

CASE OFFICER'S REPORT AND RECOMMENDATION

Application No: 42/21/0004

Applicant: TAYLOR WIMPEY

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

Recommendation

Recommended decision: Approval with Conditions

Recommended Conditions:

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

DrNo PL-TW-11 RevH	Site Location Plan
DrNo PL-TW-12 RevE	Site Context Plan
DrNo PL-TW-13 RevR	Planning Layout
DrNo PL-TW-23.1 RevR	Planning Layout
DrNo PL-TW-15 RevD	Boundary Treatments plan
DrNo PL-TW-25 RevD	Boundary Treatments plan
DrNo PL-TW-25.1	Boundary Treatments
DrNo PL-TW-18 RevA	Visitor Parking Plan
DrNo PL-TW-28 RevA	Visitor Parking Plan
DrNo SRS-TW-01 RevB	Steps and Railings Study
DrNo AC-TW-13 RevN	Accommodation Schedule
DrNo SS-VI-11 RevD	Street Scenes and Sections
Dr No SE-TW-02	Site Section
BRL-L-N1-PL116_H1D	Site Section A-A
DrNo HT-H1d-P-NA20-01	Housetype, Primary Frontage – NA20
DrNo HT-H1d-P-NT31-01 RevB	Housetype, Primary Frontage – NT31
DrNo HT-H1d-P-NB31-01 RevB	Housetype, Primary Frontage – NB31
DrNo HT-H1d-P-NB31-02 RevB	Housetype, Primary Frontage – NB31
DrNo HT-H1d-P-NA32-01 RevB	Housetype, Primary Frontage – NA32
DrNo HT-H1d-P-NA32-02 RevA	Housetype, Primary Frontage – NA32
DrNo HT-H1d-P-NA42-01 RevA	Housetype, Primary Frontage – NA42
DrNo HT-H1d-S-PT21-01	Housetype, Secondary Frontage – PT21
DrNo HT-H1d-S-PT22-01	Housetype, Secondary Frontage – PT22
DrNo HT-H1d-S-H13-01 RevB	Housetype, Secondary Frontage – H13
DrNo HT-H1d-S-NA20-02 RevA	Housetype, Secondary Frontage – NA20
DrNo HT-H1d-S-NA21-01 RevA	Housetype, Secondary Frontage – NA21
DrNo HT-H1d-S-NA21-02	Housetype, Secondary Frontage – NA21
DrNo HT-H1d-S-NA21-03	Housetype, Secondary Frontage – NA21
DrNo HT-H1d-S-NA30-01	Housetype, Secondary Frontage – NA30
DrNo HT-H1d-S-NA30-02 RevA	Housetype, Secondary Frontage – NA30
DrNo HT-H1d-S-NT30-01 RevA	Housetype, Secondary Frontage – NT30
DrNo HT-H1d-S-NT31-01 RevA	Housetype, Secondary Frontage – NT31

DrNo HT-H1d-S-NB31-01	Housetype, Secondary Frontage – NB31
DrNo HT-H1d-S-NB31-02 RevA	Housetype, Secondary Frontage – NB31
DrNo HT-H1d-S-NA32-01	Housetype, Secondary Frontage – NA32
DrNo HT-H1d-S-NA32-02 RevB	Housetype, Secondary Frontage – NA32
DrNo HT-H1d-S-NA32-03 RevB	Housetype, Secondary Frontage – NA32
DrNo HT-H1d-S-NA34-01	Housetype, Secondary Frontage – NA34
DrNo HT-H1d-S-NA34-02 RevA	Housetype, Secondary Frontage – NA34
DrNo HT-H1d-S-NT41-01 RevA	Housetype, Secondary Frontage – NT41
DrNo HT-H1d-S-NA42-01 RevA	Housetype, Secondary Frontage – NA42
DrNo HT-H1d-S-NA42-02 RevA	Housetype, Secondary Frontage – NA42
DrNo HT-H1d-S-NA42-03 RevA	Housetype, Secondary Frontage – NA42
DrNo HT-H1d-S-NA42-04 RevA	Housetype, Secondary Frontage – NA42
DrNo HT-H1d-S-NA44-01 RevA	Housetype, Secondary Frontage – NA44
DrNo HT-H1d-S-NA45-01	Housetype, Secondary Frontage – NA45
DrNo HT-H1d-S-NA49-01 RevA	Housetype, Secondary Frontage – NA49
DrNo HT-H1d-S-NA49-02 RevA	Housetype, Secondary Frontage – NA49
DrNo HT-H1d-K-NT31-01 RevB	Housetype, Key Local Space Frontage – NT31
DrNo HT-H1d-K-NT31-02 RevB	Housetype, Key Local Space Frontage – NT31
DrNo HT-H1d-K-NB31-01 RevA	Housetype, Key Local Space Frontage – NB31
DrNo HT-H1d-K-NA32-01	Housetype, Key Local Space Frontage – NA32
DrNo HT-H1d-K-NT41-01 RevB	Housetype, Key Local Space Frontage – NT41
DrNo HT-H1d-K-NA42-01	Housetype, Key Local Space Frontage – NA42
DrNo HT-H1d-K-NA44-01 RevB	Housetype, Key Local Space Frontage – NA44
DrNo HT-H1d-K-NA45-01 RevC	Housetype, Key Local Space Frontage – NA45
DrNo HT-H1d-GE-NT41-01 RevB	Housetype, Green Edge Frontage – NT41
DrNo HT-H1d-GE-NT41-02 RevB	Housetype, Green Edge Frontage – NT41
DrNo HT-H1d-GE-NA42-01	Housetype, Green Edge Frontage – NA42
DrNo HT-H1d-GE-NA44-01 RevB	Housetype, Green Edge Frontage – NA44
DrNo HT-H1d-GE-NA45-01 RevB	Housetype, Green Edge Frontage – NA45
DrNo HT-H1d-GE-NA45-02	Housetype, Green Edge Frontage – NA45
DrNo HT-H1d-GE-NA51-01	Housetype, Green Edge Frontage – NA51
DrNo HT-H1d-GE-NA51-02	Housetype, Green Edge Frontage – NA51
DrNo HT-H1d-GE-NA51-03 RevA	Housetype, Green Edge Frontage – NA51
DrNo HT-H1de-TW-GAR-01	Single Garage Single Owner
DrNo HT-H1de-TW-GAR-02	Double Garage Double Owner
DrNo HT-H1de-TW-GAR-03	Double Garage Single Owner
DrNo BR-L-N1-PL218 RevF	Planting Plan Layout
DrNo BR-L-N1-PL219 RevE	Planting Plan Sheet 1
DrNo BR-L-N1-PL220 RevE	Planting Plan Sheet 2
DrNo BR-L-N1-PL221 RevF	Planting Plan Sheet 3
DrNo BR-L-N1-PL222 RevF	Planting Plan Sheet 4
DrNo BR-L-N1-PL311	Landscape Details, Soft Landscaping Tree Pit
DrNo BR-L-N1-PL312	Landscape Details, Soft Landscaping Tree Pit
DrNo 0980-02-ATR-4001 RevF	Fire Tender Tracking Plan
DrNo 0980-02-ATR-4002 RevF	Fire Tender Tracking Plan
DrNo 0980-02-ATR-4101 RevF	Refuse Vehicle Tracking Plan
DrNo 0980-02-ATR-4102 RevF	Refuse Vehicle Tracking Plan
DrNo 0980-02-DR-4001 RevF	Preliminary Drainage Layout
DrNo 0980-02-DR-4002 RevF	Preliminary Drainage Layout
DrNo 0980-02-GA-4001 RevH	Preliminary Highway Levels Plan 1
DrNo 0980-02-GA-4002 RevF	Preliminary Highway Levels Plan 2
DrNo 0980-02-GA-4003 RevG	Preliminary Highway Levels Plan 3

