

VISTRY AND LIVEWEST

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, together with additional details as required by conditions 7, 9, 11, 12, 13,14, 15, 16, 18, 19, 20, 21 and 23 at Phase H1C on land at Comeytrove/Trull

Location: LAND AT COMEYTROWE/TRULL

Grid Reference: 320039.123526 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-11 RevB	Site Location Plan
DrNo PL-VI-12 RevB	Site Context Plan
DrNo PL-VI-13 RevC	Planning Layout
DrNo PL-VI-14 RevB	Materials Plan
PL-VI-14.1 RevA	Materials Plan Specification
DrNo PL-VI-15 RevB	Boundary Treatments plan
DrNo PL-VI-15.1 RevA	Boundary Treatments
AC-VI-13 RevC	Accommodation Schedule
SS-VI-02 RevB	Street Scenes and Sections
DrNo HT-H1c-S-Cartwright-01 RevA	Housetype, Secondary Frontage – Cartwright
DrNo HT-H1c-S-A24L-01 RevB	Housetype, Secondary Frontage – A24L
DrNo HT-H1c-S-A24L-02	Housetype, Secondary Frontage – A24L
DrNo HT-H1c-S-Elmslie-01 RevA	Housetype, Secondary Frontage – Elmslie
DrNo HT-H1c-S-Elmslie-02 RevA	Housetype, Secondary Frontage – Elmslie
DrNo HT-H1c-S-Elmslie-03 RevA	Housetype, Secondary Frontage – Elmslie

DrNo HT-H1c-S-A30L-01 RevB A30L	Housetype, Secondary Frontage –
DrNo HT-H1c-S-A30L-02 RevA A30L	Housetype, Secondary Frontage –
DrNo HT-H1c-S-Becket-01 RevA Becket	Housetype, Secondary Frontage –
DrNo HT-H1c-S-Becket-02 RevA Becket	Housetype, Secondary Frontage –
DrNo HT-H1c-S-Becket-03 Becket	Housetype, Secondary Frontage –
DrNo HT-H1c-S-A40L-01 RevB A40L	Housetype, Secondary Frontage –
DrNo HT-H1c-S-Aldridge-01 RevB Aldridge	Housetype, Secondary Frontage –
DrNo HT-H1c-S-Pembrooke-01 RevA Pembrooke	Housetype, Secondary Frontage –
DrNo HT-H1c-K-Cartwright-01 RevB Cartwright	Housetype, Local Space Frontage –
DrNo HT-H1c-K-Cartwright-02 RevA Cartwright	Housetype, Local Space Frontage –
DrNo HT-H1c-K-Elmslie-01 RevB Elmslie	Housetype, Local Space Frontage –

DrNo HT-VI-SGAR-11	Single Garage
DrNo HT-VI-SGAR-12	Double Garage Double Owner
DrNo HT-VI-SGAR-13	Double Garage Extended
DrNo SRS-VI-01	Steps and Railings Study
DrNo BR-L-N1-PL213 Rev B	Planting Plan Layout
DrNo BR-L-N1-PL214 Rev B	Planting Plan Sheet 1
DrNo BR-L-N1-PL215 Rev B	Planting Plan Sheet 2
BRL-L-N1-PL303	Landscape Details, Tree Pits,

DrNo 02-ATR-3001 RevC	Fire Tender Tracking Plan
DrNo 02-ATR-3101 RevC	Refuse Vehicle Tracking Plan
DrNo 02-GA-3001 RevC	Preliminary Highway Levels Plan 1
DrNo 02-GA-3002 RevC	Preliminary Highway Levels Plan 2
DrNo 02-GA-3101 RevC	Preliminary Adoption Plan
DrNo 02-GA-3201 RevC	Preliminary Junction Visibility
DrNo 02-RP-3001 RevB	Preliminary Road Profile

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

Drainage Statement 1033 Rev A, awp, January 2021

DrNo 02-DR-3001 Rev B Parcel H1c Preliminary Drainage Layout
Planning Statement

H1c Compliance Statement, COM-VI-02

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

Fallow Land Management Plan, edp782_r055c, 15/01/2021

Shadow HRA Assessment Report, 210115_P1136_sHRA_Final, ead,
15/01/2021

Phosphate Strategy Composite Plan, DrNo 9985 RevC

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 H1c(i).
For a period of ten years after the completion of the development (Phase H1c(i)), 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.
This is a unique Reason
3. The development hereby approved shall be carried out in full accordance with the materials plan and specification DrNo PL-VI-14 RevB and PL-VI-14.1 RevA 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 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.
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 - 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 64 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 H1c(i)-Vistry/LiveWest) on land at Comeytrove/Trull.

