

VISTRY AND LIVEWEST

**Application for approval of reserved matters in respect of appearance, landscape, layout and scale, following outline application 42/14/0069, for Phase H1A for the erection of 76 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works with additional details as required by Condition No's 7, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 23 on land at Comeytrove/Trull**

Location: LAND AT COMEYTROWE/TRULL

Grid Reference: 319761.123452

Reserved Matters

---

## Recommendation

**Recommended decision: Conditional Approval**

### Recommended Conditions (if applicable)

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

DrNo PL-VI-01 RevA	Site Location Plan
DrNo PL-VI-02 RevB	Site Context Plan
DrNo PL-VI-03 RevI	Planning Layout
DrNo PL-VI-04 RevF	Materials Plan
PL-VI-04.1 RevD	Materials Plan Specification
DrNo PL-VI-05 RevD	Boundary Treatments plan
DrNo PL-VI-05.1 RevB	Boundary Treatments
AC-VI-03 RevG	Accommodation Schedule
SS-VI-01 RevB	Street Scenes and Sections

DrNo HT-H1a-G-S224-01RevB	Housetype, Gateway Frontage – S224
DrNo HT-H1a-G-X306-01RevB	Housetype, Gateway Frontage – X306
DrNo HT-H1a-G-X306-05	Housetype, Gateway Frontage – X307
DrNo HT-H1a-G-X307-01RevC	Housetype, Gateway Frontage – X307
DrNo HT-H1a-G-X307C-01RevB	Housetype, Gateway Frontage – X307C
DrNo HT-H1a-G-X307C-05	Housetype, Gateway Frontage – X307C
DrNo HT-H1a-G-X309-01RevD	Housetype, Gateway Frontage – X309
DrNo HT-H1a-G-X309-02	Housetype, Gateway Frontage – X309
DrNo HT-H1a-G-X309-03	Housetype, Gateway Frontage – X309
DrNo HT-H1a-G-X413-01RevC	Housetype, Gateway Frontage – X413
DrNo HT-H1a-G-X413-02	Housetype, Gateway Frontage – X414
DrNo HT-H1a-G-X414-01RevD	Housetype, Gateway Frontage – X414
DrNo HT-H1a-G-X 414-03 RevA	Housetype, Gateway Frontage – X414

DrNo HT-H1a-P-X204-01RevB	Housetype, Primary Frontage – X204
DrNo HT-H1a-P-X306-02RevB	Housetype, Primary Frontage – X306
DrNo HT-H1a-P-X306-06RevB	Housetype, Primary Frontage – X306
DrNo HT-H1a-P-X307C-04 RevA	Housetype, Primary Frontage – X307C
DrNo HT-H1a-S-A10L-01	Housetype, Secondary Frontage – A10L
DrNo HT-H1a-S-X204-02RevB	Housetype, Secondary Frontage – X204
DrNo HT-H1a-S-S224-02RevC	Housetype, Secondary Frontage – S224
DrNo HT-H1a-S-X306-03RevD	Housetype, Secondary Frontage – X306
DrNo HT-H1a-S-X306-04RevB	Housetype, Secondary Frontage – X306
DrNo HT-H1a-S-X306G-02RevB	Housetype, Secondary Frontage –X306G
DrNo HT-H1a-S-X306G-03RevB	Housetype, Secondary Frontage – X306G
DrNo HT-H1a-S-S325-01RevB	Housetype, Secondary Frontage – S325
DrNo HT-H1a-S-S325-02RevB	Housetype, Secondary Frontage – S325
DrNo HT-H1a-S-X307-02RevB	Housetype, Secondary Frontage – X307
DrNo HT-H1a-S-X307-03RevB	Housetype, Secondary Frontage – X307
DrNo HT-H1a-S-X307C-02RevB	Housetype, Secondary Frontage – X307C
DrNo HT-H1a-S-X307C-03RevB	Housetype, Secondary Frontage – X307C
DrNo HT-VI-GAR-01	Single Garage
DrNo HT-VI-GAR-02	Double Garage Double Owner
DrNo HT-VI-GAR-03	Double Garage Extended
DrNo SRS-VI-01	Steps and Railings Study

DrNo BR-L-N1-PL210 Rev E	Planting Plan Layout
DrNo BR-L-N1-PL211 Rev E	Planting Plan Sheet 1 DrNo
BR-L-N1-PL212 Rev E	Planting Plan Sheet 2
BR-L-N1-PL101 RevB	Tree Layers Plan Strategy
BRL-L-N1-PL303	Landscape Details, Tree Pits,
BR-L-N1-PL102 RevB	Central Key Space
BR-L-N1-PL103	Gateway Key Space

DrNo 02-ATR-1001 RevB	Fire Tender Tracking Plan
DrNo 02-ATR-1101 RevB	Refuse Vehicle Tracking Plan
DrNo 02-DR-1001 RevA	Preliminary Drainage Layout
DrNo 02-GA-1001 RevA	Preliminary Highway Levels Plan 1
DrNo 02-GA-1002 RevA	Preliminary Highway Levels Plan 2
DrNo 02-GA-1101 RevA	Preliminary Adoption Plan
DrNo 02-GA-1201 RevA	Preliminary Junction Visibility
DrNo 02-RP-1001 RevA	Preliminary Road Profile 1
DrNo 02-RP-1002 RevA	Preliminary Road Profile 2

Energy and Sustainability Statement, AES Sustainability Consultants Ltd, July 2020

Noise Impact Assessment, Stantec, November 2020

Drainage Statement 1033 Rev B, awp, August 2020

DrNo 02-DR-1001 Rev B Parcel H1a Preliminary Drainage Layout

Planning Statement

H1a Compliance Statement, COM-VI-01

Western Neighbourhood Master Plan and Design Guide, (incl. Appearance Palette), March 2020

Phosphate Mitigation Strategy, Rev 6, Brookbanks, 14/01/2021

Fallow Land Management Plan, edp782\_r055c, 15/01/2021

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

2. The landscaping/planting scheme shown on the approved plans shall have been completely carried out by the end of the first available planting season after the final occupation within Phase H1a.

For a period of ten years after the completion of the development (Phase H1a), the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

3. The development hereby approved shall be carried out in full accordance with the materials plan and specification DrNo PL-VI-04 RevF and PL-VI-04.1 RevD unless any variation in writing is first agreed with the Local Planning Authority.

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

4. The development hereby approved shall be carried out and completed in full accordance with the recommendations of the Noise Impact Assessment (Stantec, November 2020) and the specifications set out in the Energy and Sustainability Statement (AES Sustainability Consultants Ltd, July 2020).

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

5. Prior to first occupation of any dwelling, facilities for the charging of electric vehicles shall be provided for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

6. Prior to commencement of development to implement the Phosphates Mitigation Strategy (Rev 6, Brookbanks, dated 14/01/2021) and Fallow Land Management Plan (edp782\_r055c, 15/01/2021) in so far as they relate to the

development the subject of this reserved matters application. The fallow land identified within the Fallow Land Management Plan shall be retained and maintained in accordance with that plan unless otherwise agreed in writing with the local planning authority. The Applicant may from time to time submit to the local planning authority a revised Phosphates Mitigation Strategy and Fallow Land Management Plan for its approval particularly in the event that Natural England guidance in relation to measures relevant to phosphates mitigation changes in future or in the event that alternative mitigation strategies becomes available and in anticipation that the fallow land will in time come forward for development. Should the fallowed land not come forward for development within a period of 25 years following this approval the provisions of the Shadow HRA Assessment Report 210115\_P1136\_sHRA\_Final, ead, 15/01/021 shall be implemented.

Reason: To allow the development to proceed as phosphate neutral so as to ensure no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site to accord with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

#### Notes to Applicant

1. Your attention is drawn to the original conditions on permission 42/14/0069 which still need to be complied with.
2. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
3. The applicant is advised to refer to the 'SBD Homes 2019' design guide available on the Secured by Design website – [www.securedbydesign.com](http://www.securedbydesign.com) – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.
4. In accordance with the National Planning Policy Framework the Council has worked in a constructive and pro-active way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.

## Proposal

Reserved matters approval is sought, for the appearance, landscape, layout and scale of 76 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, incidental public open space and drainage with associated infrastructure and engineering works (Phase 1 - Parcel H1a-Vistry/LiveWest) on land at Comeytrowe/Trull.

This is the second reserved matters approval sought in relation to housing at this strategic site. Councillors will recall considering application 42/20/0006 seeking 70 dwellings on a neighbouring parcel (H1b-Taylor Wimpey) with that permission being issued in July 2020. These residential schemes follow the approval, by committee, of reserved matters relating to strategic infrastructure (spine road, strategic drainage and public open spaces areas) for the western neighbourhood, ref 42/19/0053.

The outline application, ref 42/14/0069, for this 2000 dwelling development was accompanied by a viability assessment, which made assumptions around the costs and timescales for delivery of this strategic site, with the delivery of affordable housing being agreed at 17.5%. However, it is noted that following the allocation of funding by Homes England, affordable provision across the site is being supplemented with 'additionality' affordable units. This parcel contains such 'additionality' units. This does mean the developer is under stringent timescales to get the additional affordable homes consented and constructed by LiveWest ahead of the Government's funding deadline.

The 76 dwellings comprise 2, 3 and 4-bed houses and also 1 bed flats (50 market, 26 affordable). 14 affordable units are secured via the s106 and 12 units represent the 'additionality' units.

Parcel H1a is located on the periphery of the site sharing its north-eastern boundary with the A38 and its north-western boundary with the residential property formally known as The Croft, which has been demolished and is in the process of being replaced with four dwellinghouses (ref 05/11/0042). The eastern boundary adjoins the approved H1b parcel and also parcel H1c(i) which exists as a pending Reserved Matters application (42/20/0056). The western and southern boundaries will adjoin the new A38 Gateway roundabout and spine road respectively.