DrNo 0980-02-GA-4004 RevF	Preliminary Highway Levels Plan 4
DrNo 0980-02-GA-4005 RevF	Preliminary Highway Levels Plan 5
DrNo 0980-02-GA-4101 RevF	Preliminary Adoption Plan
DrNo 0980-02-GA-4102 RevF	Preliminary Adoption Plan
DrNo 0980-02-GA-4201 RevF	Preliminary Junction Visibility
DrNo 0980-02-GA-4202 RevF	Preliminary Junction Visibility
DrNo 0980-02-RP-4001 RevB	Preliminary Road Profile 1
DrNo 0980-02-RP-4002 RevC	Preliminary Road Profile 2
DrNo 0980-02-RP-4003 RevB	Preliminary Road Profile 3
DrNo 0980-02-RP-4004 RevC	Preliminary Road Profile 4
DrNo 0980-02-RP-4005 RevB	Preliminary Road Profile 5

Energy and Sustainability Statement H1d, AES Sustainability Consultants Ltd, Dec20

Drainage Statement 0980 RevC, awp, 21 May 2021

Planning Statement

H1a Compliance Statement, COM-TW-02 – Rev04

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

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 H1d.

For a period of ten years after the completion of the development (Phase H1d), 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. Notwithstanding the particulars and specifications detailed on Materials Plan drawings DrNo PL-TW-14 RevF and DrNo PL-TW-24 RevF and Planning Layout Plan drawings DrNo PL-TW-13 RevR and DrNo PL-TW-23.1RevR all materials for walling, detailing, roofs, doors, windows, rainwater goods and mortar finish, all retaining walls and all hard surfaces, including adopted and non-adopted driveways shall be submitted to the Local Planning Authority for approval and there shall be no occupation of any unit until such materials and specifications are approved in writing. The development shall thereafter be carried out in accordance with that written approval 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. Prior to the first occupation of any dwelling a scheme shall be submitted to and agreed by the Local Planning Authority detailing the provision of electric vehicle

charging points for each dwelling. Each dwelling shall thereafter only be occupied following individual compliance with the agreed scheme.

The submitted scheme shall also detail provision for visitor parking spaces and set out where and why it has not been possible to supply a particular dwelling, apartment or parking area.

Reason: To support the Council in its declaration of a Climate Emergency and to accord with para 110 of the National Planning Policy Framework and Policies PM2 and PP2 of the adopted SCC Parking Standards (2013).

5. Prior to occupation 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, 15/01/2021 shall be implemented and maintained in perpetuity.

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).

6. Works will not in any circumstances commence until:
 - a) Construction operatives have been inducted by a licensed dormouse ecologist to make them aware of the possible presence of dormouse, their legal protection and of working practices to avoid harming dormouse. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed dormouse ecologist within one week of the toolbox talk.
 - b) A total of 50 dormouse boxes will be installed within suitable hedgerow and woodland vegetation located along the retained green spaces and boundary habitats of the site prior to commencement of any habitat clearance works as directed by a licensed dormouse ecologist. Any such box will be maintained in-situ thereafter. Photographs showing their installation will be submitted to the Local Planning Authority
 - c) Works potentially affecting dormouse will then proceed under the supervision of the licensed dormouse ecologist.

Reason: A pre-commencement condition is required to ensure the strict protection of European protected species and in accordance with Policy CP8 of the Taunton Deane Core Strategy.

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. The applicant is reminded that all future outline, reserved matters or full applications related to the employment area as defined in the outline consent and accompanying approved parameters plans and Western Neighbourhood Masterplan will be required to demonstrate they have considered the noise impacts on adjacent residential properties and included sufficient mitigation. This should be demonstrated and informed by appropriate noise surveys submitted with each application.
 5. 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 166 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 H1d-Taylor Wimpey) on land at Comeytrove/Trull.

This is the fourth reserved matters approval sought in relation to housing at this strategic site. Councillors will recall more recently considering applications 42/20/0031 and 42/20/0056 totaling 140 dwellings on two other parcels (H1a and H1c(i)-Vistry/Livewest) with those resolutions being made in February 2021.

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 and then the first residential parcel H1b of 70 dwellings for Taylor Wimpey.

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%. Affordable Housing is being increased on other parcels, but not this one, through funding from Homes England.

The 166 dwellings proposed here comprise 2, 3, 4 and 5-bed houses and also 1 bed flats (137 market, 29 affordable). The 29 affordable units are secured via the s106 and are split 60% rented and 40% shared ownership.

Parcel H1d extends across a large proportion of the Western Neighbourhood. Its western boundary adjoins the approved POS area referred to as The Maze, and the allocated employment area. As the parcel moves eastwards it adjoins Parcel H1b which is to the north, to straddle the spine road which runs through the centre of the whole site and extend along the north edge of the approved Manor Park POS area. The north eastern, eastern and south eastern boundary will adjoin future parcels H1c(ii), H1e and H1f. A pocket park containing a LEAP (play area) is located between these parcels.

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.

Towards the west part 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 and will be similarly into H1d.

The proposed dwellings are all two-storey houses save for several pairs of dwellings which are 2½ storey containing dormer windows and three 2-storey building which are each 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 sheds 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 the 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 H1d of the site and sits within the parish of Trull.

The site is generally characteristic by an undulating landscape. The area of the site south of the spine road slopes from the north to the south east to the un-named tributary of the Galmington Stream. There is a pocket of development to the far west of the parcel that sits on the other side of a hedgerow which runs north south alongside a PROW and extends across the whole site providing a public footpath link between the junction of the A38/Jeffreys Way to the north and Higher Comeytrove Farm to the south.

There is a cluster of development to the south around Higher Comeytrove Farm, which is Grade 2 listed and forms a residential property with small business centre and equestrian centre, plus two separate properties Willoughby and Orchard Cottage, which will back onto Manor Park.

The part of the parcel north of the spine road climbs northwards to meet parcel H1c(ii) and the planned pocket park, incorporating a LEAP.

