assistant Director to resolve the planning obligations in consultation with the Chair/Vice-Chair of the Planning Committee. In the event that agreement cannot be reached, the application would be referred back to the Planning Committee for further consideration.

### **Concluding remarks.**

Officers are firmly of the opinion that the applicants have demonstrated that a high quality, sustainable development is achievable and deliverable. The proposals have been shaped by the involvement of the local community and key stakeholders through a series of comprehensive and collaborative workshops. It is considered that the development of the proposal will be largely visually contained within the landscape and will form a natural and sensitive urban extension to Taunton. The proposed development will be well-connected to the surrounding area and the proposed mix of uses will complement the existing uses in the immediate and wider area. The transport strategy has demonstrated that the site is both accessible and permeable. A comprehensive green infrastructure network demonstrates an appropriate landscape setting for the development as well as providing a green interface between the new neighbourhood and nearby existing residential areas

The application relates to the area allocated for a mixed-use urban extension in the emerging Site Allocations and Development Management Plan and in the adopted Core Strategy. The site itself is proposed for allocation in the SADMP which is therefore already agreed Taunton Deane Council policy. The planning application is broadly compliant with the Council's Plan and this must weigh heavily in favour of granting permission. The Council also relies upon the early delivery of new homes from this site in its identified five year deliverable supply of housing land, which also weighs in favour of approval. The application proposal is in accordance with development plan policy and would deliver the sustainable comprehensive mixed use urban extension that Taunton needs. The application should, therefore, following NPPF paragraph 14, "be approved without delay".

Officers are satisfied that the level of detail supplied, the responses to the negotiations and the revisions incorporated into the scheme have now provided a scheme that can be accepted by Members, subject to the delegation of various matters in terms of Planning obligations and conditions as indicated. The recommendation is therefore one of conditional approval, subject to the changes referred to in the update sheet, subject to conditions and subject to the agreement of planning obligations under the Assistant Director's delegated powers.

42/15/0042

TAYLOR WIMPEY UK LTD, MACTAGGART & MICKEL LTD, BOVIS HOMES

**DEMOLITION OF A SECTION OF WALL ON THE WESTERN SIDE OF HONITON ROAD FOR CREATION OF THE ACCESS TO THE SOUTH WEST TAUNTON URBAN EXTENSION (UNDER PLANNING APPLICATION NO. 42/14/0069) ON HONITON ROAD, TRULL**

Location: HONITON ROAD, TRULL, TAUNTON

Grid Reference: 321354.122258

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Condition(s) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. No part of the wall shall be demolished until a contract for the carrying out of the works for the new roundabout junction to serve the South West Taunton Urban Extension has been made and planning permission has been granted for the roundabout for which the contract provides.

Reason: To ensure that the wall is only demolished as part of the works required for the wider development of the urban extension in order to protect the character and appearance of the Trull Conservation Area, in accordance with guidance contained in Section 12 of the National Planning Policy Framework.

3. Before any sections of the wall are demolished as hereby granted, a Heritage Conservation Strategy shall have been prepared and approved by the Local Planning Authority which shall have identified heritage assets potentially susceptible to impact (including nearby listed buildings and most importantly the Trull Conservation Area), their significance, settings, and where appropriate, proposed mitigation measures sufficient to avoid or minimise harm.

Reason: To ensure adequate and appropriate consideration is given to the desirability of preserving or enhancing the character or appearance of the Trull Conservation area in accordance with the provisions of the section 72 of the Planning (Listed Buildings and Conservation Areas) Act of 1990 and in accordance with guidance contained in Section 12 of the National Planning Policy Framework.

4. The material from the sections of wall to be demolished shall be salvaged and reused in the two new reconstructed sections of wall at each end and these new walls shall match the existing wall in all respects.

Reason: In the interests of the character and appearance of the Trull Conservation Area.