The application has been amended from its original submission which was for 192 dwellings and comprised the whole of Parcel C and also Parcel F. The application was reduced to 64 dwellings in response to the issue related to the Somerset Levels and Moors Ramsar Site detailed later in this report. The effect of this is that

Parcel C is now split into H1c(i) which is this application and H1c(ii) which will form a separate application along with Parcel F in the future.

This is the third reserved matters approval sought in relation to the appearance, landscape, layout and scale of 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 20. A second Reserved Matters application 42/20/0031 seeks 76 dwellings on parcel H1a for Vistry and Livewest.

The residential schemes follow the approval by committee of reserved matters relating to strategic infrastructure 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 64 dwellings comprise 2, 3 and 4-bed houses (31 market, 33 affordable). 12 affordable units are secured via the s106 and 21 units represent the 'additionality' units.

Parcel H1c(i) will contain 64 dwellings and is located on the periphery of the site sharing its northern boundary with properties at Jeffrey's Way. The western boundary borders a right of way running north-south from the A38 to Higher Comeytrove Farm, and also Parcel H1a. To the south of the parcel will be an area of public open space, containing strategic surface water infrastructure and a Local Equipped Area of Play. This area is not yet consented. Further to the south is Parcel H1d and the body of the Western Neighbourhood which will itself adjoin the Local Centre. To the east of Parcel H1c(i) is Highfield Park, the consented area of Public Open Space to the rear of Highfield and Highfield Crescent. This is the area that contains a public footpath connecting Comeytrove Lane to Jeffrey's Way and also contains the two significant protected trees.

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.

The proposed dwellings are predominately two-storey houses save for 6 units (3x semi-pairs) which are 2½ storey containing dormer windows. 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 5 detached, one terrace of three dwellings and the remainder are semi-detached. 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 street trees and planting to

front garden areas.

In addition to the wider revision to reduce the number of units a number of amendments to plans have been sought and submitted since submission of the application. 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 H1c(i) of the site and sits within Trull parish. Parcel H1a is the only residential parcel that sits exclusively within the parish of Bishops Hull. All remaining parcels lie with Trull parish.

The site slopes from the north to the south with the highest point being on the boundary with Jeffrey's Way properties.

Other than a couple of larger trees (both Eucalyptus) on the boundary with Jeffrey's Way the only notable landscape feature is the native hedgerow which runs north south from the boundary of Jeffrey's Way, and the hedgerow which runs north south along the right of way from the A38. Both hedgerows have been incorporated into the proposed layout and form the eastern and western extents of the amended Parcel H1c(i). The boundary with Jeffrey's Way is largely open with only a certain number of properties having any discernable boundary treatment, or where there is its low domestic hedging or open style low fencing.

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. 42/20/0031 - 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 76 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Phase H1a on land at Comeytrove/Trull – 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.

TRULL PARISH COUNCIL - H1c - Comment:

I would like the following noted against this planning application on behalf of Trull Parish Council; There is a feeling of disappointment that the website lacks information from the crucial statutory consultees such as LFA, Highways, Wessex Water, Environment Agency, Place-making specialist. There is not enough

information yet in order to make full comment.

Further comment on H1c(i):

Trull Parish Council wishes to object to this application on the following grounds:

- 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'. This area has only 5 detached houses out of 64. We note also that this parcel has disingenuously added on a large part of the road which makes the density of housing seem lower than it really is.*
- 2. The Placemaking Specialist objects to yet more badly designed houses and laments the absence of an agreed Design Guide and Architectural Appearance Palette as required by conditions 4, 5, and 6.*
- 3. Condition 13 – requires a detailed drainage scheme for this parcel of land. It hasn't yet been done and the LLFA still require a long list of drainage details and SUDS plans.*
- 4. SCC Highways report that Condition 26 needs to be fulfilled which requires the developers to ensure that cycleways and footpaths are properly planned and built before the houses are occupied.*
- 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) - H1c - Objection:

- The height of the new properties will have a negative impact on loss of privacy of existing properties in Jefferies Way.

BISHOP'S HULL PARISH COUNCIL (Adjoining PC) - H1c - No comments to make.

ENVIRONMENT AGENCY – No comments received.