Other than the previously described hedgerow and the periphery of the site to the south, there is little other existing vegetation (incl. trees) 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. 42/20/0031 - 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 – Approved 8 April 2021.

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 – Approved 8 April 2021.

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 – Approved 8 April 2021.

Ref. 42/21/0020 - Non-material amendment to application 42/20/0006 to allow for adjustments to highway alignments (Phase 1a and Parcel H1b) on land at Comeytrove/Trull - Pending

Ref. 42/21/0032 - Erection and installation of an electricity sub-station on land falling within Phase H1C/H1F at 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. All comments relate to the latest comments received.

TRULL PARISH COUNCIL– Objection:

- *No responses from internal consultees; placemaking specialist, development specialist, flood authority or Wessex Water, so neither Councillors nor the public can make a fully-informed, objective determination.*
- *The consultation has closed before the comments have been submitted by the statutory consultees.*
- *When the statutory consultees have made their comments, then this application should become re-available for consideration.*

Comments on amended plans:

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

- 1. We are disappointed again in the quality and design of the housing. Taunton was given government funding to create a 'Garden Town' built to high standards of locally interesting housing. What is proposed here is more generic, bland housing.*
- 2. The Site Location Plan is inaccurate and shows a large area of spine road which has already been shown on the application for H1b.*
- 3. We are concerned that pedestrian and cycle connections have not been properly detailed (Condition 26).*
- 4. Full details concerning access to Higher Comeytrowe Farm (Condition 29) have not been submitted.*
- 5. The site requires an updated EIA as seven years have now passed since it was done before.*

BISHOP'S HULL PARISH COUNCIL (Adjoining PC) – Comments:

- 1. A summary of how the submission aligns with the relevant planning obligations (not just affordable housing) should be provided to be clear as to how the development is progressing against meeting those obligations; and*
- 2. SW&T must satisfy itself that an update to the ES is not required give the material change in circumstances regarding (in particular) phosphates mitigation, publication of various Garden Town requirements and the declaration of the climate change emergency since the original ES was completed. A legal view from the applicant could be sought to substantiate that issue.*

COMEYTROWE PARISH COUNCIL (Adjoining PC) – On the initial proposal - No material grounds for refusal.

ENVIRONMENT AGENCY – No objections.

“The Environment Agency has no objection, in principle, to the above Reserved Matters application and can agree to the discharge of the accompanying conditions in relation to this phases, although we wish to make the following comments: Phase H1D is located within Flood Zone 1 at the lowest risk of flooding, the ideal flood zone to develop. Condition 12 and 13 surface water drainage, the Lead Local Flood Authority should be consulted. Condition 14 CEMP, we can agree the discharge of this condition in relation to these phases. Condition 16 Construction pollution, we can agree the discharge of this condition in relation to these phases. We would not be adversely affected by the discharge of conditions 7, 9, 11, 15, 18, 19, 20, 21 and 23”.

LEAD LOCAL FLOOD AUTHORITY – No objection.

“The LLFA is content with the reserved matters for Phase H1d and notes condition 13 remains in place as regards to the strategic infrastructure (discussed separately) and the detailed design of this phase’s drainage system”.

WESSEX WATER – No objection to RM app.

Wessex Water has responded as the incumbent sewerage and water supply undertaker for the planning application area. This situation may change, if and when the area is subject to a “New appointments and variations” (NAV). Future planning consultations

should thereafter be addressed to the NAV as the service provider.

“We are satisfied that the submission includes “appropriate arrangements for the points of connection and the capacity improvements required to serve the phase to which it relates” and as such recommend the discharge of Condition 11 as it relates to H1d”.

HISTORIC ENGLAND – No detailed comments to make.

SWT CONSERVATION OFFICER – No objections:

Considerations include the former Conservation Officer’s and Historic England’s comments on the outline application and Environment Statement.

“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 H1D lying south of the allocation, 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. Item 2.3 of the heritage paper refers to parameters considered to mitigate any impact on Higher Comeytrove farmhouse and the conservation officer did not raise any concerns at outline stage. It is considered that there will be no harm to heritage assets by allocation H1D. I concur with the conclusion of the heritage briefing paper (edp0782-r066) and consider due to the distance and character of the assets this part of the site would not result in harm”.

SOUTH WEST HERITAGE TRUST (Archaeology) – No objections.

“As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds”.

HIGHWAYS ENGLAND – On the initial proposal - Offer no objection.

SCC - TRANSPORT DEVELOPMENT GROUP – No objection.

“Highways Development Management is in receipt of updated site layout information in support of the above application for reserved matters. The following comments are in addition to those made by the highway authority on 16th March 2021, and the latest planning submissions have been made in response to those earlier comments.

Planning Overview

As previously noted, this response will be reviewing the suitability of the proposed estate road layout and not the strategic infrastructure that was approved as part of an earlier planning application (see application 42/19/0053). In addition to the parcel being served by the main development spine road, there are elements of the Phase H1b development that would need to be delivered to ensure that appropriate access could be provided to the phase now being considered. It is assumed that the wording of the standard estates road planning condition, and that were attached to the earlier outline permission, will cover this requirement.

There are elements of the spine road design that will be dependent on the separate highway design approval process and it could affect some of the highway aspects shown. In particular, there will be a need to consider the cycle infrastructure design, pedestrian crossing points, and also ensure that visitor parking spaces do not adversely impact on visibility splays. This process will continue beyond the timeframes of this current planning application.

Discussions relating to the requirements of Condition 26, which was attached to the earlier outline planning permission (42/14/0069), continue with the applicant team and the local planning authority. These have progressed over the previous weeks and the development team are working towards a positive conclusion. However, it is considered absolutely critical that these pedestrian / cycle routes are agreed at this stage, and that the application details are determined on that basis.

The latest submission now responds to the comments made regarding the pedestrian

and cycle infrastructure that was approved as part of planning application 42/19/0053. There were earlier concerns regarding the discrepancy through public open space areas that adjoin the southern boundary of the site, and this is considered to be a critical route. The latest drawing submissions overcome these earlier problems, although there appears to still be one small section of hard surface missing at the most westerly connection. Given the level changes across the southern part of the site, there will be a need for vehicle restraint features at some locations, and there will also be a need for pedestrian safety fencing as well. However, it is assumed that this would be secured as part of the Public Open Space delivery (the vast majority of this is outside of the current red line boundary).

The highway authority raised comments regarding Condition 29, which was attached to the earlier outline planning permission (42/14/0069). The applicant has also progressed these discussions and a proposal has been submitted for review to the local planning authority for comment and a decision. When assessing this current planning application, there is a need to ensure that the alternative access routes are a realistic prospect from other parts of the site at a future date.

Technical Review

The initial highway response raised a number of technical design issues, and these are reviewed below.

Previously a query had been raised regarding the possibility of accommodating private drives that were open to "through traffic". It is noted that this is no longer being promoted as part of the scheme.