5. Before any part of the development hereby allowed is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show that the large pine tree reference T116.64 shall be kept. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. 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 shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. Before any demolition is carried out, details shall be submitted to and approved by the Local Planning Authority of the making good of the ends of the wall that is to remain, together with full details of the construction, appearance, measurements and materials to be used in the construction of the new walls. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: In order to protect the character and appearance of the Trull Conservation Area in accordance with the provisions of the section 72 of the Planning (Listed Buildings and Conservation Areas) Act of 1990 and in accordance with guidance contained in Section 12 of the National Planning Policy Framework.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy

Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

## **Proposal**

Planning permission is sought for the demolition of two sections of wall. It is proposed to demolish approximately 62 metres of wall at its northern end, which lies opposite the shops and wraps around Dipford Road. At the southern end, it is proposed to demolish approximately 82 metres of wall. This will leave approximately 56 metres of the original wall still in situ in the middle. The scheme also includes the reinstatement of approximately 15 metres of wall at the south end and approximately 11 metres at the northern end, both on slightly altered alignments. This demolition will allow for two vehicular access points off Honiton Road for the concurrent application for an urban extension at south west Taunton.

## **Site Description**

The wall is situated on the western side of Honiton Road, on the opposite side to the shops and beyond to the south. It is approximately 1 metre in height throughout its length and serves as a retaining wall to the field behind which is at a slightly higher level than Honiton Road. The wall is built of stone rubble and is laid in irregular courses with no particular pattern, except for the top which is capped by a coping, comprising evenly placed roughly shaped sections of stone. The wall is plain and somewhat utilitarian and highly typical of the wider agricultural landscape around Trull.

## **Relevant Planning History**

There is no recent planning History concerning the wall. However, in determining this application, Members will also need to be aware of the concurrent application reference 42/14/0069 which seeks planning permission in Outline with all matters reserved (except points of access) for a residential and mixed use urban extension at Comeytrove/Trull to include up to 2000 dwellings, up to 5.25 hectares of employment land, 2.2 hectares of land for a primary school, a mixed use local centre, and a 300 space 'park and bus' facility on land at Comeytrove/Trull.

## **Consultation Responses**

### *HERITAGE (CONSERVATION OFFICER) –*

The stone boundary wall is a visually prominent traditional feature within the village that positively contributes to the character and appearance of the Conservation Area. The loss of a substantial part of this would undoubtedly cause harm to the Conservation Area's significance.

The significance of the wall lies primarily in its visual contribution to the Conservation Area, rather than any intrinsic value of its historic fabric – which is relatively low. Although the proposal would result in the loss of much of the wall, I would describe the harm its removal would cause as less than substantial.

There is a strong presumption against removing features that positively contribute to a Conservation Area's significance. However, assuming its removal is fully justified and there are no viable alternatives to this proposal that would retain all or more of the wall, then under paragraph 134 of the National Planning Policy Framework less than substantial harm to the Conservation Area can be weighed against public benefits. There are no heritage benefits relating to this application so it must come down to the benefits of the enabling the housing scheme to be determined under 42/14/0069.

If permission is granted, I would suggest conditions are included to ensure that demolished material is salvaged and reused in the reconstructed sections and that these sections match the existing wall in all respects.

### *ARBORICULTURE –*

Having reviewed the Arb Impact Assessment for the above site, my comment would be as follows.

Obviously, the loss of any protected trees is not ideal. The copse is a significant feature of the village, and is prominent alongside this busy road. The trees, being largely mature sycamore and oak, can be viewed from a wide area.

Two sizeable chunks of the copse are to be removed, comprising approximately 42 trees. The majority of the trees to be removed are category 'B' (moderate quality and value) or category 'C' (poor quality and value). Only one category 'A' tree is shown to be removed.

However, a good group of the best trees, mainly oaks, is to be retained between the two new roads. The retained trees are largely category 'A' oaks, very prominent due to their height. Another smaller group is shown to be retained at the northern end, which should help to soften this area initially, and similarly at the southern end of the copse.

Due to the way the trees have grown as a copse in close proximity, many of those that are to be removed are, as individuals, of poor quality, spindly or small. Some of the trees are leaning heavily towards the road and would probably need to be removed before too long. The majority of those to be removed are sycamores. There are no trees of particular antiquity in this area.