A new play area within an area of open space is to be located to the north-east of parcel H1a (via a separate application).

The principle and layout (within the western neighbourhood) inclusive of street hierarchy and cycle paths were approved as part of the Outline (42/14/0069) and Infrastructure Reserved Matters (42/19/0053) consents. In order to ensure the safety of cyclists and ensure the route is given a high level of priority in the movement hierarchy the number of access points on the northern side of the primary spine road has been limited meaning parking has been provided in rear access courts for properties fronting the spine road.

To the west of the parcel the existing public footpath travels in a north-south direction, this footpath was incorporated into the now approved layout for parcel H1b.

The proposed dwellings are all two-storey houses save for three pairs of dwellings which are 2½ storey containing dormer windows and one 2-storey building which is split into two flats. The 2½ storey dwellings are located in key positions to add variety to the urban form in line with the Design Guide.

The proposed dwellings consist of a mixture of detached, semi-detached and

terraced properties. The majority of dwellings are of a simple rectangular floorplan with pitched roofs. All dwellings have allocated parking as well as cycle storage in shed or garages.

Landscaping is proposed within the parcel including trees on all streets, hedges to provide boundaries, landscaping within parking courts and vertical planting.

Since submission a number of amendments to plans have been sought and submitted. In summary this includes additional detailing to the proposed dwellings, amendments to better respond to urban design principles and improvements to proposed landscaping.

## **Site Description**

Outline consent with all matters reserved (except points of access) has been granted for a residential and mixed use garden community at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility (application ref. 42/14/0069). The site area for the outline application was approx. 118ha and was bounded by the A38 Wellington Road to the north-west, the suburb and parish of Comeytrove to the north and north-east and the farmland of Higher Comeytrove Farm to the south. The Blackdown Hills AONB is located approximately 2.5 miles to the south of the site.

The area submitted for approval with this application comprises parcel H1a of the site and is the only residential parcel that sits exclusively within the parish of Bishops Hull. The remainder of residential parcels across the site fall within Trull parish.

The site slopes from the north-east to the south west and increases in elevation to the A38. The hedgerow that bordered the A38 has been removed to allow the roundabout works and will be replaced in time with a landscape buffer, already approved. This parcel is separated to parcel H1b by way of a hedgerow, which has been incorporated into the proposed layout. It also acts as defining feature of a Right of Way situated to the eastern boundary of this parcel and providing a footpath link between the junction of the A38/Jeffreys Way to the north and Higher Comeytrove Farm to the south.

There is existing landscaping to the boundary with the site known as The Croft. There are no trees of note within this parcel.

## **Relevant Planning History**

Ref. 42/14/0069 - Outline planning permission with all matters reserved (except access) for a residential and mixed use urban extension at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility - Approved 8 August 2019.

Ref. 42/14/0042 – Demolition of a section of wall on the western side of Honiton Road for creation of the access to the south west Taunton Urban Extension (Under

Planning Application No. 42/14/0069) on Honiton Road, Trull – Approved 9 August 2019.

Ref. 42/19/0053 - Application for approval of reserved matters following outline application 42/14/0069 for construction of the strategic infrastructure associated with the Western Neighbourhood, including the spine road and infrastructure roads; green infrastructure and ecological mitigation; strategic drainage, earth re-modelling works and associated retaining walls on land at Comeytrove/Trull - Approved 18 March 2020.

Ref. 42/20/0005/DM - Prior notification of proposed demolition of chicken coops on land south west of Taunton - No objection subject to conditions 21 February 2020.

Ref. 42/20/0006 - Application for approval of reserved matters following Outline Application 42/14/0069 for the appearance, landscape, layout and scale for the erection of 70 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase H1b) on land at Comeytrove/Trull - Approved 22 July 2020.

Ref. 42/20/0024 - Application for approval of reserved matters following outline application 42/14/0069 for the erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings on land at Comeytrove/Trull - Currently deemed invalid.

Ref. 42/20/0042 – Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings under outline application 42/14/0069 on land at Comeytrove/Trull – Pending.

Ref. 42/20/0043 - Non-material amendment to application 42/19/0053 for the relocation of the approved sub-station on land at Comeytrove/Trull – Approved 19 October 2020.

Ref. 42/20/0056 - Approval of reserved matters in respect of the appearance, landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 64 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Phase H1c on land at Comeytrove/Trull – Pending.

Ref. 42/21/0004 - Application for approval of reserved matters following outline application 42/14/0069 in respect of the appearance, landscape, layout and scale for the erection of 166 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works on land at Parcel H1d, Comeytrove/Trull – Pending.

## **Consultation Responses**

A summary is given, all consultee responses are available to read in full on the council's website, [www.somersetwestandtaunton.gov.uk](http://www.somersetwestandtaunton.gov.uk).

**BISHOP'S HULL PARISH COUNCIL – Objection:**

- *With the previous application for pumping station (42/20/0024) being deemed invalid, surely no development can proceed until the issue of drainage is resolved?*
- *No public open space, play provision or local amenities provided for the proposed new 75 houses or for the previous 70 house (42/20/0006)*

*Previous objections are reiterated concerning the spine road completion, the need for the school and adequate measures to prevent flooding.*

**TRULL PARISH COUNCIL (Adjoining PC) – Objection:**

- *“Despite the apparent deadline for comments online there are not yet any responses from key internal consultees such as the Placemaking Specialist and the LLFA, both of whom objected initially to application 42/20/0006 for the first parcel of houses (the Placemaking Specialist maintained her objections despite some amendments to the plans). It is impossible for the public and Parish Councils to comment meaningfully without all the information being made available to them”.*
- *The site requires an updated EIA.*
- *Conditions of the outline permission remain to be completed despite the assurances from the applicants.*
- *The District Council has an obligation to follow the guidance on garden town planning.*
- *The houses are not distinctive.*
- *The key space is insufficient.*
- *The houses should be future proofed.*
- *Emails concerning the validation of the application should be reinstated online.*

**Additional comments:**

1. *The application form states 75 houses and lists ‘public open space’ as one of the things it is asking permission for. There is no public open space on the plans and the number of houses has become 76.*
1. *This area was agreed on the Density Parameter Plan (as approved as part of 42/14/0069) to be of low housing density and whilst the number of houses complies with the number of houses per hectare (20-40), the Parameter Plans specifies that this area will be made up of ‘predominantly detached houses’. In fact only 15% of the housing types are detached.*
2. *The Placemaking Specialist objects to yet more poorly designed, bland and non-distinctive housing styles. This is the part that will be seen by everyone driving into Taunton from the west along the A38 – it is not acceptable that a so-called Garden Town should have yet more poorly designed houses lining its approaches.*
3. *Condition 13 – requires a detailed drainage scheme for this parcel of land. It hasn't yet been done.*
4. *Conditions 23, 24, and 26 are required to ensure that cycleways and footpaths are properly planned and built before houses are built but their details have yet to be agreed.*



5. *The Phosphate Mitigation Strategy is a rushed concept which assumes the reduction in (theoretical, future) agricultural inputs of phosphate will mitigate against the amount of phosphate produced by the new houses. Whilst they have attempted to follow Natural England's guidance there remain many questions: what about the 0.33 ha which is now part of 42/20/0042? This is marked on the map as fallow land. What about the spine road? What about the existing right of way across the western side of the site which according to the Fallow Land Management Plan will allow no public access? What about the areas that are shown as white on the map – what will they be? What about the areas which combine fallow land with Public Open Spaces? How are they compatible with the requirement for no public access?*
6. *The site also requires an updated EIA as 7 years have now passed since it was done before.*

**COMEYTROWE PARISH COUNCIL (Adjoining PC) – Objection:**

*New Objections:*

- *There is insufficient buffer/protection between the proposed development site and the existing adjacent property. It is worrying that this may set a precedent for the next phases where the development site adjoins existing properties where no 'green zone' has been detailed on the plans.*
- *It should be noted that the original outline application detailed these areas as residential, to include play parks, green areas, appropriate landscaping, etc., however, these green elements seem no longer included within the detailed scheme. This is an important aspect of the design that is critical in protecting the privacy and wellbeing of existing residents.*

*Previous objects are still relevant to this application as listed below:*

- *Lower density houses were promised at the north and west sides and at the higher points and ridge lines of the development. The artists impression shows higher density housing at these locations.*
- *It appears SCC require additional land for an 'all through' school, to include both primary and secondary education.*
- *The climate emergency announced by the Government is at odds with the current mitigation measures detailed within the proposal which now seem insufficient.*
- *Hedgerows along the A38 towards Rumwell have been ripped out prematurely and without the necessary promised consultation.*
- *The promised Environmental Impact Assessment appears not to have been forthcoming.*
- *Hilltop parks were promised at high points, but these are missing from the draft plans.*
- *The Spine Road – Needs to be completed early in the development.*
- *School – Construction of the School needs to be a priority at the early stages of the development.*
- *Local Area - The impact on the surrounding area during and after the development needs careful consideration.*
- *Flooding Measures - flooding prevention in the area needs for proper investigations to be carried out and adequate plans put in place to ensure the development does not impact on this.*
- *Enforcement of Planning Conditions – It is essential that SW&T ensuring that proper enforcement is carried out to ensure the developers adhere to the Traffic Management plan before commencement of the development (e.g.*

*Wheel wash in place).*

Officer comment: Answers to the points raised here by the three parish councils are detailed in the officer assessment section later in this report and also specifically in **Appendix A** to this report.