All highway materials that are proposed to be used within this phase of the development must be consistent with those promoted for earlier residential phases. It is understood that the technical design check process is underway for those phases, so there will be a need for future technical submissions to be consistent with the arrangements being agreed at adjacent development parcels. There are some larger areas of block paving carriageway shown, and depending on the materials used this could attract a commuted sum as part of the future Section 38 agreement process.

It was previously noted that there is a section of the site in the South West corner of the development which is set apart, and that there are opportunities to enhance the quality of the design in this section of the site. The design has been altered and is improved in comparison to the initial submission.

A proposed street within the central southern part of the site has been downgraded to a shared surface environment and this is considered to be acceptable given the number of dwellings being served.

The earlier drawings showed a north / south cycle route through the site. Given the low levels of traffic anticipated in this part of the site and no strong through route desire line for cyclists, this is considered to be appropriate. It is also noted that the public footpath is shown to be routed through the verge on the western side of the site, before linking back into the more formal pedestrian infrastructure towards the south of the site. Crossing provision for pedestrians is provided to ensure that access to the South Western part of the site can be accessed.

The initial site review identified two rear parking areas in the south eastern part of the site, and these had awkward parking arrangements. The rear parking courts are retained as part of the latest layout proposals, and whilst some of the walking distances have been made shorter, the highway authority maintains concerns about how easily these spaces would be used by future residents. It was also previously noted that parking for Units T207 to T209 appears to be a poor use of space and is likely to result in longer term maintenance issues, albeit this would not be adoptable as highway.

The site layout has been updated to provide a footway along the frontage of Units T218 to T221, and this is welcomed. The issue with the parking and the rear access for Unit T125 has also been resolved.

As mentioned in the earlier response, there will be a need to ensure that all dwellings have access to electric vehicle charging. It is recommended that this is secured as part of a condition attached to any planning permission. It is noted that there are a number of spaces that are remote with the associated dwelling, and it should be clarified that this

does not remove the requirement for such spaces to be provided with an electric charging connection. Any planning condition should cover this requirement.

The latest submission presents further details of the proposed visitor parking space numbers. It is clear that the overall number of spaces is somewhat below the level presented within the adopted parking standards, however, it is also acknowledged that the residential parking standards are to be provided in full. It is therefore recognised that there is likely to be some visitor parking opportunities at the individual dwellings.

Furthermore, the site layout would enable some on-street parking to occur without the free flow of traffic being interrupted in any significant way.

Having reviewed the site layout proposals, the highway authority is satisfied that there will be opportunities to provide secure cycle parking either within private gardens or garages where available.

Summary

The highway authority maintains the position that the issues relating to Conditions 26 and 29, that were attached to the earlier outline permission, should be resolved at this time.

Should permission be granted, it is recommended that the planning conditions are consistent with those attached to earlier reserved matters approvals, and this should include electric vehicle charging provision for each dwelling. Subject to the above requirements, the highway authority does not object to the current planning application”.

SCC RIGHTS OF WAY – Comments.

There is a public right of way (PROW) recorded on the Definitive Map that runs through the site (public footpath T 29/11) and a PROW that runs adjacent to the site at the present time (public footpath T 29/36).

Surfacing and crossings must be considered.

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

Subsequent comment:

“The recent path diversion order for footpath T 29/11 dating from August 2020 did not stipulate a surface for the path, therefore this still needs to be agreed as part of a s38 agreement, or by a separate agreement if there is no s38 agreement”.

ECOLOGIST – No objection subject to inclusion of specified condition and informative. Condition proposed relating to dormouse protection.

NATURAL ENGLAND – Comments.

“Somerset Levels & Moors Ramsar Site - I can confirm that Natural England considers that the submitted sHRA provides a firm basis for the LPA to assess the implications of the reserved matters application in view of the conservation objectives for the Somerset Levels & Moors Ramsar Site, and we would anticipate the LPA being able to reach a conclusion of no adverse effect on the integrity of the site.

Biodiversity Net Gain - We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the National Planning Policy Framework (NPPF) and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Should the application progress, and in accordance with the paras 170 & 174 of the NPPF, opportunities to achieve a measurable net gain for biodiversity should be sought through the delivery of this development”.

PLACEMAKING SPECIALIST – Comments.

“Whilst I have been involved in meetings and discussions on this parcel, I note that there is no formal response on file, hence this email.

As I have consistently maintained, unfortunately from a placemaking point of view I find that this development continues to lack imagination in either layout or house types. What is being rolled out is ‘anywhere development’ based on a standard 1980’s highways estate layout and national house types. This shows no inspiration from Manual for Streets

or the governments drive to achieve higher quality places that are locally distinctive.

Layout:

- The standard highways layout is car dominated often with a lack of integration of the parked car in the built form – e.g. plots 189 – 197.*
- Layout fails to turn corners effectively with units in very abrupt angles or needing to set units forward (rather than cranking or gently turning through linked house types)*
- Car parking court has no natural surveillance (units 226 – 230)*

House Types:

- Anywhere national house types with little consideration taken of local distinctiveness forms, details and materials*
- Lack of legibility since proposed key buildings are virtually the same as standard house types (a dumpy chimney doesn't create a key building – key buildings by definition are exceptional in their design quality and architectural features)*
- 'Key buildings' have very wide gable ends with virtually no visual interest*
- Little roofscape interest provided for 95% of units*
- Most units have very flat facades, whereas much more could be made of projecting bay windows, porches, oriel windows etc"*

LANDSCAPE - Comments

Comments relating to street trees, maximising grass verges by removing roadside parking, and selecting larger growing species in a couple of situations. No objection to tree species chosen.

BLACKDOWN HILLS AONB – No comments received (the AONB team are more interested in external links to the Blackdowns than parcel layouts).

TREE OFFICER – Unable to comment, the landscape officer has covered tree species selections.

HOUSING ENABLING – No objections raised.

"Following submission of amended plans the updated affordable housing layout and tenure is shown on drawings DrNo PL-TW-13 and PL-TW-23.1 - both revision P Planning Layout – H1d dated 25 May 21. The tenure split of the 29 affordable homes continues to reflect the tenure split agreed in the S106 agreement i.e. 60% affordable rent and 40% shared ownership. The overall tenure split will be monitored across all phases of this development. The layout remains interspersed among the open market housing.

The affordable housing mix has been amended and now includes some 1 bed flats and 4 bed houses for affordable rent as well as 2 and 3 bed properties. The shared ownership units are in the form of 2 and 3 bed properties which is the preferred mix. This is a good mix of unit types which will help address the housing need in Taunton and help to create a mixed and sustainable community.

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 developer should seek to provide the Housing Association tied units from Somerset West and Taunton's preferred affordable housing development partners list.

Service charges should reflect the necessity to keep these properties affordable. It is also recommended that any service charges should be calculated on a per metre square basis rather than per unit".

AVON AND SOMERSET CONSTABULARY – No objections subject to comments.