As a detail, I would question the removal of the large pine tree, T116.64, which is a very good and prominent specimen, category 'A', which does not appear to be in the way of the new road or its embankment. Can I strongly urge that this one is retained and its removal is questioned?

On the whole, I'm not totally against these tree removals, as good numbers of the best ones are being retained. However, we should ensure that good numbers of replacement trees are planted in suitable locations, and I think that this should include both new native woodland and some specimens planted as semi-mature trees.

### *HIGHWAYS AUTHORITY -*



The proposal relates to the demolition of a section of wall on western side of Honiton Road.

It is understood from the Design and Access Statement that this application is required as the wall is located in a conservation area. Having reviewed the drawing the proposal will not have a detrimental impact on the highway network as a consequence the Highway Authority raises no objection to this proposal.

*TRULL PARISH COUNCIL -*

It should be noted that the application is in fact for demolition of “two sections “of wall – not “a section” as written in the proposal. Trull Parish Council objects to this application and has also objected strongly to the associated application 42/14/0069.

Trull Parish Council believes this proposal will have a severe effect on the Trull Conservation Area which has long defined the identity of the parish.

In response to several points raised in the Heritage Impact Statement prepared by The Environmental Dimension Partnership Ltd (EDP) on behalf of The Comeytrowe Consortium it has the following comments:

1)3.8 Paragraph 133 states that “where a proposed development will lead to substantial harm or total loss of a designated asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”. The preferred access would necessitate the loss of at least 127m of the stone wall - leaving only around 60m of the original wall at best. Trull Parish Council believes that The Consortium has not adequately investigated all the options for an access at this point. Therefore, it cannot be argued that this proposal for destruction of a designated asset is necessary.

2)3.12 Policy EN14 of the Adopted Taunton Deane Borough Council (TDBC) Local Plan, which has been saved, states that: “Development within or affecting a conservation area will only be permitted where it would preserve or enhance the appearance or character of the conservation area.” Any access at this point will have a huge negative impact on the setting of the Conservation Area. The report itself states: 4.2 “This conservation area designates the majority of the historic core of Trull”. The designation of a Conservation Area is created to preserve areas which have importance historically and their status should not be underestimated or undermined. Taunton Deane's saved Local Plan Policy EN14 is unequivocal. This proposal for demolition of parts of the wall is associated with the creation of access points for a roundabout which can only destroy the Conservation Area and would neither preserve nor enhance it.

3)3.14 The document references the Government's overarching aim that the: “historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations”. In response to a residents questionnaire conducted by the Trull Neighbourhood Plan Group in 2013, the three most important aspects to living in Trull were identified as the fact that it is a ‘distinct community, separate from Taunton’, that it is ‘set amongst farmland, with a rural feel’ and that ‘the gardens and surrounding fields make it a green village’. In this context it is evident that conserving our historic environment and heritage assets (including the area in this application) is seen as important not only by the Government but by the people of Trull.

4)3.15 Policy CP8: Environment states that: “The Borough Council will conserve and enhance the natural and historic environment, and will not permit development proposals that would harm these interests or the settings of the towns and rural centres unless other material factors are sufficient to override their importance”. The impact of the proposed urban extension on our parish and its historic setting is unquestionable and without the necessary infrastructure and funding in place, for roads and education, it will be catastrophic for the whole of Taunton. The lack of certainty over infrastructure and how it will be funded constitutes material factors which have not been addressed and therefore cannot be seen to override the importance of the natural and historic environment. Trull Parish Council believes that the forthcoming review of the Core Strategy in 2016 provides the opportunity for TDBC to look again at the need for an urban extension on this site. It also believes the SADMP consultation process should be finished before it can be considered whether any material factors outweigh the destruction of our historic environment.

5)4.7 “The Honiton Road part of the conservation area is characterised by its enclosed nature, with modern and historic residential properties to the east and, to the west, the wall (the subject of this assessment) and adjacent tree plantation forming a boundary on the periphery of the designated area. The latter contains tall species which overhang the road, thereby contributing to the enclosed nature.” The loss of two sections of the tree line in this Conservation Area is unacceptable in itself but would also leave the remaining trees exposed and susceptible to damage. It should be noted that these trees are covered by TPO's which should also be the subject of a separate planning application.