**ENVIRONMENT AGENCY** – No objection on flood grounds.

*“The Environment Agency has no objection to amendments to this Reserved Matters application, as detailed below, as Phase H1A is located in Flood zone 1, at low flood risk, and does not impede on the flood plain*

*Submission of Phosphate Mitigation Strategy, Fallow Land Management Plan, Shadow HRA Assessment report and Strategy Composite Plan, Clarification of Layout Plan for 76 No. dwellings (PL-VI-03RevI), revised materials plan (PL-VI-04RevF), front steps detail, Noise report (stantecNov20), Drainage Statement (awpAug20RevB) and submission of Heritage Briefing Paper (edpJan21)*

*However we do make the following comments:*

*Natural England (NE) should be consulted to ensure their interests are not adversely affected by this proposal, particularly with regard to the phosphate stripping.*

*The Lead Local Flood Authority (LLFA) should be consulted with regard to the surface water drainage and to the SuDS design.*

*Some of the phosphates are to be offset by the creation of SUDS, therefore it must be ensured that the SUDS are adequately maintained for the lifetime of development. This should be discussed with the LLFA and NE”.*

**LEAD LOCAL FLOOD AUTHORITY** – No objection.

*“It is noted some changes have been made to the masterplan layout and a corresponding revised drainage layout has not been provided. However, given the LLFA’s previous comments and acceptance of the reserved matters application for this parcel on the 25<sup>th</sup> September 2020, the LLFA is content to accept this minor masterplan change.*

*LLFA expect the principles set out in the drainage layout (02-DR-1001 RevB, dated 4<sup>th</sup> August 2020) and associated statement to be carried forward into the final detailed design, namely the inclusion of permeable paving, filter drains and bioretention/raingarden areas”.*

Comments also provided regarding condition discharge.

**WESSEX WATER** – No objection to RM app.

*Advisory comments also made regarding the parallel discharging of Condition 11 of the outline consent.*

**HISTORIC ENGLAND** – No detailed comments to make.

*Refer to SWT Conservation Specialist to ensure all opportunities have been taken to mitigate potential impacts on designated heritage assets including listed buildings.*

**SWT CONSERVATION OFFICER** – No objections:

*“With reference to outline Application 42/14/0069 the conservation officer’s comments were as follows:*

*“Further to my consultation response of 9 February, I have now had the opportunity to view both parts of the submitted heritage assessment (listed separately as appendix 13.1 and figure 13.0 on the TDBC website). 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."*

The letter from Historic England 26 May 2015 had no undue concerns for the following:

*"Trull Conservation Area, 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... Whilst there are a large number of highly graded assets within Taunton their setting essentially relates to their urban context... 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. Having reviewed the information submitted and looked at the two farmhouses we do not feel that there would be any notable impact on setting."*

The letter goes on to refer to a landscape buffer between the Comeytrowe urban extension and the Trull conservation area.

Parcel H1A is the most northern parcel of the allocation lying south of the A38 and does not contain any designated heritage assets.

The impact of development considered at outline stage considered Rumwell Park grade II and Trull conservation area to be the principle assets that might be affected by development however it was considered with appropriate mitigation, harm could be reduced. As part of outline application 42/14/0069 mitigation was approved for the northern boundary of the site. This would have taken into account the gate piers and gate at the entrance to Rumwell Park as well. The Landscape and public open space strategy document shows the mitigation in the form of a landscape buffer and park and bus facility. No further mitigation is required for parcel H1A for these assets as it has been taken into account already for Rumwell Park and gate piers and Trull conservation area is not affected by this parcel.

Rumwell Hall and Higher Comeytrowe farmhouse lie to the south west and south of the allocation and are some distance from parcel H1A and it isn't considered that additional mitigation is required for H1A parcel to mitigate any effect on the setting of these two assets".

**HIGHWAYS ENGLAND** – No objection.

**SCC - TRANSPORT DEVELOPMENT GROUP** – No objection.

*The proposed layout is broadly acceptable but detailed points made concerning street tree detail, surfaces, tactile paved crossing, gradients, retaining walls, drainage will need to be considered by the developer as part of their technical highways submission.*

**SCC RIGHTS OF WAY** – No objection.

*An Informative note is requested to advise proposed works must not encroach on the right of way.*

**ECOLOGIST** – No objection.

Conditions 18, 19, 20 and 21 imposed on the outline consent protect and enhance ecological interests on the site. These conditions will be signed off by the Ecologist in parallel to this application insofar as the matters cover H1a.

On the submitted HRA and Phosphate Mitigation Plan:

*“I’m satisfied within the show Habitat Regulations Assessment and associated Phosphate Mitigation Strategy and Fallow Land Management Plan, and concur with Natural England’s assessment and conclusions pertained within DAS letter dated 15/01/2021. Therefore, I can confirm that, in principle, the sHRA can be adopted by SW&T, however it to confirm the appropriate planning and legal mechanisms for ensuring the mitigation proposals, as detailed within the Phosphate Mitigation Strategy and Fallow Land Management Plan, allow the development to reach nutrient neutrality throughout the lifetime of the development further advise will be required from Counsel and Natural England. My understanding is that this is likely to be delivered through the implementation of a s106 agreement/unilateral undertaking, or Grampian condition/s.*

*Regarding the Fallow Land Management Plan I note Natural England have stated the following within their DAS response:*

*‘While the grassland established could be managed more positively for wildlife interests, this is not a requirement of the Habitats Regulations in this instance and the applicant needs to find a balance between providing mitigation for phosphorous and the likely need to develop the fallowed land in the future, transferring mitigation into a permanent solution off-site’.*

*I concur with this summary, and would further recommend that the mechanisms for taking into account the situation when the fallow land comes forward for development, that the s106 agreement/unilateral undertaking, or Grampian condition/s, or other legal mechanisms facilitate the process for transferring the development Phosphate budget for projects 42/20/0031 and 42/20/0056, plus the new development budget, into permanent solutions off-site”.*

**NATURAL ENGLAND** – No objection subject to appropriate mitigation being secured.

NE considers that without appropriate mitigation the application would have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar Site. In order to mitigate these adverse effects and make the development acceptable, the mitigation measures as set out in the adopted Appropriate Assessment, should be secured. NE advises that an appropriate planning condition or obligation is attached

**PLACEMAKING SPECIALIST**– Objection.

- Considers the scheme to be not of a high enough standard of design quality for this gateway frontage and does not meet the design tests set out in the NPPF, National Design Guide, or the Taunton Garden Town Vision and Taunton Garden Town Charter & Checklist. It also does not comply with the design requirements set out for this parcel in the approved Neighbourhood Design Guide for this development.

- “The approved Neighbourhood Design Guide for this development requires distinctive local identity that interprets the character of Taunton, a positive arrival experience that reflects the vision for the new garden community, traditional building forms, well-proportioned solid to void ratio featuring vertical emphasis, high quality materials. The contextual analysis shows 19<sup>th</sup> Century Victorian houses and the illustrative proposed houses for the Gateway frontage as well designed classical buildings incorporating vertical proportions and sash windows”.
- Key issues include
  - The proposed house designs are standard ‘anywhere’ types merely adapted and do not reflect local traditional house forms shown by the developers as being the identity of Taunton. This will not provide a distinctive local identity.
  - The Neighbourhood Design Guide states that the house types for this parcel should be well-proportioned traditional building forms with vertical proportions. This has not been carried to reflect local character and identity.
  - There is insufficient design definition between key buildings and normal buildings. This will give a lack of legibility and will produce repetitious and undifferentiated street scenes.
  - There is little roofscape interest. Roofscape interest in long distance views is a specified requirement for this development parcel. This needs a greater variation in the height of buildings and the provision of features such as chimneys, cowls etc.
  - 95% of houses have no boundary treatment specified to their frontages. Low level hedge with railing is a specified requirement generally for all plots in this development parcel.
  - The proposed materials are not high quality materials. In particular, reconstituted stone is wholly unacceptable given the proliferation of local building stones. Local stone needs to be used throughout the parcel (not just to buildings on the frontage).
- Strong advocacy is also given to present this proposal to Design Review.

Additional comments on revised plans:

- Maintains a strong preference is for the use of natural local stone (we are in a stone area with a choice of materials, it makes no sense to use an artificial product), especially for main frontages and key/secondary key buildings
- It would be better to vary some of the roof materials along the PROW edge
- Plots 44/45 and 54/55 would be good to see these terminating buildings in natural slate
- Detailed point regarding boundary treatments abruptly ending.

**LANDSCAPE** – Comments:

Verbal discussion - The inclusion of more oak along the eastern boundary is necessary. Remove division of the eastern POS by hedging. Detail of trees in hardstanding required.

[officer comment – tree pit details were subsequently submitted and agreed]

**BLACKDOWN HILLS AONB** – No comments to make.

**TREE OFFICER** – Comments:

*Suggested tree species changes.*

[officer comment – these changes have been made]

**HOUSING ENABLING** – No objections raised.

*“The developer is required to deliver 17.5% affordable homes on this site under the S106 Agreement with a permissible variance for each RM application of 15-20% providing the final overall is 17.5%. This will be monitored in the subsequent phases of this development. The 14 affordable homes proposed is 18.4% of the total 76 homes.*

*This proposal undertakes to provide a further 12 affordable homes through additional funding from Homes England. This additional affordable housing brings the number of affordable homes to be delivered on the site to 27 which is welcomed.*

*The tenure split of all 26 affordable homes is 61.5% affordable rent and 38.5% shared ownership. This closely mirrors the tenure split agreed in the S106 agreement i.e. 60% affordable rent and 40% shared ownership. This percentage split will be monitored across all phases of this development.*

*The affordable housing layout and proposed tenure plan (as shown on drawing (A1) DrNo PL-VI-03 Rev I Phase H1a - Vistry Planning Layout dated 18 January 2021) shows the affordable housing concentrated in the North-East and East of the site with none in the South or South-West of the site. However, the affordable homes are arranged in clusters interspersed with some open market homes and therefore can be considered to be an integral part of the development and will not be visually distinguishable from the market housing on site.*

*The type and size of the affordable housing units to be provided reflect the distribution of property types and sizes in the overall development with the majority of the homes having 2 and 3 bedrooms. In addition there are two 1 bed homes for rent which are much in demand in Taunton.*