LEAD LOCAL FLOOD AUTHORITY – H1c(i) - No objection in principle but some details need needing/clarifying.

[officer note: additional information clarifying matters has been received and send to LLFA, a verbal update will be given to the planning committee).

WESSEX WATER – No objection to RM app.

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

HISTORIC ENGLAND - H1c - Advised to take recommendations into account.

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:

“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.

Comments

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. Phase H1C lying south of Rumwell Park and some distance from Trull conservation area has less sensitivity to those assets and less impact on setting through being blocked by proposed housing and agreed mitigation landscaping. It is considered that there will be no harm to heritage assets by allocation H1C”

HIGHWAYS ENGLAND - H1c(i) - No objection.

SCC - TRANSPORT DEVELOPMENT GROUP - H1c(i) – Comments:

“As noted previously, this proposal is a reserved matters application following outline permission 42/14/0069. Any issues relating to the possible impacts of the scheme on the wider transport network would have been considered at that earlier time.

The application submission has now significantly changed, and the number of proposed dwellings has reduced to a total of 64 dwellings, down from 194 dwellings as originally proposed. Having reviewed the planning submission it appears that the proposed change has been generated by the conclusions of the Phosphate Mitigation Strategy, which now forms part of the current planning application package.

As the scale of the proposed development is much reduced, there are a number of earlier comments that are no longer relevant. In particular, the site layout plan shows that the area known as Phase H1f has now been comprehensively removed from the current submission. The scheme no longer includes any of the bus gate elements at Comeytrowe Road, and the secondary spine road is not part of the updated submission. The earlier comments relating to those elements are no longer relevant to the revised scheme.

As previously noted, there is a need to now consider the requirements of Condition 26 which was attached to the earlier outline planning permission (42/14/0069). In order to fully assess the pedestrian and cycle connection requirements through this part of the site there is a need to understand how the overall strategy for the site will be delivered, and the phasing of the infrastructure as part of this. Associated with this comment, there are a number of public open spaces immediately adjacent to the development proposals where the connections (on key desire lines) through this land will become important as the site is developed. It also remains unclear when external pedestrian / cycle connections could be achieved, and it is requested that the requirements of Condition 26 are presented at this time, and that the application details are determined on that basis. This further information is needed to clarify how this proposal fits with the wider infrastructure (some of which may have to be temporary in nature) to ensure that appropriate access can be provided to the site.

A key issue that needs to be addressed at this time is the cycle infrastructure shown as part of the design of the road labelled as NR01 (or WR01 in some technical submissions). This shows a segregated cycle route along the southern side of the road. However, this route does not appear to be on a significant cycle desire line, and a more direct route could also become the preferred option through the public open space immediately to the south of the application site. Without understanding how the wider pedestrian and cycle connections will be achieved, there is a risk of delivering a route that will not be used by a large number of cyclists (and the more desirable route to the south would not be designed to the appropriate standard to meet the demand). It is recommended that this detail is considered against the wider objectives and timescales for cycle infrastructure being delivered across the site.

Having reviewed the submitted Site Plan, there does not appear to be any visitor parking spaces included as part of the revised scheme. This is not in accordance with the adopted parking standard requirements, and it is requested that this is reviewed by the applicant before any planning decision is made.

It is noted that a small part of proposed highway (including the adjacent

footway), which is intended for adoption by the highway authority, would need to be submitted for technical design. The rest of the proposed highway is already at the Section 38 technical design stage and any comments made regarding the detail of the proposed highway will be provided as part of that current process. As noted above, there are key issues that should be considered by the applicant, and it is recommended that these should be reviewed before a final planning decision is made. The highway authority will provide a further consultation response following any necessary discussions and on receipt of updated information”.

[Officer comment: plans are being amended address these concerns, a verbal update to be given to planning committee]

SCC RIGHTS OF WAY - H1c - No objection.

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

The area adjacent to T 29/10 has now been withdrawn from the application.

ECOLOGIST – No objection.

Conditions 18, 19, 20, 21 and 22 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 H1c(i).

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.

“Overall the quality of the design for this RM is poor. The layout lacks any imagination or streetmaking skills and will be a standard boring suburban estate. There is no variation in density resulting in a uniform layout. House types are anywhere national house types with no reference to the character or appearance of Taunton. I would recommend Design Review.