SOMERSET WASTE PARTNERSHIP – Comments.

Other than a couple of queries concerning collections points the swept path for refuse collection vehicles and bin storage is acceptable.

COMMUNITY PROTECTION/ENVIRONMENTAL HEALTH – Comments.

Comments provided regarding the relationship between proposed houses and the proposed employment land area, both of which have outline planning consent.

DEVON AND SOMERSET FIRE AND RESCUE – Observations regarding Building Regulations

Representations Received

A site notice has been posted and neighbours notified of the application. The council is in receipt of 10 representations, several from the same individuals.

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:-

- The homes should be built to the highest energy standards – “All new homes will need to be brought up to high energy efficiency standards with low-carbon heating in place of gas boilers if the government is to meet net zero by 2050. Building a new house with high energy efficiency standards and a heat pump instead of a gas boiler costs about £4,800 more than building to current standards. Building to current standards and then retrofitting the house with the same would cost an average of £26,300 - £21,500 more. (Statistics from Committee on Climate Change)”.
 - Soakaways should be used
 - Objection to design approach
 - “Continuing objection on the grounds that only the Competent Authority can conduct Appropriate Assessment; the ‘Shadow’ HIA does not consider options; insufficient information has been submitted to assess whether the proposal would result in an unacceptable increase in phosphate levels; the approach does not reflect the Natural England Stodmarsh Methodology Guidance (Nov 2020); the proposals contain serious errors; they are temporary, contradicting the Natural England requirements for perpetuity; they require Wessex Water to achieve standards which WW say are not achievable, nor is WW subject to the Developers control; the proposals cannot be implemented within Planning Law without a new outline application. The effective extension of the planning timeline, to over 25-years is not discussed. The bare-earth policy for fallow land for up to 25 years contradicts every possible objective of land-use planning and policy”.
 - Commentary on STW policy concerning water infrastructure facilities in terms of the impact on the Somerset Levels and Moors. No mention of resolution in IDP or SWT Recovery and Growth Plan 2021.
 - SWT has not carried out its role as Competent Authority, no HRA has been produced and NE has acquiesced to the non-statutory approach taken by SWT. The SAA proposed partial compensation rather than mitigation.
 - The development has now departed so far from the outline permission that a new application is required.
 - Objection “based on the failures contained within the ‘awp’ Drainage Statement. It starts from its conclusion, and fails at every step to justify it. It fails to discharge Condition 13 for this Reserved Matters application, and fails to provide the necessary information for the Application itself. There is not a single element that could be put into a Condition or s106 agreement. The proposals appear to be completely ad hoc – not what planning is about”.
- Please will SWT: • seek the information requested by LLFA initially (see Appendix A), and make the responses available for consultation. • Require the site-specific

information on the proposed SUDS and phosphate to be provided. • Identify the shortfall of SUDS capacity as a consequence of the failure to provide accommodation in the parcel. • Take this Application to Planning Committee, in part to set out the draft Conditions necessary to make an acceptable scheme feasible. • Identify changes to SUDS as a consequence of changed topography. • Set out a draft s106 agreement addressing responsibility for the management and maintenance of SUDS features, and without which permission cannot be granted. (s106 agreements can be attached to Reserved Matters)

- “The Planning Committee has never had the opportunity to scrutinise the decision to co-site strategic infrastructure on a small parcel of land, or to scrutinise the decision that that site should be where the developers chose to put it, within the entire Urban Extension”.
- Reference to the SWT declaration of climate and ecological emergencies.
- “The Applicants maintain (Planning Statement, 1.8) that there is still no need to update the 2014 Environmental Impact Assessment, despite the many material changes since then – most recently, the wholesale changes to 42/14/0069 occasioned by Natural England’s phosphates policy, in response to international law (not EU requirements). SW&T is now required to follow the Habitats Regulations Assessment process (which SW&T cannot delegate), including consideration of a hierarchy of alternatives”.
- “The Planning process for the Urban Extension, for what is now a Garden Town, has been seriously flawed since its inception, yet hastens on”.
- Procedural issues – IT, lack of comments from statutory consultees to scrutinise
- Phosphate issues not solved – can kicked down the road
- Lack of wheelchair accessible dwellings
- Commentary on drainage statement, phosphate plan, planning statement, environmental statement, lack of capacity for health and education, lack of detail regarding drainage, affordable housing, other representations received, cycle storage, vehicle tracking and the energy statement.
- Questions the monitoring and enforcing of construction traffic routes.
- Conflict outlined between the public open space phasing and the fallow land management plan.
- The POS phasing plan should ensure suitable POS is provided in line with housing.
- Generator Group (Owners of Higher Comeytrove Farm) – Reference to Condition 29 which secures the provision of access to HCF (part of the original allocation) through policy TAU1. Access was initially shown through Parcel H1d (subject to this application), but the detail supplied so far is lacking to demonstrate the necessary access in the event HCF is brought forward for development.
- Taunton Area Cycling Campaign - Object on the grounds that there needs to be detail about cycling access, safety, routeways connecting the cycling network and how cycling pathways will relate to vehicular traffic and pedestrian access.
- Somerset Wildlife Trust – “We are very disappointed with the proposed development. The layout is neither in keeping with the principles of the Garden Town nor does it much to support and encourage wildlife, for example there appears to be a complete absence of green highways through the site. Much more could be done to enhance the area for the benefit of wildlife”
- Trull Neighbourhood Plan Group – Objects
Firstly, the boundary for this application has not been decided. Different plans show significantly different lines, affecting, for example the spine road and the inclusion or exclusion of detention basins. No decision can be made on this application without clarity and certainty. Secondly, this application does not accord with several Neighbourhood Plan policies and community actions, namely:
Policy F1: Reducing Flood Risk
Community Action CA1: Flood performance
Policy H1: Sustainable Housing
Policy H2: Housing in Keeping
COMMUNITY ACTION CA2: Internal Design Community Action

Policy EE2: Homeworking and Live/Work Development
TDBC Core Strategy Policy CP 8: Environment
NPPF para 130.

The NP group provides commentary against each of these policies stating the application does not comply with them and should be refused.

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.

Core Strategy:

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

SADMP:

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&4 - Water infrastructure

D7 - Design quality

D8 - Safety,

D9 - A Co-Ordinated Approach to Dev and Highway Plan,

D10 - Dwelling Sizes

D12 - Amenity space

Site allocation policy TAU1 - Comeytrowe / Trull

The Somerset County Council Parking Strategy (2013) supports the provision of EV charging points in new residential developments.

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.

Proposed development measures approx. 18,770sqm.

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 £1,314,000.00. With index linking this increases to approximately £1,865,750.00.

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.

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 H1d.

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 and increased surveillance, safety and functionality of rear parking courts

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 Comeytrowe 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 falling into three areas:

- 'Up to 10m high' 2-2.5 storey development for the westernmost section,
- 'Up to 11m high' 2.5-3 storey development for the middle section, and
- 'Up to 12.5m high' 3-3.5 storey development for the eastern most section.