*The unit sizes have been assessed by Somerset West and Taunton against the requirements set out in Policy D10 in the Taunton Deane Adopted Site Allocations and Development Management Plan. All unit sizes either meet or exceed the minimum internal floor space requirements.*

*The Housing Association associated with this development is LiveWest which is one of Somerset West and Taunton’s preferred Registered Provider partners. LiveWest will work together with the Somerset West and Taunton Enabling team on a Local Lettings Plan to ensure local people are given priority for affordable housing on this development.*

*The delay from determining this Reserved Matters for Parcel H1A whilst a resolution to the Phosphate issue was found has impacted on the Affordable Housing Delivery program, however following discussions with Homes England the Affordable Homes proposed within this Reserved Matters application should be able to meet the grant funding deadlines providing the proposed affordable homes start on site imminently. The impact of a delay to start on site and therefore completion of further ‘additional’ affordable homes through subsequent Reserved Matters submissions will form part of the ongoing discussion with Homes England and LiveWest”.*

**AVON AND SOMERSET CONSTABULARY** – Comments:

*Rear gates would be advisable for rear access paths and increased overlooking of parking courts is desirable.*

*[officer comment – these changes have been made]*

**SOMERSET WASTE PARTNERSHIP** – No objections.

**COMMUNITY PROTECTION/ENVIRONMENTAL HEALTH** – Comments (following request for noise survey):

- *The report provides details of noise monitoring, carried out as part of a previous noise assessment. It uses this information to create an acoustic model of the site, reflecting the proposed plan and traffic flow data. The model was used to predict the noise levels at the facades of the residential units (daytime and night-time) and noise levels in external amenity areas during the daytime. This information was then used to calculate the level of noise attenuation that would be required to ensure suitable internal noise levels (and external for amenity areas), using criteria based on the relevant British Standard (BS8233).*
- *The report then recommended a minimum standard of glazing and ventilation for the building facades on the site, with some of the premises closest to the new road requiring a higher level of attenuation.*
- *The report does provide a good assessment of the potential noise levels and makes suitable recommendations. The developer should ensure that they take the recommendation into account when they install the glazing and ventilation on the site.*

## Representations Received

A site notice has been posted and neighbours notified of the application. The council is in receipt of 12 representations.

A summary is given, all responses from the general public are available to read in full on the council's website, [www.somersetwestandtaunton.gov.uk](http://www.somersetwestandtaunton.gov.uk).

The comments made can be summarised as follows:-

- "The roads cannot cope with even more dwellings".
- "Drainage with associated infrastructure? We all know that this is not right".
- Drainage statement discrepancies.
- Discrepancies with the application form and validation process.
- The plan doesn't show The Croft development or any landscaping important for privacy.
- "The proposed layout delivers a harsh and unsympathetic boundary between new development and properties to the north. It creates a stark and unmitigated transition between the established low density residential area to the north of which development at The Croft forms a part and the higher density suburban development of the new urban extension".
- "The proposed layout does not appear to respond to mature trees that substantially overhang the application site from land to the north (The Croft)".
- The cycle and walking layout is not in line with current government guidance set out in Gear Change and in LTN 1\20.
- Affordable housing should be tenure blind.
- Environmental and ecological concerns remain, and this will always be the case until a complete cultural rethink takes place nationally on how we can live more sustainably.
- An updated EIA should be undertaken.
- Climate emergency.
- There are no LEAPS or NEAPS on this plot.
- Developers need to ensure that the green buffer zones around the site are built as proposed, in order to help mitigate the impact on current residents.
- Concern regarding hedgerow removal.
- No up to date tree or ecology surveys.
- Procedural point concerning consultation.

- Potential red line discrepancy.
- Comments regarding conditions and triggers.
- "...the Planning committee are being encouraged to make an early decision on this due to the timescales affecting developers in relation to the affordable homes. Whilst I understand this, I do not agree with planning members feeling rushed or being placed under any pressure with their decision making".
- A detailed representation raises concerns regarding planning conditions, in particular relating to surface water drainage.
- Detailed comments and observation of the HRA, Phosphates Mitigation Plan and Fallow Land Management Plan, and a view that there has been inadequate assessment by Natural England
- Comments on the steps and railing study, impacting on the disabled, those with prams and shopping trolleys and moving wheelie bins.
- There is no practicable masterplan and strategic drainage plan.

Cllr Nicholls wrote to support comments made by Mr T Smith regarding irregularities in the application submission and that the climate emergency and drainage issues should be taken seriously.

Objection and comments from Taunton Area Cycling Campaign -

*The design of the cycling and walking provision is in serious conflict with government policy set out in 'Gear Change' and design guidance Local Transport Notes 1/20.*

*Key points from LTN 1/20 which the proposals are in conflict with.*

*Cyclists are not physically separated from pedestrians in conflict with LTN 1/20*

*Crossings at side road junctions are not designed in accordance with LTN 1/20*

*The proposed path widths are below the levels required in LTN 1/20*

*The shared 3m cycle and pedestrian path is in serious breach of government design requirements, and we object to the developer's totally inadequate proposals.*

*'The proposals are in conflict with LTN 1/20 since the cycle network and design standards have not been included in a design code*

*The proposals also conflict with Manual for Streets-*

*The proposal is also in conflict with your own SADMP Policy D2, which states*

*'Developments which harm the visual qualities of routes into and out of Taunton and Wellington will not be permitted.*

*We therefore support the comments made by the Taunton Design Circle*

*High quality public realm will enable active travel. Poor quality, roads dominated design will not.*

Objection and comments from Taunton Design Circle –

- *I am writing to ask the Planning Committee to refuse the application for housing at Comeytrove Gateway on the ground that the architectural façade design does not meet the application's own design guide, and is not of sufficient quality. It also has not been reviewed by independent Design Review Panel as required by the adopted Garden Town Vision.*
- *The application has been valued engineered.*
- *The proposed scheme being decided does not follow the material boards or the style guides within this neighbourhood design guide.*
- *The placemaking team at SW&T have requested several times for plans to be amended to match in some way the Victorian style, the sliding sash windows and the high-quality materials in the neighbourhood design guide. Also none of the house types are the large double fronted properties which typify the examples*



*shown and relate better to the large properties on Wellington Road. The applicant has refused in their response in red text to placemaking teams requests. This is against the National Planning Policy Framework.*

- *The NPPF requires that development is of a high quality; and that it responds to the requirements set out by the council. This application clearly does neither in respect of the architecture and should be refused on design grounds and for not meeting the parameters the applicant has set out.*

Objection and comments from Arts Taunton which is a founding member of the Taunton Design Circle –

*“The scheme comprehensively fails to adhere to the basic tenets of the Garden Town vision document, and makes almost no attempt to create a sense of place or context. None of these plans, if removed from Comeytrove and placed before an independent panel, could be remotely considered Somerset or even West Country. This vital gateway to Taunton will simply read as yet another vast Anywheresville extension to the County town. We urge the council to demand more of the developers and refuse this scheme. Central government policy is attempting to shift profoundly towards more locally distinctive, beautiful building that is future-proofed against climate change and engages local people. This scheme fails on all these fronts, builds no value into the town and has no sense of identity and no purpose other than providing identikit homes in bulk”.*

Objection and comments from Forum Heritage Services (Wimborne, Dorset) –

*“We are writing in our own capacity as professional consultants in principally heritage issues but we are keenly interested in and contributed to the understanding of the character and local distinctiveness of Taunton which in turn contributed to the development of the Taunton Garden Town Vision”.*

*“...we are deeply concerned about the lack of careful and thoughtful regard to local distinctiveness and absence of design cues from the local context in both built and landscape terms of the immediate and wider environment within which the gateway phase of development at Comeytrove Urban Extension finds itself”.*

*The layout appears to be largely dictated by highways requirements which bears no resemblance to the principles of proper place-making*

*“Whilst there is some attempt to define corners and views and spaces with ‘key buildings’ and ‘secondary key buildings’ they do not form part of coherent or continuous street scape but are simply larger – this is insufficient in itself and needs to be part of a much more integrated ‘idea’ about a sense of place. This is something which the Taunton Garden Town Vision strongly advocated and is completely lacking in this proposed development”.*

*“The use of standard house types makes it near impossible to create effective streetscapes and townscapes and inevitably lacks local distinctiveness”.*

*“We are very concerned that one of the first schemes to emerge as part of the Taunton Garden Town Vision is going to have nothing in common with that vision. This raises very serious questions about the commitment of the Local Authority to reflect the spirit of the vision document and perhaps more importantly the value for money the tax payer is receiving for the time and resources which went into the production of a Garden Town Vision which seems to have been completely ignored by this proposed development (but we hope not ignored by its Planning Officers)”. Referral to a Design Panel is suggested.*

With regards to an issue relating to the boundary with the Croft, a neighbouring property, an email was received on behalf of that ‘neighbour’ stating the issue had

been resolved through discussions with the developer.

## 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.

Listed Buildings and Conservation Areas Act 1990 section 66 and 72 is relevant in order to assess the impact on heritage assets.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013). Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being rolled forward with the aim of producing one new Local Plan covering the entire administrative area.

Relevant policies of the development plan are listed below.

- SD1 - Presumption in favour of sustainable development,
- CP1 - Climate change,
- CP4 - Housing,
- CP5 - Inclusive communities,
- CP6 - Transport and accessibility,
- CP7 - Infrastructure,
- CP8 - Environment,
- SP2 - Realising the vision for Taunton,
- SS7 - Comeytrove / Trull - Broad Location for Growth,
- DM1 - General requirements,
- DM4 - Design,
- DM5 - Use of resources and sustainable design,
- A1 - Parking Requirements,
- A2 - Travel Planning,
- A3 - Cycle network,
- A5 - Accessibility of development,
- ENV1 - Protection of trees, woodland, orchards and hedgerows,
- ENV2 - Tree planting within new developments,
- ENV3 - Special Landscape Features,
- I3 - Water management,
- I4 - Water infrastructure,
- D7 - Design quality,
- D8 - Safety,
- D9 - A Co-Ordinated Approach to Dev and Highway Plan,
- D10 - Dwelling Sizes,
- D12 - Amenity space,
- TAU1 - Comeytrove / Trull,

The Trull Neighbourhood Plan is part of the development plan and a material consideration.