Layout:

- *The layout shows no imagination in placemaking and legibility is poor and the key group and key buildings are not defined in any way in this layout (all very uniform standard boxy units with little grouping or linking together to create good townscape). No identity is being created; this layout is clearly a numbers exercise to cram as many units on the site as possible*
- *The approved masterplan has a low density edge (plots 80 – 173). As proposed has no differentiation in the density and is all uniform. The edge is far too cramped and number need to be reduced.*
- *Parking layout doesn't conform to the Tertiary Cycle Street design layout characteristic set in the approved masterplan. This states that parking should be to the side of houses (not frontage).*
- *Key building - plot 137/138 does not turn the corner*

House Types:

- *Standard suburban house types of anywhere design that relate nothing to the defined Taunton character as defined in the approved masterplan and design guide for this western neighbourhood.*
- *Houses all uniform height with no differentiation between 'cottage' form and 'town house'*
- *No informality to what should be a low density edge to existing properties.*
- *No roofscape interest*
- *Poor design for key buildings and secondary building which will not give legibility and landmarks in the streetscenes. Box dormers to the front of key buildings is unacceptable.*
- *I would like to see a drawing specifically showing key and secondary buildings as there are too many house types*
- *Whole layout lacks wide frontage units which help create for visual interest to a streetscene and provide variety (systematic of a cramped form of development)*
- *Terrace elevations lacking symmetry of windows*
- *Little variation in boundary treatment. Lack of wallscape for boundaries, both stone walls and brick walls*
- *Casement windows pretending to be vertical sash windows in 'town houses' – be convincing and execute a design properly*
- *Needs more articulation of corner buildings with bays and side windows*
- *Stone buildings are needed both for key buildings and the informal green edge*

Materials:

- *Some use of stone would help uplift the quality including stone walls*
- *There is one cream gilt brick house and this doesn't relate to other materials*
- *Natural slate for key and secondary key buildings*

General Observations:

- *The Design Guide and Architectural Appearance Palette needs to be discharged for parcels ahead of RM applications, as according to planning conditions 4, 5 and 6 attached to outline planning permission 42/14/0069. This in my professional opinion is completely unacceptable and will result in a lower quality of development. We need to set the expected standard of design in the Design Guide and Architectural Appearance Palette ahead of a RM being submitted”.*

LANDSCAPE – Comments:

Commenting on the Appearance Palette

“With regards to local building materials certainly ham stone and blue lias are used on local buildings but probably the key material is the local chert which was readily available locally. I suggest that those three local stones are used on the key buildings in particular but also throughout the scheme. I would avoid reconstituted stone unless it is of the best quality.

Car parking should be excluded from key open spaces.

Given that the open spaces are also used as wildlife corridors suitable lighting levels should be used to avoid glare and the potential impacts on bat and moth feeding routes

Regarding the proposed scheme subject to trees in the back gardens of the more northerly houses and trees on the shared fence lines of the more southerly houses I’m relatively happy with what is proposed. I understand there is a need for a retaining wall to the south, along the red line, but low water demanding trees such as Amelanchier, Betula and Sorbus species should not cause any damage if planted 1m away from the structure according to BS5837:2012.

There may be maintenance issues whether trees are within private or management company ownership but I assume that can be agreed as part of the landscape details”.

BLACKDOWN HILLS AONB – No comments to make.

TREE OFFICER – Comments on the wide H1c application before amendment:

Concerns relating to the retaining walls and impacts on existing trees on Jeffrey’s Way boundary. Detail of trees in hardstanding required.

[Officer comment: plans are being amended to safeguard RPZ, verbal update to be given to planning committee, also a typical detail of tree planting in hardstanding was submitted and agreed]

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 across all phases of this development. The 12 affordable homes proposed is 15.6% of the total 64 homes. This proposal undertakes to provide a further 21 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 33 which is welcomed.

The tenure split of all 33 affordable homes is 52% affordable rent and 48% shared ownership. This does not match the tenure split agreed in the S106 agreement i.e. 60% affordable rent and 40% shared ownership. This will be monitored across all phases of this development.

The affordable housing layout and proposed tenure plan is shown on drawing (A1)

DrNo PL-VI-13c Rev B Planning Layout Parcel H1c dated 27 Jan 2021. This shows the affordable housing arranged in small 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 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. There are two 4 bed houses for rent which is welcomed. The proposed mix reflects the existing need in Taunton and allows for different sized households across the development to encourage a diverse and sustainable community and allow socially supportive and stable community to develop on the site.