No dwelling proposed is over 2.5 storey. 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 covered by two density ranges. In the southwest corner, covering 66 dwellings, the density parameter states '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 28dph so well within the 40dph maxima), however the plan shows predominantly semi-detached houses (50%) and some detached units (38%) with two 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. The detached units sit mainly on the periphery of the site which provides an acceptable relationship to the public open space and countryside beyond.

Across the remainder of the area covered by this Reserved Matters application, covering 100 dwellings, the density parameter states 'medium to higher density' inclusive of predominantly semi-detached units, some detached and some terraced units at a density of 30-50 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 35dph so well within the 50dph maxima), the plan also shows predominantly semi-detached houses (56%) and some detached units (27%) with three terraces of three properties. The detached units sit mainly on the periphery of the site which provides an acceptable relationship to the public open space.

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. Parcel H1d adjoins this designation and is divided by the existing substantial hedgerows. 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. It is also noted that the part of this application site nearest the designation is proposed at a lower density than that allowable by the Density Parameters informed by the ES at the outline stage.

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 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 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 Appearance Palette.

The Comeytrowe 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 H1d has been both informed by reference to the suite of design documents but also importantly the Planning Committee's interpretation of them in already resolving to approve the Reserved Matters applications for H1b, H1a and H1c(ii) 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 decisions on these previous parcels.

Numerous amendments have been made to the Reserved Matters submission to both align with those parcels already approved but to also respond to new setting such as the public open space/countryside edge and to improve and clarify movement within the parcel and how it connects to other parts of the site.

The comments of the Placemaking Specialist are acknowledged but it is felt that with the changes already made and improvements sought, plus the pattern set by the approval of previous parcels then the application can go forward with a positive recommendation.

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.

- Condition 29 of Outline consent 42/14/0069

Condition 29 reads:

No development shall commence on any phase until a proposed layout scheme and phasing programme for the provision of access to the parts of the allocated site known as Higher Comeytrove Farm as identified in Policy TAU1 of the adopted Site Allocations and Development Management Plan has been submitted for approval in writing to the Local Planning Authority. The layout scheme and phasing programme shall include provision for such access, or temporary means of access, to be provided to the boundary of Higher Comeytrove Farm and will be in a form that is adequate to accommodate public transport, vehicles, cycleways and footpath linkages. The development shall thereafter be carried out strictly in accordance with the approved details and programme.

REASON: In order to ensure that appropriate and timely provision is made for access to the other part of the allocated site identified within Policy TAU1 of the Site Allocations and Development Management Plan.

This condition was imposed at the outline stage because policy TAU1 of the SADMP allocated a greater extent of land than came forward via the substantive outline application. That land includes Higher Comeytrove Farm - HCF (currently an equestrian and business centre with adjacent paddocks) and lies to the west of the allocation and importantly shares a boundary to Parcel H1d (subject to this application).

Due to the fact the outline application did not accord wholly with the spatial extent set out within policy TAU1 the condition was imposed to ensure suitable access could be provided as and when the HCF part of the original allocation came forward (it has no other viable access or road frontage). The imposition of the condition was not challenged by the Consortium at the outline stage. To date the Consortium has only made a scant attempt to demonstrate compliance with the condition. It is the view of the officer that this matter should have been dealt with at the time the Western Neighbourhood Design Guide was approved and certainly when the Reserved Matters application for Infrastructure in the Western Neighbourhood was approved.

Up to now parcels H1a, H1b and H1c, already approved by the Council, will not have demonstrably affected the ability for the Consortium to provide the necessary access to the HCF area. However H1d fills in one of the two developable sides/boundaries where access could potentially be achieved and the plans for H1d do not show or set out an approach to provide access now or in the future, which means the only points of access remaining would have to be via Phase 2. Councillors will have noted the representation from Generator Group whom own the site. Naturally Generator Group are concerned that

once H1d is approved then all rests on the delivery and detail in Phase 2. Discussions with the Consortium regarding the access were raised many months ago and several meetings have taken place, involving the Highway Authority.

Officers share the concern of Generator Group that once H1d is approved all 350 approx. dwellings which may be proposed at HCF will have to access and leave HCF via one vehicular access back up on to the spine road joined by nearly 500 dwellings already approved via the outline in Phase 2. Questions remain, without more information from the Consortium, as to whether this is technically feasible or desirable in terms of capacity and layout.

It should be noted that the proposals at HCF will need to be subject to a new and separate planning application which will be considered on its own merits in line with the policies of the day. This report and determination do not prejudice either way the outcome of the planning process with regards to any development at HCF.

The Consortium can be in no doubt as to the view of officers and that of the Highway Authority. A minimum standard of information is required by the condition and the submissions and approach have so far fallen short of what is necessary. Notwithstanding this matter which remains wholly in their control and power to resolve quickly the Consortium were adamant that this application should be heard by the Committee as soon as possible. As such (by setting a committee meeting date) a firm deadline has now been set to resolve the Condition 29 issue by submitting a response to the condition that can be supported by the Council and the Highway Authority in consultation with Generator Group. If between the time of writing this report and the committee date the matter remains unresolved then Councillors are asked to consider two options –

- a) To defer for two committee cycles for the Consortium to resolve the matter and bring back to committee, should it not be resolved, to consider refusing the application for the reason stated at c); or
- b) To resolve to approve the application subject to the resolution of the issue and delegate to the Development Manager in consult with the Chair; or
- c) To refuse the application for its failure to accord with policy TAU1 of the SADMP (and Condition 29 of application 42/14/0069) insofar as not delivering the comprehensive and coordinated approach required to achieve a sustainable development with regards to access to Higher Comeytrove Farm (pedestrian, cycle, public transport and vehicle) as well as not complying with the aspirations of Policies A3 and d7 of the SDAMP and Policies CP5, CP6 and DM4 of the Core Strategy.

- Condition 26 of Outline consent 42/14/0069

Condition 26 reads:

In the interests of sustainable development, none of the dwellings in the first phase (as will be agreed by condition 3 of this permission) shall be used or occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

This condition was imposed at the outline stage to ensure an appropriate network of cycleways and footpaths is constructed within the development prior to the first occupation. The outline submission contained diagrams to guide the approval of Reserved Matters applications but the detail is critical to ensure that a comprehensive network is delivered given the distribution of parcels across two developers and to ensure details such as crossings and cycle friendly streets are included. In order to comply with

the condition you need to know what you are aiming for in terms of the detail. This also helps the submissions to the Highway Authority at the technical approval stage. Once again the Consortium can be in no doubt as to the view of officers and that of the Highway Authority which have been expressed over many months.