The Trull Neighbourhood Plan includes policies that are aligned with the adopted policies in the Taunton Core Strategy and Site Allocations and Development Management Plan (SADMP), and provide for sustainable development in the parish.

- Policy F1 Reducing Flood Risk requires proposals to include an acceptable SuDS system and manage surface water in a way that adds value, these principles have been established at outline stage with details being provided in this application to satisfy the Local Lead Flood Authority.
- E2 Woodland, Trees and Hedgerows, supporting broadleaved tree planting and hedgerow enhancement. New trees and retained hedges feature in this development.
- H2 Housing 'in keeping' requires housing to demonstrate appropriate compliance with urban design principles. Housing should be 'in keeping' with neighbours however this it is acknowledged that this is most relevant for housing within existing settlements. Housing in the proposed parcel is most closely associated with properties that are either rendered or in red brick.
- H3 Affordable Housing requires affordable housing to be indistinguishable from market housing, it is considered this has been achieved.
- H5 External Space requires developments to provide storage space for waste and recycling bins, this has been provided in the form of areas of hard standing for each plot.

The National Planning Policy Framework (NPPF) and National Planning Policy Guidance are material considerations. The National Design Guide is also a material consideration.

Other documents including the consultation draft of the Somerset West and Taunton Design Guide (February 2020), Taunton: The Vision for our Garden Town (October 2019) and the Taunton Design Charter and Checklist do not form part of the development plan but remain material considerations albeit with limited weight.

All policies and material considerations can only be considered as far as they relate to the details for which reserved matters approval is sought, as defined in the Development Management Procedure Order (DMPO) 2015.

## **Local finance considerations**

### **Community Infrastructure Levy**

The creation of dwellings is CIL liable.

Amended drawings submitted Sept 2020 measure proposed development at approx. 7372sqm

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £516,000.00. With index linking this

increases to approximately £732,750.00.

This calculation does not take account of any exemptions that may be claimed and granted. Exemptions will apply for example for each affordable house constructed.

## **Determining issues and considerations**

### Principle of development of the site

The principle of developing this site to provide a new sustainable neighbourhood has been established by the outline approval. This reserved matters application seeks approval for detailed matters in relation to layout, scale, appearance and landscaping and as explained above consideration is limited to these issues.

Councillors will recall a great deal of discussion regarding the scope of a reserved matters application at the meeting of 09 July 2020 when the adjoining Taylor Wimpey parcel H1b (42/20/0006) was approved. Matters such as Taunton's Garden Town status, climate change, the Council's five year land supply, development viability and sustainable development all being matters discussed at length. Those matters could likely be raised again in conjunction with this application and so Councillors may find it very beneficial to revisit the webcast for that meeting to remind themselves of the officer advice at that time which remains germane to this application and indeed all the future reserved matters applications at Comeytrove Garden Community. The webcast can be viewed here:

<https://democracy.somersetwestandtaunton.gov.uk/ieListDocuments.aspx?CId=330&MId=2709&Ver=4>

A full and detailed Environmental Statement was submitted with the Outline application. It was not required to be updated to support application 42/20/0006 Phase H1b.

However as Members will be aware the issue arising from the intervention of Natural England pertaining the phosphorus levels on the Somerset Levels and Moor has required the submission of a Shadow Habitats Regulations Assessment. This matter is described and discussed following this section of the report.

### Negotiated Amendments

In accordance with the NPPF, officers have worked proactively with the applicants to secure improvements to the proposal. A number of design changes have been secured over several sets of amended plans.

These can be summarised as increased or improved detailing, changes to fenestration, improvement to the design of key buildings, changes to finishing materials, revised boundary treatments, landscaping changes, increased surveillance of parking courts, and the inclusion of gates to rear access paths.

### The Scope of this application

The outline application accompanied by an Environmental Statement was approved on the basis that reserved matters would subsequently be sought for layout, scale, appearance and landscaping. Access was approved as part of the outline application and three Highways related plans for 2 roundabouts on the A38 and Honiton Rd and the secondary 'bus only' access off Comeytrove Lane were approved and listed in Condition 02 accordingly.

Article 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out that the reserved matters should encompass some or all of the outstanding details of the outline application proposal, including:

- landscaping - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen
- layout - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
- scale - includes information on the size of the development, including the height, width and length of each proposed building
- appearance - aspects of a building or place which affect the way it looks, including the exterior of the development

Condition 02 of the outline consent stated the development was to be carried out in accordance with 5 parameter plans. These plans had been formulated through consultation and through the conclusions of the Environmental Statement. For example the Environment Statement concluded that there would be policy compliance and no environmental harm caused if the development was developed in line with the guidelines set out on the parameter plans, i.e.: development of a certain height, distribution and density, accessed in the manner set out and with the quantum, distribution and general characteristics of green infrastructure. In many ways the parameter plans approved at outline stage form the bones of the skeleton to which the Reserved Matters now represent the flesh.

Applications for Reserved Matters are not full planning applications in the normal sense where all matters are on the table but are instead a matter of assessing compliance with all the matters agreed at the outline stage and via outline conditions. Only the matters of layout, scale, appearance and landscaping are those reserved (or deferred) to this latter stage and they must be guided by the parameter plans set at the outline stage and any conditions attached to the permission.

It should be noted that the Reserved Matters do overlap to an extent and are inextricably linked insofar as changes to one aspect will invariably impact on another.

#### Access

The approved Access and Movement Parameter Plan stated in Condition 02 is Plan No. 9603 Rev H. It shows the access points around the periphery of the development for vehicles (incl. bus), cycle and pedestrian. This Reserved Matters application accords with this approved plan.

#### Landscaping

The approved Green Infrastructure Parameter Plan stated in Condition 02 is Plan No. 9604 Rev L. It shows the strategic public open spaces to serve the development, the approx. locations of LEAPs and the NEAP, allotments and playing fields, plus proposed structural landscaping and retained/ removed hedgerows/trees. This Reserved Matters application accords with this approved plan.

Additional landscaping to that retained is provided for in the form of street trees,

front gardens, parking courts and within incidental public open space areas. The quantum, distribution and species choice is considered acceptable.

### Layout

The approved Land Use Parameter Plan stated in Condition 02 is Plan No. 9600 Rev L. It shows the area covered by this reserved matters application as being 'residential development' which can include play areas, allotments, drainage basins and incidental landscaping. This parcel does not contain drainage basins, play areas or allotments as they are located elsewhere in line with the approved masterplan. This Reserved Matters application therefore accords with this approved plan.

Condition 04 of the outline consent required the submission of a Neighbourhood Design Guide. This was submitted and approved by the LPA. Within this document an indicative layout was set out. This Reserved Matters application accords with this approved document in terms of the general layout.

The infrastructure Reserved Matters application, ref 42/19/0053, also showed some internal estate roads which this application also accords with.

The layout provides a suitable quantum of parking spaces, largely on plot, to accord with policy.

A later section of this report assesses the '*Standard of amenity for proposed dwellings*'.

### Scale

The approved Scale Parameter Plan stated in Condition 02 is Plan No.9602 Rev K. It shows the area covered by this reserved matters application as being 'Up to 10m' 2-2.5 storey high development. This Reserved Matters application therefore accords with this approved plan.

### Density

An integral part of scale and layout is density. The approved Density Parameter Plan stated in Condition 02 is Plan No.9601 Rev I. It shows the area covered by this reserved matters application as being 'lower density' inclusive of predominantly detached units, some semi-detached and minimal terraced units at a density of 20-40 dwellings per hectare (dph). This Reserved Matters application therefore accords with this approved plan insofar as the density range given (the density stated on this application is 37.8dph so within the 40dph maxima), however the plan shows predominantly semi-detached houses (71%) and some detached units (17%) with four terraces of three properties. In this instance it is considered the density range is the significant matter, rather than the description, which the plan accords with. In addition the reason for the higher proportion of semi-detached smaller houses is influenced in part by the inclusion of 'additionality' affordable homes through the securing of Homes England funding. It should also be noted that the approved adjacent Parcel H1b was 40.2dph within a medium density range of 30-50dph.

### Appearance

Appearance is probably the Reserved Matter most concentrated on as the most visible and relatable aspect as it's what you see. Indeed in assessing the 'appearance' reserved matter it is inevitable that matters of scale and density are

referenced as it is not always possible to keep them separate.

One such example is reflecting on the fact that the wider application site falls partially within the Stonegallows Ridge Special Landscape Feature (SLF), which is designated as a notable feature within the local landscape and due to the important function it performs in screening and containing the existing settlement of Taunton in views from further west. The Environment Statement (ES) to the outline application considered the proposed development of the garden community would create a major/moderate significant adverse effect on a small portion (approximately 12 hectares) of the Ridge as a result of the material change of land use from arable land to employment land, residential and public open space.

The assessment did note that effects on the function of the Ridge in containing the settlement edge from the wider landscape to the north and west would be limited and in no instances would the implementation of the proposed development of the garden community affect the role of the Stonegallows Ridge as a key landscape feature in addition to its function of providing a visual barrier to Taunton.