6)4.13 The wall is c.1m high and serves as a revetment, as the field to the west is higher than Honiton Road. This type of wall is a common form of enclosure to the area both inside and outside of the conservation area. 4.14 The Trull Parish Map (1842) and Ordnance Survey maps do not show the area in sufficient detail to aid in identifying when this wall was constructed, but, on the basis of the above information, it appears to have been fairly recent. The Consortium's own documents show photographs of the wall with people very clearly in Edwardian dress.

7)4.15 “ due to the frequency of this type of wall, its relatively recent construction and very limited architectural and aesthetic values, the wall makes only a neutral contribution to the conservation area's character and appearance”. This conclusion is very obviously contrary to points made above in 4.2 and 4.13. and 4.10 which states that “one of the component parts of the conservation area, which forms the focus of this statement, comprises a length of stone wall.”

8) Trull Parish Council takes issue with the following statement at point 7.5: “although this site has been under consideration since 2012, the impact upon the Trull Conservation Area has not previously been raised as an in principle or over-riding issue. “It would refer members to its responses to the SADMP consultations in February, August and December 2013 and February 2015 which consistently stated that “we are committed to maintaining the identity and character of the parish” and that we vehemently oppose the creation of an access road emerging onto the Honiton Road at this point which we have always desired to maintain as a green buffer. Furthermore Trull Parish Council wrote a strong representation to Taunton Deane Borough Council in February 2015 requesting the

adoption of a new green wedge in the parish. It was the wish of Trull Parish Council that consideration is given to the adoption of this extended green wedge as part of the current Site Allocations and Development Management Plan, and any further planning strategies including the Green Spaces Review. The broad area identified represents an extension of the Trull Ridge Green Wedge which the Parish Council believes is necessary to separate the western edge of the settlements of Trull and Staplehay from the proposed urban extension at Comeytrove and any future development on land to the south west of Taunton.

## **Representations Received**

There have been 4 representations received from members of the public, all of which oppose the proposal. These are summarised below. In addition, representations have been received from Cllr. Edwards and from the Trull Neighbourhood Plan Group. These are précised separately at the end.

Comments from the 4 members of the public make the following points -

### Procedural issues.

- This Application is a procedural technicality, because it involves demolition within a Conservation Area. It obviously runs in parallel with 42/14/0069, and would only become active if 42/14/0069 were approved.
- To anticipate the road junction via this second application (when 42/14/0069 has not been decided) is presumptuous and premature.
- This application should not be considered in isolation from the main proposal.
- The Location Plan, Drawing 9610, shows that the length of the wall within the Application Site Area, is 190m; so the 140m to be demolished represents about 74% of that length. That figure takes no account of further breaches in the wall for footpaths through the Plantation, indicated on their documents, elsewhere.

### Heritage and conservation issues.

- The Applicants' Heritage Impact Statement describes the existing wall variously, as "fairly recent" (4.14); "relatively recent" (4.15); "relatively modern" (6.2), and "of no architectural or aesthetic value", and they propose to demolish 140 metres of it. The only fact in these arbitrary, subjective evaluations, is the reference to 140m.
- It is probable that the wall was built shortly after the Plantation was laid out.
- It is difficult to understand, how TDBC's Conservation Officer arrived at his conclusion, that "I would regard its demolition as causing less than substantial harm to the significance of the conservation area".
- The proposal to drive four roads through the Plantation, and the engineering requirement for excavation, would have an unacceptable impact on the Trull Conservation Area. This demolition proposal confirms my worst fears.
- The infrastructure of the village should be taken as a whole and the wide use of rural stone walling is a distinctive feature of the village.

### Environmental and green issues.

- This application is both unnecessary and conflicting with the objective of maintaining the separate character of Trull via significant green space.

### Access issues.

- The inclusion of the Gatchell entrance is not valid supporting evidence as this merely reinstated an access point already in use.