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 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 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 - H1c(i) - No objections, comments:
No concerns regarding layout, planting and existing landscaping should be carefully considered to maintain surveillance.

SOMERSET WASTE PARTNERSHIP – No comments received to date.

Where comments are awaited it is anticipated that no objections or only minor issues will be raised. This is based on the response received on H1b and H1a. Any additional consultee responses will be orally updated at committee and those representation will be added to the online case file.

Representations Received

Representations Received

A site notice has been posted and neighbours notified of the application. The council is in receipt of 19 representations. Some are multiple representations from the same person.

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.

The comments made can be summarised as follows:-

- There should be a green buffer to the back of Jeffery's Way, to protect neighbours and the Stonegallows Ridge. Other edges to the development have green buffers.
- Impact of new dwelling on existing properties – overlooking and privacy. Additional mitigation is required. There will be multiple properties on the development side contained within the width of one property on Jeffrey's Way.
- Reduce the density and maximize the distance between new and existing properties.
- The dwelling types should be lower and spaced out, perhaps bungalows.
- Can the road line be altered to move houses away to create better separation distances?
- 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 and the development will not proceed past 306 dwellings thereby not providing a school, local centre and employment land. Additional land is required to be fallowed to compensate for the school and rights of way.
- There is a lack of imagination in the dwelling design.
- The conservation area extends further around Highfield Crescent than is shown.
- 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.
- Comments on the surface water strategic and outline drainage condition.
- Prescriptive rights have been secured on the agricultural land due to walking over it unchallenged for decades.
- Pre-application advice not sought.
- The application must be determined by committee.

Comments relating to specific issues in the part of H1c now withdrawn are not extensively commented on in this report. Representations from residents of the eastern end of Jeffrey's Way and of Highfield Crescent make detailed comments about an area of the site now withdrawn.

Those comments relate to:

- Loss of residential amenity by overlooking and overbearing properties and the inclusion of flats,
- the loss of green buffer
- The bus gate onto Comeytrove Lane needs altering as it doesn't show adequate radii, conditions should also be imposed to protect local amenity.

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 - Comeytrowe / 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 - Comeytrowe / 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.

Application amended to reduce amount of housing provided.

Amendments provide for approx. 6050sqm of housing development.

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 £423,500.00. With index linking this increases to approximately £601,500.00.

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 seek 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 H1c(i).

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 design, changes to finishing materials (including highway), revised boundary treatments and landscaping changes.

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 and rear 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.

It is noted that local residents wish to see a green buffer in this area but that was not secured at the outline stage.

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. This is important given there are requests from neighbours to move the road south to allow houses to also move south and further away from the boundary.

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 11m' 2.5-3 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 30dph so well within the 40dph maxima), however the plan shows predominantly semi-detached houses (87.5%) and some detached units (8%) with one terrace for 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. The proposed density of Parcel H1a is 37.8dph within the lower density range of 20-40 dwellings.

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.

Unlike Parcel H1a this parcel does not fall within the Stonegallows Ridge Special Landscape Feature (SLF). It was also not considered at the outline stage to constitute a hilltop that warranted keeping free of development. Those areas are evident across the site, as shown on the Green Infrastructure Parameters Plan. The area most associated to this parcel is Highfield Park just to the east which is an area that has been kept free of development. This is important in the context of the requests for a green buffer from Jeffrey's Way residents'.

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 previously 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 discharged 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 emerging Appearance Palette for Parcels H1c to H1f has been submitted and discussed in parallel with the consideration of this application and will be agreed simultaneously with this application for Reserved Matters if this application is approved.

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 emerging 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 H1c(i) 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 H1c(i).

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 H1band H1a, 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.
- 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 parcels H1b and H1a.
- Some variation in 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 and imitation slate ensure the visual impact of the development when viewed from sensitive areas is minimised.
- The use of casement windows throughout as per H1b and H1a, with the introduction of ground floor bay windows for visual interest in key locations, and added light to the recipient habitable rooms.
- 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 criticism follows that made with regards to parcels H1b and H1a also. This leads to criticism regarding the lack of imagination and streetmaking skills, no variation in density resulting in a uniform layout, little design definition, and little roofscape interest. 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.

The applicant has 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, there is some variation to an extent due to the topography of the site and stepped rooflines, a mixture of roof materials and chimneys add interest; Tree planting within and around the site edges will also help contain and disrupt built form to some extent.

There is an standing 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 and proposed as part of H1a.