Parcel H1a is the only residential parcel with the SLF. As well as the ES there is significant commentary and assessment on the issue in the officer's outline report and as stated previously that assessment led to the agreement over a set of parameters plans which if followed would ensure the impact on the SLF was minimised. In this regard one has to also look at the Park and Bus facility and in particular the A38 roundabout scheme to understand the bigger picture and context to this parcel. For example the A38 roundabout scheme includes significant landscape treatment that wraps around the edge of Parcel H1a and would provide some screening or diffusion of view and therefore impact on the SFA. It is noted that a significant hedgerow has been removed alongside the A38 already to create the roundabout and that the replacement landscaping would take time to establish and (re)provide that screening or diffusion. Key trees or groups of trees central to the landscape response and not within public ownership will in time (protected initially by condition) be candidates for Tree Preservation Orders. Overall, other than the matter of density, discussed previously, the proposal is in accordance with the assessment parameters carried out at the outline stage in recommending approval of the garden community.

Core Strategy Policy DM4 Design, Site Allocations & Development Management Plan (SADMP) Policy D7 Design Quality and Section 12 (Achieving well designed places), together with Chapter 12 of the NPPF are material considerations. The Garden Town Vision Charter and Checklist and the Somerset West and Taunton Design Guide consultation draft are also material considerations albeit with limited weight given the existence of the outline approval.

Given the strategic nature of this site, this design process has taken place over a number of years, with broader considerations around the site context and structure being considered in principle as part of the Outline application, with the approval of the parameter plans previous discussed.

A condition (4) on the Outline application required the submission of a Site-specific Neighbourhood Masterplan and Design Guide. This document is intended to build on the approved parameter plans and provide a more detailed framework against which mid-level matters of design such as the proposed arrangement of

development blocks, streets and spaces can be assessed. A Neighbourhood Design Guide for the Western Neighbourhood (Neighbourhood Design Guide) was agreed in March 2020 after several months of negotiations.

An Appearance Palette is also required by Outline condition (5) for each parcel. This in turn builds on the Neighbourhood Design Guide and provides a framework to assess narrower design considerations such as building design, building materials, surface materials, street furniture and tree species. An Appearance Palette for Parcels H1a and H1b was submitted as part of the Neighbourhood Design Guide (pages 168-179) and was likewise discharged in March 2020.

These plans and documents further inform how the reserved matters should be considered. This application is accompanied by a Compliance Statement setting out how the applicant believes the proposal accords with the parameter plans, Neighbourhood Design Guide and Appearance Palette.

The Comeytrove Garden Community will deliver a comprehensive landscape and green infrastructure scheme, with substantial areas of open space and tree planting in line with the Garden Town Vision. Much of this green infrastructure has already been designed and approved under application 42/19/0053. This application also approved the strategic Sustainable Urban Drainage Systems (SuDS) and earthworks to create level building plots. This is the work presently occurring on site.

The SWT Design Guide states that the creation of a design concept, to identify key groupings, focal points/features, character areas, and street and space hierarchy is a very important stage in the design process. The Neighbourhood Design Guide sets out a framework regarding the creation of character areas and nodes, key frontages and groupings development of principles on development blocks, density and height ranges, development block structure, and street and space hierarchy for the Western Neighbourhood.

Within Phase 1, Parcels H1a, H1b, H1c, H1d, H1e and H1f all form part of Northern Slopes character area. A term used to set out different design characteristics across the site. Phase 2 is known as Hilltop Gardens and the Local Centre is similarly in a separate character area. What this means is that the parcels within each character area should more-or-less appear the same. The contrast is provided between character areas and should be subtle, akin to the use of a different palette of materials, different planting types, height, density, modern design over traditional design or urban design changes. The key is subtlety to make one area distinct from another to aid wayfinding and legibility.

As such the approach to parcel H1a has been both informed by reference to the suite of design documents but also importantly the Planning Committee's interpretation of them at the 09 July 2020 meeting in resolving to approve the application for H1b despite several design facets remaining problematic to officers and councilors alike. It was apparent the committee, as the decision-maker, attributed weight to a wide range of issues in making a decision based on the planning balance which it was perfectly entitled to do. The appearance of the Northern Slopes character area which impacts the whole of phase 1 has therefore in part been influenced by the committee decision on H1b.



Indeed the parcel contains design facets to continue the approach in H1b and also respond to the suite of design documents:

- The parcel is at a lower density to parcel H1b, reflecting its site edge location. Several 2½ storey properties are included as key buildings to add variety and legibility. Councilors will recall the density and heights of buildings are set out in the parameters plans and show a gradual intensification as you move towards the local centre and away from higher points of the site.
- Continuation of the primary frontage treatment, rendered key buildings and railings with the short section of the spine road and cycle way
- Implementation of the street hierarchy, including shared surfaces and private drives.
- A simplification of the materials palette to avoid a visual jumble of walling and roofing materials. Dwellings to be finished in render and red brick with stone dressings as per parcel H1b but also the introduction of grey reconstructed stone on several key buildings fronting the A38 and new roundabout.
- A varied roofscape informed by the natural topography and stepped rooflines, but also some dormers on key buildings and chimneys, interspersed with (in time) tree canopies.
- The use of roman tiles, imitation slate and natural slate (on the primary frontage to tie into parcel H1b) ensure the visual impact of the development when viewed from sensitive areas is minimised.
- The use of casement windows throughout as per H1b, with the introduction of ground floor bay windows for visual interest in key locations, and added light to the recipient habitable rooms.
- Key transition spaces at the Gateway and Central area.
- Comprehensive landscaping, through street trees, hedging and frontage shrub planting.
- Private rear amenity space within acceptably sized gardens.
- Where rear gardens adjoin the public realm brick walls are used (rather than fencing) to provide additional security and enhance the quality of the street scene.

• *Placemaking through the Taunton Garden Town-Design Checklist*

The GT Design Checklist revisits many factors considered and determined at the outline stage, namely connections (access), facilities and services, public transport and meeting local housing requirements, working with the site and its context, masterplanning (through assistance from Design Review Panel), public and private spaces, building with nature and energy and renewables.

Issues relating to character, streets for all, integrated parking and legibility for some remain unresolved satisfactorily.

*Appearance (continued) - Objections from the Placemaking Specialist*

The matters causing the objection outlined in the consultation section of this report fall largely to the use of what is described by the Placemaking Specialist as 'anywhere' standard house types only. This leads to criticism regarding the lack of identity and local character, variety and design definition, and little roofscape interest. Additional points of concern relate to the lack of frontage boundary treatments to all dwellings and an opinion on the quality of materials, and in particular the use of reconstructed stone.

This objection is echoed by other contributors, see representations section. In

summary offering the opinion that the architectural façade design is not of sufficient quality, displaying a preference for a Victorian style, sash windows and high quality materials. There is also the argument that the development makes almost no attempt to create a sense of place or context, builds no value into the town and has no sense of identity and no purpose other than providing identikit homes in bulk. Reference to a referral to a Design Panel is also made.

*Appearance (continued) - Response to the Placemaking Specialist's objections*

There is an objection to the proposed dwelling typologies on the grounds that they do not represent "traditional building form". This was similarly challenged on parcel H1b and the committee were sufficiently satisfied to grant Reserved Matters approval. Sites of this size require volume housebuilders to handle the quantum, complexity and financial risk that comes with such a development. That challenge and risk is mitigated, in part, by a standardised method of construction where costs are known up-front and potential complexities de-risked. As such there is a known input to deliver a known output at a price affordable to prospective purchasers. Members were reminded at the committee meeting concerning H1b that the viability exercise that was carried out at the Outline stage assumed that the site would have standard build costs, which would assume the use of a standard house type product. Widespread bespoke designs and expensive materials cause exponential additional actual costs and indirect costs by a non-standardised method of construction due to houses taking longer to build.

This is not saying that development cannot be well-designed if built by a volume house builder, quite the contrary, it is entirely possible. However the extent they can adapt to the wishes of some, is limited. The applicant has however, through amended plans, responded in part to ensure the elevations are designed to reference the local character of Taunton, with detailing and materials interpreted from their studies in and around Taunton.

With regards to the roofscape, it is varied to an extent due to the topography of the site and stepped rooflines, a mixture of roof materials and chimneys add interest; more chimneys have been added through the amended plans. Tree planting within and around the site edges will also help contain and disrupt built form.

Reference is made to the use of reconstructed stone rather than natural stone on several units within the Gateway Frontage. The applicant team point to the fact that reconstructed stone is a very good alternative to natural stone, that natural stone is significantly more expensive and will increase the build time on site through increased labour time and the risks associated with local skill shortages, and ensuring a sufficient supply of natural stone is available. These risks and costs are something the applicant team say they cannot afford. They stress to deliver the Garden Community they will need to ensure that the scheme remains financially viable, something that has become even more acute in light of COVID-19 and the economic downturn. Any delay also risks the delivery of the additional affordable units.

If Councillors were minded to refuse the application on the basis of the non-use of natural stone alone then clear and demonstrable reasons would need to be given. It is worth noting that whilst the applicant team accept and acknowledge that the Trull end of the site will command the need for natural stone to better reflect the dwelling typological in that area, and the setting of the Conservation Area, there is actually

very little natural stone in the context of the A38 and the Western Neighbourhood.

It is concluded that whilst desirable there is no clear and demonstrable planning reasons to refuse the application on the basis that natural stone is not used. On the separate matter of the merits regarding the use of reconstructed stone in its place is a decision that Councillors can reach based on an assessment of visual amenity and reminded of the fact the proposed muted grey colour of the proposed reconstructed stone will help the Gateway Frontage units regress into the site rather than present a more solid and brighter frontage should more render be used instead. Acceptance of reconstructed stone in Parcel H1a may give the Consortium a steer insofar as using it in Phase 2 to provide a different character to the predominately brick character in Phase 1.

There is an objection to the use of casement windows, stating sash windows, or windows with vertical proportions, would be preferred as they would be more akin to the shape of windows on Taunton's historic buildings. This objection was also made in response to 42/20/0006. Councillors concluded, in approving that application, that casements were acceptable and there is no policy basis to require an alternative window style.

The type and distribution of materials follows that agreed with parcel H1b.