Up to now parcels H1a, H1b and H1c, already approved by the Council, will not have demonstrably affected the ability for the Consortium to provide the necessary scheme to inform Condition 26. It is the view of the officer that this matter should have been dealt with at the time the Western Neighbourhood Design Guide was approved and certainly when the Reserved Matters application for Infrastructure in the Western Neighbourhood was approved. Nevertheless the applications for H1a and H1c were presented to committee based on changes that had been made to ensure good cycling infrastructure was provided and would link into the scheme being progressed for Condition 26.

This matter remains wholly in the control and power of the Consortium to resolve quickly and the Consortium were adamant that this application should be heard by the Committee as soon as possible. As such (by setting a committee meeting date) a firm deadline has now been set to resolve the Condition 26 issue by submitting a response to the condition that can be supported by the Council and the Highway Authority. If between the time of writing this report and the committee date the matter remains unresolved then Councillors are asked to consider two options –

- a) To defer for two committee cycles for the Consortium to resolve the matter and bring back to committee, should it not be resolved, to consider refusing the application for the reason stated at c); or
- b) To resolve to approve the application subject to the resolution of the issue and delegate to the Development Manager in consult with the Chair; or
- c) To refuse the application for its failure to accord with policy TAU1 of the SADMP, (and Condition 26 of application 42/14/0069) insofar as not delivering the comprehensive and coordinated approach required to achieve a sustainable development with regards to access to facilitating, promoting and encouraging sustainable modes of transport (walking and cycling) as well as not complying with the aspirations of Policies A3 and D7 of the SDAMP and Policies CP5, CP6 and DM4 of the Core Strategy.

Just as this report was being finalised a submission was received and will now be considered; as such a verbal update will be given to the committee.

The representation of Taunton Area Cycling Campaign echoes the importance of delivering a joined up, high quality network for cycling within the development.

- Drainage

One representation refers to the use of soakaways in lieu of SuDs. The drainage scheme for this site, predicated on the use of SuDs has been agreed at the outline stage and via the subsequent approval of planning conditions and the infrastructure reserved matters which contains the drainage basis.

Another representation from the same person refers to Condition 13 and the comments of the LLFA and provides commentary on the approach to drainage seeking clarity and information on several matters related to drainage.

The LLFA are the consultee in place to provide the Council with advice on these matters. The concerns of the local resident are noted but the LLFA is content to allow this Reserved Matters application to be approved with the security of Outline Condition 13 still requiring future discharge, on which discussions continue regularly with the Consortium.

On a similar theme of drainage infrastructure another representation refers to a view that the planning committee “has never had the opportunity to scrutinise the decision to co-

site strategic infrastructure on a small parcel of land, or to scrutinise the decision that that site should be where the developers chose to put it, within the entire Urban Extension". It is not known the essence or rationale for this comment in the context of H1d but to date all applications for the Garden Community have been referred to committee.

- 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.

As the Conservation Officer explains the primary areas of interest within the Environment Statement accompanying the outline application was Rumwell Park and the Trull Conservation Area.

Parcel H1d is not within the perceived setting of Rumwell Park which is located further to the north west. The parcel does adjoin Higher Comeytrove Farm, a listed building, yard and immediate paddocked agricultural setting. This area did form part of the initial allocation for the Comeytrove Urban Extension but the outline application omitted this part.

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 needed. 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.

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, which mirrors that already approved for parcels H1b, H1a and H1c(ii) 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 H1d however there are two properties further to the south beyond the already approved attenuation basins that sit within the Manor Park POS. Those properties Orchard Cottage and Willoughby are situated sufficiently distant so as not to suffer demonstrate harm by overlooking, or the booking of light or by visual dominance.

- 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.

Alongside the western extent of the site there is a boundary to the approved employment land. An assessment has been made to ensure the residential properties that face that employment land boundary across a street are safeguarded into the future from any noise that may emanate from the employment use. Discussions with Environmental Health and Legal colleagues have taken place to ensure the opportunity is not missed on this application to secure mitigation or to ensure that future opportunities will exist as and when employment plots are brought forward.

The applicant has stated the *“way for the council to control noise impact is through the determination of future employment RMs. I am assuming that the LPA would not be in a position to approve an employment RM which did not mitigate noise impacts on existing / future neighbouring occupiers.*

The onus would therefore be on the Consortium to mitigate its employment proposals. The Consortium also have a vested interest to do this, considering that they are development the housing and will not want complaints from future occupiers etc”.

Clearly from an Environmental Health perspective it would have been preferable to avoid the issue occurring by physical separation of houses and the employment area but the outline consent and approved masterplan approve this relationship and so secondly any impact could be lessened through securing mitigation within the houses now as a belt and braces approach (such as triple glazing), but this has met resistance from the Consortium.

After seeking Legal advice and considering the outline consent parameters and approved masterplan it is intended to ensure each future Reserved Matters or full application within the employment area adequately considers noise impacts of adjacent residents. A note to this effect will be placed on the decision.

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 H1d 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.

- Issues raised by representations not considered elsewhere

Bishops Hull PC refer to the monitoring of planning obligations. The obligations are being monitored and the applicant has recently met with the Council to ensure good communication over the tracking of such. There are several different triggers – prior to commencement, prior to first occupation and prior to a certain number of occupations, which means monthly reviews will take place hereon, now the development has started to ensure the necessary works, schemes or financial contributions are secured. The triggers are available to be seen in the s106 and the PC has not raised a specific point or issues to require further investigation or comment.

Bishops Hull PC and a further representation refers to the need for a new EIA. The Council must assess whether the information it has within the outline ES is sufficient to determine the application now before it. The Council is of the view that based on the information submitted with and subsequently acquired in connection with the application is adequate to form the view that the application would not have any further environmental effects. As such no formal request under Reg 25 of the EIA regulations has been necessary.

Another representation refers to the lack of a POS phasing plan – the delivery of POS is governed by the s106 and work continues with the Consortium to understand whether any POS area needs to be delivered sooner than the s106 requires in order to comply with Condition 26 – the creation of cycleway and pedestrians connections into and from the site.

Comments made by Trull NP Group – the Trull NP is a material consideration, and the aspirations within it need to be considered alongside the legal basis of the outline consent and the other material considerations at play. As such the NP does not provide a mandatory and prescriptive list of requirements and seeks to encourage and prompt developers to respond to local concerns. Matters such as flooding and design are extensively reference elsewhere in this report.

Comments are made by Somerset Wildlife Trust – in response the outline application has been informed and supported by significant input from the Somerset Ecology Service and multiple conditions relate to a phase by phase approach within a wider strategic network. Comprehensive planting of trees, shrubs, hedges, climbers, perennials and bulbs is proposed.

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 a letter, dated 17 August 2020, NE advised the Council that whilst the Somerset Levels and Moors Special Protection Area ('SPA') could accommodate increased nutrient loading arising from new development within its hydrological catchment that the Somerset Levels and Moors Ramsar Site ('the Ramsar Site') could not. The difference, NE state, is that whilst such increased nutrient deposition is *"...unlikely, either alone or in combination, to have a likely significant effect on the internationally important bird communities for which the site is designated"* as regards the SPA such a conclusion cannot be drawn in relation to the Ramsar Site.