Councillor Edwards has also responded and makes the following comments:

- He is unconvinced by the arguments put that there is any need for the Roundabout that is being suggested.
- The area which is being massively impacted upon is a Conservation area and not only is this protected under TDBC policy EN14 but also by National Planning policy.
- There are far better ways of developing the junction on this road. The alternative versions put forward clearly had merit but the Consortiums report seems to almost dismiss them.
- The near destruction of the wall on Honiton Road is completely unacceptable and the description given of it by the consortium is not an accurate description of the wall. It is a flint stone wall, I believe this has been there in excess of 150 years.
- Trull Parish Council, The Neighbourhood Plan group, the Parish Plan and the wider community have consistently stated that their core priority is that Trull retains its identity this has not been considered at all.
- The concerns over the roads and infrastructure are far wider than just this particular junction.
- The overall application is premature, does not give regard for the Conservation area and not enough thought and consideration has been given to this planning application.
- I wish to see the application refused and the Consortium told to go back to the drawing board and prepare a proper masterplan as requested and as stated in the Core Strategy.

The Trull Neighbourhood Plan Group have responded and make the following comments:

- The application is premature.
- The Core Strategy Key Diagram shows a potential Green Wedge in the area of the proposed roundabout.
- SADMP is, as the document says, draft.
- Trull Neighbourhood Plan and Trull Parish Council have objected to the lack of a green buffer and are seeking to amend the SADMP proposals to show this area as Green Wedge.
- TNP seeks the designation of a Local Green Space – a national designation of the same status as Green Belt, which again would not preclude a road link but would require a lesser impact.
- The necessity of the access has not been demonstrated.
- The requisite Masterplan has not been submitted for 42/14/0069 which would set out how the infrastructure necessary for the wider development, as proposed in the Core Strategy, would be addressed.
- The value of the wall within the Conservation Area has not been given weight in the evaluation of the options that have been considered – for example, a T-junction would result in the loss of a shorter length of wall (and be safer for pedestrians).
- The importance of the wall to the Conservation Area has been significantly understated.
- The wall and trees are essential to the Conservation Area, the field beyond is a vital part of the setting.
- The application does not refer to the footpaths which would require further breaks in the residual structure.

- TDBC Saved Local Plan Policy EN14 states that: *‘Development within or affecting a conservation area will only be permitted where it would preserve or enhance the appearance or character of the conservation area.’* This is clear and conclusive.
- In the Heritage Impact Statement, paras 6.2 and following, a number of statements are made to trivialise the loss.
- The NPPF says *‘Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification’*. They have not made that justification.
- The lack of availability of equivalent stone has not been addressed. If permission to demolish the wall is granted, it is important that the materials be recovered and reused in other retaining structures nearby.
- Should the application be granted, TNP would wish to see 1) Archaeological investigation before demolition, and a watching brief whilst underway; 2) Ecological investigation relating to the disturbance of European Protected Species; 3) Tree survey of the TPO trees; and 5) Retention and reuse of the demolished flint rubble-stone.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

NPPF - National Planning Policy Framework,  
 CP8 - CP 8 ENVIRONMENT,  
 SS7 - TD CORE STRATEGY - COMEYTROWE/TRULL LOC GROWTH,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **Local finance considerations**

This proposal would not be liable for a CIL contribution and would not attract any monies from the New Homes Bonus.

## **Determining issues and considerations**

The wall the subject of this application is situated within the Trull Conservation Area. The requirement for Conservation Area Consent for demolition was abolished by the Enterprise and Regulatory Reform Act 2013 and replaced with a requirement for planning permission for demolition of a building in a conservation area. What constitutes demolition for these purposes has been decided by the courts in a case

known as 'Shimizu'. Excluded from the need for planning permission for demolition are several factors which include - any gate, wall, fence or means of enclosure which is less than one metre high where abutting on a highway. In this case, the wall is not less than 1 metre in height and does abut a highway. Therefore planning permission for demolition is required. The circumstances in which such planning permission is required and the consequences of failing to apply for it when it is needed are the same as applied to conservation area consent.