Design is a subjective matter, a matter that two people could have two different views on, but who is right? Who has the final say? Design is akin to taste and people have a different taste for all sorts of things, cars, clothes, urban and rural landscapes, and of course buildings. The fact of the matter in this case it that the development is more than a façade of a house, it's a place with its own identity, with access to a significant quantum of open space, with distant views and facilities needed to live a happy life. For many this will be a first home, perhaps a last home, a chance to live nearer family or to work from home; when you boil it down it's a matter of opinion as to whether these factors matter just as much or even more in place-making as the non-provision of some architectural features, or indeed whether somebody else thinks your new home or street is beautiful.

Reference to Design Review Panel (DRP) is made. A DRP was engaged to assist with the production of the Western Neighbourhood Masterplan but not felt to be necessary in the formation of H1b, the first residential RM approved last July. As such a DRP has not been engaged for H1a nor H1c. A DRP will be engaged in the production of the Eastern Neighbourhood Masterplan in due course.

Overall it is considered the proposal accords with the relevant policies of the Core Strategy and SADMP.

### Other Considerations

Beyond the strict interpretation of the Reserved Matters it is necessary to reflect on other material considerations; these are detailed hereon.

- *Impact of Heritage Assets*

The outline application contained an assessment on the likely impacts to heritage assets. Now we have the precise detail within a Reserved Matters application we can compare the judgments and assumptions made then to the proposal as is now.

The outline application assessed the potential change to Rumwell Park by the construction of modern houses and access roads on the south side of the A38. It noted the separation by the A38 and acknowledged that the proposed development will not encroach on the primary setting of the house, namely its farmland, which includes aspects of designed landscaping, or the key connective views with the driveway and the A38. It would also not interfere with the relationship between the house and listed gate piers. Therefore the significance would only be effected by the change in use of farmland to the south, which forms a rural 'backdrop' to the listed building. It was concluded the potential development if built in line with the parameters plans would represent an adverse, permanent, indirect and low change, considered to be a moderate/minor effect to its significance. The outline application was obviously approved on this basis.

The Listed Buildings and Conservation Areas Act 1990 is relevant in order to assess the impact on heritage assets. Given the Reserved Matters is broadly in compliance with the parameter plans and given the inherent measures within the application (design and landscape) and the setting, it is considered there are no additional mitigation measures which can eliminate, reduce or otherwise offset the moderate/minor effects on the setting of Rumwell Park. The situation has been assessed by the SWT Conservation Officer and Historic England and there is no reason to withhold reserved matters approval on the basis of any impact on heritage assets.

- *Sustainability*

This application for reserved matters is supported by an Energy and Sustainability Statement. The outline application did not secure additionality in terms of the sustainable construction specification over Building Regulations and this was a point of some discussion at the committee meeting of 09 July 2020 when parcel H1b was approved.

The Design Guides focused on other important but often forgotten measures of sustainability such as walkable neighbourhoods, cycling infrastructure, public transport and travel planning, open space inclusive of allotments, surface water management and biodiversity enhancement.

The submitted Energy and Sustainability Statement sets out a fabric first approach to demand reduction which will in turn delivers a level of energy performance beyond the current Building Regulation standards whilst addressing a range of additional sustainable design considerations.

Improvements in insulation specification, efficient building services, a reduction in thermal bridging and unwanted air leakage paths and further passive design measures are reported to enable the relevant standards to be met, whilst building in low energy design and future climate resilience to the design and construction of the dwellings. It also states how water saving measures have been incorporated into the design in order to deliver a calculated water use per person which far exceeds Building Regulations requirements.

Councillors will also be keen to learn that in order to support the transition to electric vehicles, all plots with adjoining garages are intended to be provided with electric vehicle charging points. A condition is proposed to ensure greater provision within

the parcel.

It must be stressed that because this is a Reserved Matters application this additionality over and above what was secured at the outline stage is seen as positive.

- *Residential Amenity - Impacts on Neighbours*

At present there are no existing immediate neighbours to H1a however the neighbouring site, formally known as 'The Croft' is undergoing redevelopment for 4 dwellings under reference 05/11/0042. The dwellings are not yet occupied. The approved plans for that development show new planting on the boundary to supplement that which already exists. The properties at The Croft site will be elevated compared to the proposed dwellings on the boundary within parcel H1 and be located at least a distance of 25m window to window.

A representation from the developer of The Croft was received detailing concerns regarding trees on the boundary and the alignment of the boundary. These matters have been resolved between developers and the objection withdrawn. The boundary treatment proposed by this development is a 1.8m high close boarded fence and 10 additional small trees spaced out along the boundary, which is acceptable.

Overall the combination of factors ensures an acceptable level of amenity will be afforded to all future residents.

- *Standard of amenity for proposed dwellings*

Internal floorspace and layouts meet the space standards of SADMP Policy D10. The Housing Enabler has also confirmed acceptance of the sizes and layouts of the affordable units.

There is sufficient space between the windows of dwellings to prevent unacceptable overlooking, and gable ends are positioned so as to avoid over-shadowing of neighbours.

Overall it is considered the proposed dwellings will provide an acceptable standard of amenity for future residents.

- *Refuse and Recycling*

Hardstanding for bin storage is provided to the rear of all units. Where collection cannot be made from the immediate frontage of properties designated collection points are provided a short distance from properties. Paths provide rear access for terraced properties where necessary.

- *Parking and cycle storage*

Parking is provided in a mixture of parking courts and on-plot parking (to the side or front of the dwelling). Visitor parking is also provided. The level of car parking, and size of garages, is adequate to meet the requirements for parcel H1a and is in line with the parking standards in Appendix E of the Site Allocations and Development Management Plan.

External storage of cycles is in garages and sheds, again this is in line with parking standards. Where cycles are stored in sheds these are located adjacent to access

gates.

## Habitats Regulation Assessment

Since the granting of outline planning permission in August 2019 there has been a material change in circumstances which has required the Council, as the competent authority, to reassess a matter in relation to the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations') and the lawful approach to the determination of planning applications in light of recent advice from Natural England ('NE').

In its letter, dated 17 August 2020, NE advised the Council that whilst the Somerset Levels and Moors Special Protection Area ('SPA') could accommodate increased nutrient loading arising from new development within its hydrological catchment that the Somerset

Levels and Moors Ramsar Site ('the Ramsar Site') could not. The difference, NE state, is that whilst such increased nutrient deposition is "...*unlikely, either alone or in combination, to have a likely significant effect on the internationally important bird communities for which the site is designated*" as regards the SPA such a conclusion cannot be drawn in relation to the Ramsar Site.

The issue in terms of the Ramsar Site is that the conservation status of the designated site is 'unfavourable' in consequence of eutrophication caused by excessive phosphate levels.

The typical consequence of such excessive phosphate levels in lowland ditch systems is "*the excessive growth of filamentous algae forming large mats on the water surface and massive proliferation of certain species of Lemna*".

This excessive growth "*adversely affects the ditch invertebrate and plant communities through... shading, smothering and anoxia*" which in turn allows those species better able to cope with such conditions to dominate. The result is a decline in habitat quality and structure. NE state that "*The vast majority of the ditches within the Ramsar Site and the underpinning SSSIs are classified as being in an unfavourable condition due to excessive P and the resultant ecological response, or at risk from this process*".

NE identify the sources of the excessive phosphates as diffuse water pollution (agricultural leaching) and point discharges (including from Waste Water Treatment Works ('WWTWs')) within the catchment noting that P levels are often 2-3 times higher than the total P target set out in the conservation objectives underpinning the Ramsar Site. In addition NE note that many of the water bodies within the Ramsar Site have a phosphate level classed as significantly less than 'Good' by reference to the Environment Agency's Water Framework Directive and that the river catchments within the wider Somerset Levels are classed as having a "*Poor Ecological Status*".

NE have advised the Council that in determining planning applications which may give rise to additional phosphates within the catchment they must, as competent authorities, undertake a Habitats Regulations assessment and undertake an appropriate assessment where a likely significant effect cannot be ruled out. NE identify certain forms of development affected including residential development,

commercial development, infrastructure supporting the intensification of agricultural use and anaerobic digesters.

In response to this situation the Development Consortium has acted quickly and developed a site specific solution, with help and assistance from the Council and Natural England.

This has resulted in the submission of additional key supporting documents; a Phosphate Mitigation Strategy, a Fallow Land Management Plan, a Shadow HRA Assessment Report and Phosphate Strategy Composite Plan. These detailed documents are available on the planning case file (42/20/0031) on the Council's website.

The Shadow Habitats Regulations Assessment report sets out the level of phosphorus which would be generated by a quantum of development on the site, the current land uses and their impact on phosphate creation and calculates the mitigation required. It concludes that in order to achieve phosphate neutrality for an initial tranche of 306 homes on the site part of the site in the Western Neighbourhood will be fallowed.

The key design principle for fallowing is the creation and maintenance of permanent vegetative cover (as opposed to bare ground) to provide soil stability and minimise the runoff of silt and/or phosphate from the land. The 'Fallowing' comprises 1.88ha proposed to be planted as native shrub and woodland as part of the dormouse mitigation strategy for the Site, taking account of the loss of dormouse habitat (hedgerows) permitted under a Natural England European Protected Species Licence and 37.98ha proposed to remain open and undeveloped but reverted from arable to a low maintenance grassland/ley with no fertilisers applied.

Management of the Fallow Land will be undertaken in accordance with the submitted Fallow Land Management Plan.

The proposed Phosphate Mitigation Strategy is an interim measure for the three pending Reserved Matters Sites. As explained land is to be taken out of agricultural production prior to the first occupation. Future Reserved Matters Applications for development (in accordance with the Outline Planning Consent) will come forward for the Fallow Land and therefore in order that future development is acceptable, mitigation will be required, for both the future development and the Reserved Matters sites that will have been approved by then. An updated Phosphate Mitigation Strategy would be required at that stage.