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, spaces and places. 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 parcel sits outside what could be considered the setting of Rumwell Park and associated gate piers on the A38. The two nearest listed building with any possibility for inter visibility are Comeytrove Manor and Higher Comeytrove Farm. Higher Comeytrove Farm is located at some distance in a bowl in the landscape. Parcel D will need assessment in regard to the setting of this listed building. Comeytrove Manor is adjacent to Parcel F but that part of this application has been withdrawn and so its significance would only be effected by the change in use of farmland to the north, which forms a rural 'backdrop' to the listed building. 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 are required.

The Listed Buildings and Conservation Areas Act 1990 is relevant in order to assess the impact on heritage assets. The views of the Conservation Officer are noted. The outline application was obviously approved on this basis of the parameters plans and assessing the extent of built development, and the removal of the unsightly industrial estate area. There is no reason to withhold reserved matters approval on the basis of 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*

Parcel H1c as a whole adjoins 11 properties on Jeffrey's Way. As amended, the smaller Parcel H1c(i) adjoins 8 properties towards the eastern end. Within that same distance on the development site 28 houses are proposed.

Properties at Jeffrey's Way are large two-storey detached houses with large rear gardens. The gardens enjoy a panoramic southerly aspect and due to that some have low or very lightweight boundary treatment, in some cases are effectively open to the existing field. The houses themselves have either been built or modified to enjoy the views and southerly aspect.

The field level changes across the boundary, from dropping sharply at the western end to more-or-less level at the eastern end. The field then drops continuously away to the south. As explained in the site description section there are hedges at the eastern and western end and several large trees on the boundary.

The form of development within the site adjoining Jeffrey's Way is predominately two-storey in 12 semi-pairs, plus two pairs of 2½ storey and two detached houses.

In tandem with the submission of the application (as the larger H1c parcel at the time) officers engaged with residents to brief them of the submission, supported by the Development Consortium. Residents were able to explain their concerns and understand how planning issues relating to residential amenity are assessed by the Council. As a result of this some amendments were made and site section drawings

were produced to help illustrate the proposed relationship. At the western end the site is to be excavated and retaining walls will be employed to create level building plots and a road to a suitable gradient, as such the proposed properties at that end are lower relative to the properties at Jeffrey's Way. Moving to the eastern the land will be more level and as such the proposed properties are only slightly lower or level.

The determining factor therefore becomes the separation distance and window-to-window relationship. Officers and Planning Inspectors will assess the topography and use a distance of 21m to ascertain whether overlooking will occur to habitable rooms. In this case the minimum distances between existing and proposed properties is 30m and that gradually increases house by house to 54m. 7 Jeffrey's Way properties were visited to assess this relationship in person and to explain the process with those homeowners.

The extent and strength of objection is noted and clearly the development will change irreversibly the view and aspect from these properties. However the relationship in terms of levels and distance is favourable and as such it considered the relationship between proposed properties and those at Jeffrey's Way is acceptable in planning terms. Planning Committee members will be well versed on the fact that no property has a right to a view over land to which they have no control. Given the relationship of distance and levels it is not appropriate to insist on single storey dwellings or any planning reason to insist on the properties being spaced out so views can be retained through gaps. Where there are 2½ storey dwellings the rear roofslope do contain rooflights so they have been moved above head height.

Discussions with those residents also included the proposed boundary treatment and ways they may mitigate perceived impacts within their own property through planting.

Discussions with the Development Consortium, based on feedback from residents, has led to a 2m fence with 300mm trellis being proposed as well as some small trees spaced out along the boundary on the development side. This proposal is currently being communicated to those residents affected. Whilst typically a 1.8m high fence is standard in such situations, a higher fence, given the garden lengths and desire on the part of residents to retain as much privacy as possible is considered acceptable. A higher fence will not prejudice the amenity of those new properties given it is to the north. Properties within the development site will have acceptably sized gardens and will not themselves suffer from overlooking from Jeffrey's Way residents.

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 H1c(i) 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 new sustainable 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.

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.

The parcel contributes, in a small way, to the comprehensive landscape and green infrastructure scheme for the Comeytrowe 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.

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 residents of Jeffrey's Way will remain disappointed by the outcome of this application, whilst accepting the prospect of development has been evident since at least 2014 when the outline consent was submitted. These matters are of course understandably emotional and personal but the application of a standard planning assessment ensures this situation is played with a straight bat and is no different to any other such assessment in a different context.

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.

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