The primary legislative instrument addressing the treatment of listed buildings and conservation areas through the planning process is the *Planning (Listed Buildings and Conservation Areas) Act of 1990*. Section 72 addresses conservation areas and states that “...with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

The National Planning Policy Framework (NPPF) of 27 March 2012 sets out national planning guidance concerning archaeological remains and other elements of the historic environment. The opening paragraph of Section 12 (paragraph 126) emphasises the need for local authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, however, it should be noted that there is currently no up-to-date or adopted conservation area appraisal for Trull. Designated heritage assets are addressed in paragraph 132, which states that “...When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”. However, paragraph 133 does add some useful commentary here in stating that “where a proposed development will lead to substantial harm or total loss of a designated asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”. Paragraph 134 continues in this vein by stating that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”.

It is noted that there are precedents for creating sympathetically designed entrances through this wall, both within and outside of the conservation area. There is a modern entrance to Gatchell House through the stone wall. The wall here appears to have been rebuilt when this modification was made, and exhibits decorative stone piers that are at odds with its plain and architectural appearance. There are also examples where gaps have been created or designed into this type of wall throughout the Trull area (both inside and outside of the conservation area) in order to allow access to residential properties. Whilst the proposed impact of losing two large sections of wall would represent a highly localised change to the form of this wall, overall it is not considered that the proposal would cause severe harm to the character and appearance of the Trull Conservation Area.

The Council’s Conservation Area Officer has assessed the proposal and maintains that the stone boundary wall is a visually prominent traditional feature within the village that positively contributes to the character and appearance of the Conservation Area. The loss of a substantial part of this would undoubtedly cause harm to the Conservation Area’s significance. However, it is his view that the

significance of the wall lies primarily in its visual contribution to the Conservation Area, rather than any intrinsic value of its historic fabric – which is relatively low. Although the proposal would result in the loss of much of the wall, he describes the harm its removal would cause as less than substantial.

There is a strong presumption against removing features that positively contribute to a Conservation Area's significance. However, the Conservation officer remarks that if the removal of parts of the wall are fully justified and there are no viable alternatives to this proposal that would retain all or more of the wall, then under paragraph 134 of the National Planning Policy Framework, less than substantial harm to the Conservation Area can be weighed against public benefits. There are no heritage benefits relating to this application, so it must come down to the benefits of enabling the urban extension to be determined under concurrent application 42/14/0069. The Conservation Officer concludes by stating that if planning permission is granted, then he suggests that a condition is attached to ensure that demolished material is salvaged and reused in the reconstructed sections and that these sections match the existing wall in all respects.

Members should also be aware that there is a group of trees immediately on the other side of this wall, which are also within the Conservation Area and which are the subject of a group Tree Preservation Order. Technically, the application does not seek permission for removal of any trees because works to trees the subject of Tree Preservation Orders need to be dealt with under different legislation. However, where a planning permission impacts upon a tree, this will override the requirements of other legislation. Therefore given that the trees are both protected and an important feature of the Trull Conservation Area, it is reasonable to ascertain whether or not the trees would be adversely affected by the demolition of the wall. Given their proximity right against the wall, it is highly likely that demolition of sections of the wall would affect the trees, either the visible trunk or the root systems. In any event, the whole point of seeking the demolition of a section of the wall is to provide room for the proposed roundabout access into the development site. This roundabout will also inevitable involve the loss of many trees. So considerations of the wall are inevitably and inextricably linked to considerations of the trees.

The Council's Tree Officer Has reviewed the submitted Arboricultural Impact Assessment for this proposal, and makes the following comments. His starting position is that the loss of any protected trees is not ideal. The copse that lies behind the wall is a significant feature of the village, and is prominent alongside this busy road. He notes that the trees, being largely mature sycamore and oak, can be viewed from a wide area. The concurrent proposal for the Urban Extension proposes a new roundabout access at this point and would necessitate the removal of two sizeable chunks of the copse, which would in total comprising about 42 trees. Most of the trees that would need to be removed are either category 'B' (moderate quality and value) or category 'C' (poor quality and value). Only one category 'A' tree is shown to be removed. The proposal would however retain a good group of the best trees between the two new roads. The retained trees are largely category 'A' oaks, very prominent due to their height. Another smaller group is shown to be retained at the northern end, which should help to soften this area initially, and

similarly at the southern end of the copse.