In summary a Likely Significant Effect on Somerset Levels and Moors Ramsar has been identified as a result of water quality (phosphate) impacts, in isolation and in combination with other plans and projects. Mitigation in the form of land-use change and fallowing of agricultural land, secured through delivery of a Management Plan, would ensure that phosphates generated by this Reserved Matters Site would be mitigated. It is considered that the Council can conclude that there would be no adverse effect on the integrity of the Conservation Objectives of the Somerset Levels and Moors Ramsar Site, either in isolation or in combination.

The submitted documents have been reviewed by the Council's retained Ecologist and Natural England.

Somerset Ecology Services as the Council retained Ecologists have agreed that the sHRA can be adopted by the Council.

The method of securing the mitigation measures has been discussed and in this instance a suitably worded condition is proposed.

In conclusion 306 dwellings are deliverable whilst maintaining phosphate neutrality and therefore ensuring no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site.

Detailed representations have been received from a couple of residents concerning the implementation of the Fallow Land Management Plan. Comments relate to the presence of uncultivated field margins on the edges of the field which are proposed to be fallowed. Questions regarding the temporary fencing along field boundaries, which are tree protection fencing, are made and the potential to impede the future management in line with the FLMP.

Comments have been sourced from the Consortium's ecologist:

- *Field margins around arable fields are essentially the equivalent of fallowed land, with an equivalent (low) phosphate load. However, these margins are too small in extent to be mapped and measured separately and have thus been assumed to have the same (high) phosphate load as the rest of the field.*
- *As a result, the calculations slightly over estimate the current phosphate load from each field and also slightly over estimate the reduction in phosphate load by the same amount, therefore this does not affect the reliability of the calculations overall.*
- *These margins would essentially be managed as grassland in the same manner as the grassland to be established in the field interiors although a very narrow strip would likely be left simply to avoid damaging any boundary hedgerows. Any fencing currently in place to protect the hedgerows during construction activity would be removed from the areas to be fallowed prior to implementing the FLMP, thus enabling management of the whole field as specified.*
- *In terms of public access, access will be allowed along existing rights of way but informal access routes within fallowed areas may not remain given the gradual build out of housing in the wider area.*

Given the views of Natural England and Somerset Ecology Services it is considered appropriate to proceed on the basis of the submitted approach which will unlock the site.

## **Conclusion and planning balance**

The delivery of the Garden Community will make a significant contribution towards meeting 'transformational housing growth' in Taunton and the wider council area.

The principle of development of a neighbourhood on this site, together with access connection to the existing road network and principle drainage issues, was agreed with the outline planning permission. The reserved matters application accurately reflects and builds upon the outline approval and the approach taken in the approval of Reserved Matters on the first housing parcel H1b, adjacent to the parcel subject to this submission H1a.



The previous Reserved Matters application ref. 42/20/006, considered by Councillors, similarly raised issues of design quality, site viability and the approach that should be taken with the Reserved Matters submissions that will now be continually submitted across the whole of the Western Neighbourhood over the coming months and into 2021.

There has been engagement by the applicant's agent and officers have added value by seeking amendments to plans during the application stage, many to align with changes similarly made to parcel H1b and the valuable input from the Placemaking Specialist. A number of issues have been fully or partially resolved, however it has not been possible to fully resolve all the issues raised. Of those issues that remain, explanations have been provided by the applicant as to why they have chosen to progress this design for a decision without making changes.

The parcel contributes, in a small way, to the comprehensive landscape and green infrastructure scheme for the Comeytrove site. The wider site is delivering substantial areas of open space, including new parks and gardens, allotments, playing fields and tree planting in line with the garden town vision approved by Reserved Matters 42/19/0053.

The development consortium is building momentum by opening up the site and seeking reserved matters approval, even in uncertain times. This application would deliver housing, including affordable housing, and its positive determination in a timely manner would keep delivery of the 'additionality' affordable homes on track.

Having had regard to the representations of objection and the advice of the various consulted parties, it is considered that with regard to the planning balance the benefits of the scheme significantly outweigh the impacts. Overall, within the parameters set by the outline consent, the proposal represents sustainable development.

Whilst the few remaining reasons for concern are understood the planning committee will need to decide if any of those matters individually or collectively warrant withholding reserved matters approval, and furthermore what the planning reasons would be and what demonstrable evidence would be provided and expert witness' called should the matter be subject to a future appeal.

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

**Contact Officer: Simon Fox**

## Appendix A

Here are specific answers to the points raised by Bishop's Hull, Trull and Comeytrowe Parish Councils' in connection with application 42/20/0031.

<i>With the previous application for pumping station (42/20/0024) being deemed invalid, surely no development can proceed until the issue of drainage is resolved?</i>	The issue of drainage is dealt with via the outline consent and an associated condition. The drainage strategy involves the use of a sewerage pumping station. Consent for the RM should not be withheld on the basis of the drainage situation. Clearly if consent is not given for the sewerage pumping station then the developer will not start to build houses they cannot drain.
<i>No public open space, play provision or local amenities provided for the proposed new 75 houses or for the previous 70 house (42/20/0006)</i>	The location and phasing of POS and play provision is set out in the s106 agreement. The first triggers are beyond the combined occupations of H1a and H1b.
<i>Previous objections are reiterated concerning the spine road completion, the need for the school and adequate measures to prevent flooding.</i>	The phasing and timings for the provision of the entire spine road and the primary school are set out in the s106 agreement. Strategic surface water drainage is achieved in accordance with the outline consent and associated condition. This parcel fits into that strategy and is agreed by the LLFA.
<i>Despite the apparent deadline for comments online there are not yet any responses from key internal consultees such as the Placemaking Specialist and the LLFA, both of whom objected initially to application 42/20/0006 for the first parcel of houses (the Placemaking Specialist maintained her objections despite some amendments to the plans). It is impossible for the public and Parish Councils to comment meaningfully without all the information being made available to them.</i>	Parish Councils are not asked to consider those comments from statutory consultees but provide SWT with their view and comments. Parish Councils are consulted in parallel to statutory consultees and given the same amount of time to provide comments should they wish.
<i>The site requires an updated EIA.</i>	There is need for a new EIA. A similar request was made in response to H1b.
<i>Conditions of the outline permission remain to be completed despite the assurances from the applicants.</i>	The conditions are a separate matter to the Reserved Matters application before us.
<i>The District Council has an obligation to follow the guidance on garden town planning.</i>	There is no obligation. The Garden Town Status was established on the back of resolutions to grant planning permission to sites like Comeytrowe. There is more commentary on this matter within the body of the report.
<i>The houses are not distinctive.</i>	This is a matter of opinion.
<i>The key space is insufficient.</i>	It is unclear what it is insufficient for?
<i>The houses should be future proofed.</i>	It is unclear what they should be future proofed for?
<i>Emails concerning the validation of the application should be reinstated online.</i>	It is unclear what is meant by this, if there is a specific issue the case officer can be connected to resolve.
<i>There is insufficient buffer/protection between the proposed development site and the existing adjacent property. It is worrying that this may set a precedent for the next phases where the development site adjoins existing properties where no 'green zone' has been detailed on the plans.</i>	It would not be fair to withhold consent on this application because of what might happen on another pending RM application. Each application should be determined on its own merits.

<i>It should be noted that the original outline application detailed these areas as residential, to include play parks, green areas, appropriate landscaping, etc., however, these green elements seem no longer included within the detailed scheme. This is an important aspect of the design that is critical in protecting the privacy and wellbeing of existing residents.</i>	The RM application needs to be assessed in the context of existing permissions, which contain the POS and landscaping referred to. Nothing has been omitted from what was set out at outline.
<i>Lower density houses were promised at the north and west sides and at the higher points and ridge lines of the development. The artists impression shows higher density housing at these locations.</i>	There is commentary on this with the body of the report.
<i>It appears SCC require additional land for an 'all through' school, to include both primary and secondary education.</i>	The outline and s106 detail the provision of a primary school. Anything else is speculation on behalf of the parish council.
<i>The climate emergency announced by the Government is at odds with the current mitigation measures detailed within the proposal which now seem insufficient.</i>	The outline application was approved before such announcements, by Government or SWT. There is commentary on this matter within the body of the report.
<i>Hedgerows along the A38 towards Rumwell have been ripped out prematurely and without the necessary promised consultation.</i>	The hedgerow alongside the A38 was removed, as approved by the outline consent and detailed access arrangements, in particular the A38 roundabout. Work on that aspect of the scheme is now underway.
<i>The promised Environmental Impact Assessment appears not to have been forthcoming.</i>	There is need for a new EIA. A similar request was made in response to H1b.
<i>Hilltop parks were promised at high points, but these are missing from the draft plans.</i>	Parks/Green spaces were secured at the outline stage as part of the masterplan at high points across the site. There is one to the rear of Highfield Crescent, but not to the rear of Jeffreys Way.
<i>The Spine Road – Needs to be completed early in the development.</i>	The phasing and timing for the provision of the entire spine road is set out in the s106 agreement.
<i>School –Construction of the School needs to be a priority at the early stages of the development.</i>	The phasing and timing for the provision of the primary school is set out in the s106 agreement.
<i>Local Area - The impact on the surrounding area during and after the development needs careful consideration.</i>	Noted but there is no reference to what impact is being referred to specifically.
<i>Flooding Measures - flooding prevention in the area needs for proper investigations to be carried out and adequate plans put in place to ensure the development does not impact on this.</i>	Strategic surface water drainage is achieved in accordance with the outline consent and associated condition. This parcel fits into that strategy and is agreed by the LLFA.
<i>Enforcement of Planning Conditions – It is essential that SW&amp;T ensuring that proper enforcement is carried out to ensure the developers adhere to the Traffic Management plan before commencement of the development (e.g. Wheel wash in place).</i>	Officers will monitor conditions when on site, otherwise will respond to reports and complaints locally concerning any apparent breaches.