The typical consequence of such excessive phosphate levels in lowland ditch systems is *“the excessive growth of filamentous algae forming large mats on the water surface and massive proliferation of certain species of Lemna”* NB: (Lemna refers to aquatic plants such as duckweed).

This excessive growth *“adversely affects the ditch invertebrate and plant communities through... shading, smothering and anoxia (absence of oxygen)”* which in turn allows those species better able to cope with such conditions to dominate. The result is a decline in habitat quality and structure. NE state that *“The vast majority of the ditches within the Ramsar Site and the underpinning SSSIs are classified as being in an unfavourable condition due to excessive 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”*.

At the time of the letter the issue in terms of the Ramsar Site was that the conservation status of the designated site was 'unfavourable' but in a recent SSSI Condition Change Briefing Note for the Somerset Levels and Moors dated May 2021 (uploaded to this applications' online case file) the overall condition across all Somerset level and Moors SSSI's is 'Unfavourable Declining' due to evidence of failing water quality, most notably high Phosphate levels.

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.

The project being assessed here will result in a positive phosphate output and therefore the waste water from the development will add to the phosphate levels within the Somerset Levels and Moors Ramsar Site ('the Ramsar Site'). The pathway is via the wastewater treatment works. Therefore, the surplus in the phosphate output would need to be mitigated in order to demonstrate phosphate neutrality and ensure no significant adverse impact on the affected designated area.

In response to this situation the Development Consortium has acted quickly to ascertain the phosphate load to mitigate and the necessary solution, with help and assistance from the Council and Natural England. Natural England's advice is that achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites.

Natural England has advised the applicant using their own methodology for calculating phosphate budgets and the efficiency of options for mitigation. The phosphate neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty, but one would not conclude the calculations could be considered irrational.

Given the initial letter which raised and highlighted this issue emanated from Natural England the LPA has given the appropriate weight to the expert advice of Natural England in arriving at a suitable mitigation position and the undertaking of this Appropriate Assessment in line with the precautionary principle which places the burden on the LPA to prove that there would be no adverse effects.

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 (42/21/0004) on the Council's website. The same approach and documents cover H1d as well as already approved parcel H1a and H1c(ii) which are now subject to the requirements of the Phosphate Mitigation Strategy and Fallow Land Management Plan.

In the absence of nutrient advice for the Somerset West and Taunton Region, phosphate calculations for the proposed development at Comeytrove have been calculated using the latest guidance from Natural England; "Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites- For Local Planning Authorities" (November 2020). This documentation consists of the latest recommended methodology for Calculating Total Phosphorus neutrality.

In addition the Consortium has also commissioned a specific study from ADAS, the recognised producers of farmerscope (*Farmscoper is a decision support tool - originally developed with Defra - that can be used to assess diffuse agricultural pollutant loads on a farm and quantify the impacts of farm mitigation methods on these pollutant*) to determine phosphorus and nitrate leaching figures that would specifically apply to the Somerset West and Taunton Region. The report outlines the annual average pollution losses for the different farm types across the three Operational Catchments (Brue & Axe, Tone and Parrett) within the Somerset levels, which have been calculated using Farmscoper v4. These averages have been used as part of the calculations for the Site rather than those in the Natural England guidance, as these are more Site specific than the generic average for the country/alternative catchments. This report is available online, it forms an annex to the Phosphate Mitigation Strategy produced by Brookbanks on behalf of the Consortium.

Natural England advice outlines a practical methodology on calculating Nutrient Neutrality –

1. Calculating wastewater Total Phosphorus Load from the proposed development
2. Calculating Phosphorus Load from current land use
3. Calculating the adjusted Phosphorus Load to account for the future land uses
4. Phosphorus Load Budget

Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets. Officers consider the inputs to be a reasonable and suitably precautionary approach and this has not been disputed by Natural England. The fact that this application site is currently agricultural land used as rotational cereal crops which would have used fertiliser provides a straightforward input.

In terms of assumed occupancy rates Natural England recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas and this is the figure used by the Consortium. However competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach. It is this figure which is used in the Council's Phosphate Calculator and in this case the application proposes a range of family housing and it is acknowledged that some houses will have more than the average number of occupants. It is also of course

the case that some will have less. The figure of 2.4 is an average based on a well evidenced source (the ONS) and which has been shown to be consistent over the past ten years. One may also consider Natural England's methodology is already sufficiently precautionary because it assumes that every occupant of every new dwelling (along with the occupants of any existing dwellings made available by house moves) is a new resident of the Taunton (or the catchment). Taking the above matters into account, Officers do not consider there to be any specific justification for applying anything other than the recommended average occupancy rate of 2.4 persons per dwelling when considering the nutrient budget for the development.

The phosphate budget has been based on an assumption that average water usage within the new dwellings would be at a level of 110 litres per person per day. This figure is recommended by Natural England in the published methodology and is also within the Council's calculator.

When calculating the phosphate load from development and subtracting this from the phosphates produced from current land usage neutrality can be achieved whilst also applying all suitable buffers. The Shadow Habitats Regulations Assessment report concludes that in order to achieve phosphate neutrality for an initial tranche of 306 homes (enough to cover H1a, H1c(ii) and H1d 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 land 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 the remainder 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 stated Reserved Matters Sites, a separate but similar approach has been taken with Parcel H1b. 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.

Extensive discussion between the Consortium and Natural England occurred and the resultant submitted documents have been reviewed by the Council's retained Ecologist and Natural England.

Natural England has confirmed that the submitted sHRA provides a firm basis for the LPA

to assess the implications of the reserved matters application in view of the conservation objectives for the Somerset Levels & Moors Ramsar Site, and they would anticipate the LPA being able to reach a conclusion of no adverse effect on the integrity of the site. Somerset Ecology Services as the Council's/LPA's retained Ecologists have agreed that the sHRA can be adopted by the Council.

The method of securing the specific mitigation measures in this situation has been discussed and in this instance a suitably worded condition is proposed as was the case for Parcel's H1a and H1c(i).

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. The judgment whether a proposal will adversely affect the integrity of the designated site for the purposes of Regulation 63(5) of the Habitats Regulations is one for the LPA to make.

A detailed representation refers to the Council undertaking the Appropriate Assessment as the Competent Authority. It is worth stating again that the approach to this was discussed between Natural England and the applicant at length. The views of Natural England and the Council's retained Ecologist are such that the objection cannot be verified or evidence to reach a different conclusion. It is considered appropriate to proceed on the basis of the submitted approach which will unlock further development on the site.

Conclusion and planning balance

The continued 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 previous parcels. 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 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.

The development consortium has built momentum by opening up the site and seeking reserved matters approval, even in uncertain times. This application will deliver housing within 5-years, including affordable housing.

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.

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

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