The Tree Officer makes quite clear that because of the way the trees have grown as a copse in close proximity, many of those that are to be removed are, as individuals, of poor quality, spindly or small. Some of the trees are leaning heavily towards the road and would probably need to be removed before too long in any event. The majority of those to be removed are sycamores. There are no trees of particular antiquity in this area.

He does question the removal of the large pine tree, T116.64, which he considers to be a very good and prominent specimen, category 'A' tree, which does not appear to be in the way of the new road or its embankment. On this basis, he strongly urges that this one is retained. Other than this, he does conclude that he is not totally against the removal of these trees, as good numbers of the best ones are being retained. However, he would expect to see a good number of replacement trees planted in suitable locations, to include both new native woodland and some specimens planted as semi-mature trees.

A further consideration with this application should be the views of the Inspector who is currently examining the Council's submitted 'Site Allocation and Development Management Plan'. The Inspector instigated hearings in December 2015 to deal with Draft Policy TAU2: Staplegrove, and Draft Policy TAU1: Comeytrove/Trull. The purpose was to allow exploration of what had the potential to be significant issues around these two major allocations. In the case of policy TAU1, he examined the impacts on the historic environment and whether it would be realistic to expect that those impacts could be mitigated. The Inspector has helpfully released some preliminary findings that are important considerations with this current proposal.

In terms of the historic environment, the Inspector considered that the development proposed in the allocation would be likely to impact on the Trull Conservation Area, and its setting, in that a relatively large section of wall is proposed for removal, along with some mature trees, to facilitate one of the main accesses into the site. In his mind, the issue revolves not so much around the intrinsic value of the wall, and the trees, but the effect that change would have on the character and appearance of the conservation area. The Inspector agreed that if an assessment were made of that impact in terms of the Framework, bearing in mind the overall compass of the conservation area, the conclusion would be that the harm to the significance of the conservation area was less than substantial. However, the requirements of s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 mean that considerable importance and weight must be attached to any harm to the character or appearance of a conservation area.

However, the Inspector states clearly that if sufficient attention is paid to the design of the access, it ought to be possible to arrive at a solution that balanced the requirements of traffic management with aesthetics to the point that the harm caused to the conservation area would be minimised. This, he considers, might well permit a reasonable conclusion that it was outweighed by the public benefits of bringing forward housing, and associated forms of development.

At the hearing the Council agreed to amend Draft Policy TAU1 to include a further bullet point that would seek a Heritage Conservation Strategy, to identify heritage



assets potentially susceptible to impact (including nearby listed buildings and most importantly the Trull Conservation Area), their significance, settings, and where appropriate, proposed mitigation measures sufficient to avoid or minimise harm. The Inspector stated that he was “....*satisfied that with this change, it would be realistic to expect that the potential impacts on the historic environment to be mitigated to the extent that they are of an order that would allow the decision-maker to decide that, in the light of the public benefits involved in bringing forward the housing and other forms of development proposed, they can be accommodated. As a consequence, considerations around the historic environment need not act as a barrier to delivery of the proposed allocation.*” Such a requirement could be incorporated into any decision to approve this application by use of a Grampian condition.

In conclusion, it would appear that this proposal would affect the Trull Conservation Area and its setting, but it would cause less than substantial harm. The SADMP Inspector has identified that if sufficient attention is paid to the design of the access, and if this is co-ordinated with a required ‘Heritage Conservation Strategy’, then a solution could be reached that balanced the requirements of traffic management with aesthetics to the point that the harm caused to the conservation area would be minimised. On this basis, if the public benefits of bringing forward the Urban Extension are considered to outweigh the less than substantial harm caused, then approval can be granted. It is therefore recommended to Members that, subject to the inbuilt safeguards as discussed, the application for demolition of part of the wall on Honiton Road should be approved.

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

**Contact Officer: John Burton**