

<b>Application Details</b>	
Application Reference Number:	42/21/0035
Application Type:	Approval of Reserved Matters
Description	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 55 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 Parcel <b>H1c(ii)</b> on land at Comeytrove/Trull (resubmission of 42/20/0056)
Site Address:	Orchard Grove, Land at Comeytrove/Trull, Taunton
Parish:	Trull
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 <a href="mailto:s.fox@somersetwestandtaunton.gov.uk">s.fox@somersetwestandtaunton.gov.uk</a>  Should you wish to discuss the contents of this report item please use the contact details above by 12 noon on the day before the meeting, or if no direct contact can be made please email: <a href="mailto:planning@somersetwestandtaunton.gov.uk">planning@somersetwestandtaunton.gov.uk</a>
Agent:	Boyer Planning
Applicant:	VISTRY WESTERN
Reason for reporting application to Members:	Each stage of the Comeytrove Garden Community, known as Orchard Grove, has been subject to Planning Committee scrutiny given the significance of the scheme and the public interest.

## 1. Recommendation

That planning permission be **GRANTED** subject to conditions

## 2. Executive Summary of key reasons for recommendation

- 2.1 This revised application seeks the approval of reserved matters for a further parcel of residential development (referred to as H1c(ii)) at the Comeytrove Garden Community known as Orchard Grove. The layout, design and approach to this application follows previously approved applications for

residential parcels in Phase 1 and follows the masterplan set out in the approved Western Neighbourhood Design Guide.

- 2.2 After consideration of all representations and consultations, planning policy and material considerations including the planning history and the scope of the application as one for approval of reserved matters, the application is considered appropriate to be recommended for approval subject to the conditions listed at Appendix 1 to this report.

### **3. Planning Obligations, conditions and informatives**

#### **3.1 Obligations**

No agreement is needed in connection with this application because the outline is accompanied by a site-wide section 106 agreement.

#### **3.2 Conditions (see Appendix 1 for full wording)**

- 1) Drawing Schedule
- 2) Landscaping compliance and protection
- 3) Finishing Materials compliance
- 4) Energy Statement and EV Charging Plan compliance
- 5) Water efficiency requirements
- 6) Phosphate Mitigation Plan compliance
- 7) Arboricultural and Ecological Technical Note compliance
- 8) Obscure glazing to Plot 172
- 9) Pedestrian and Cycle crossing points detail
- 10) Temporary turning head details

#### **3.3 Informatives (see Appendix 1 for full wording)**

- 1) Reminder of Outline Planning Conditions
- 2) Reminder of Public Rights of Way responsibilities
- 3) Encouragement to achieve Secured by Design accreditation.
- 4) Statement of positive working

### **4. Proposed development, Site and Surroundings**

#### **Details of proposal**

- 4.1 Reserved matters approval is sought, for the appearance, landscape, layout and scale of 55 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, incidental public open space and drainage with associated infrastructure and engineering works (Phase 1 - Parcel H1c(ii) - Vistry).

- 4.2 This is the fifth reserved matters approval sought in relation to housing at this strategic site. Councillors will recall more recently considering application

42/21/0004 totalling 166 dwellings for Parcel H1d (Taylor Wimpey) with that resolution having been made in February 2022.

- 4.3 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 supporting utility infrastructure approved via application 42/20/0042.
- 4.4 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 these parcels through funding from Homes England.
- 4.5 Parcel H1c(ii) is the remaining part of the one-time larger parcel H1c. As part of approved application 42/20/0056 the number of dwelling was reduced to fit within available phosphate neutrality credits meaning H1c was split into H1c(i) of 64 units which were then approved and are currently under construction, and H1c(ii) of 55 units subject to this application, which nearly 18 months on now has its own phosphates neutrality solution.
- 4.6 The 55 dwellings proposed here in Parcel H1c(ii) comprise 2, 3 and 4-bed houses and also 1 bed flats (38 market, 17 affordable (31%)). 9 affordable units are secured via the s106 and 8 are termed 'additionality units', being funded by Homes England and when combined are split 70% rented and 30% shared ownership.
- 4.7 Parcel H1c(ii) extends eastwards towards Highfield Crescent and completes development adjacent to neighbouring properties at Jeffreys Way, in the north-eastern corner of the site. Bound by an existing hedgerow to the west which adjoins H1c(i) 33 units of the parcel fills in the gap left by the area assigned for strategic landscaping and public open space in the form of Highfield Park, approved by application 42/19/053. A right of way from Jeffreys Way to Comeytrove Lane adjoins the parcel and will be consumed with the public open space. The southernmost units facing south will overlook the retained veteran tree which has been incorporated within the public open spaces design.
- 4.8 Another street of 22 dwellings forms the northern enclosure to the approved Pocket Park, inclusive of a LEAP, approved via application 42/21/0046 and due to commence shortly.
- 4.9 The proposed dwellings are all two-storey houses save for three pairs of dwellings which are 2½ storey containing dormer windows and one 2-storey building which is split into two flats. The 2½ storey dwellings are located in key

positions to add variety to the urban form, and key buildings receive a render finish rather than brick in line with the Design Guide.

- 4.10 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.
- 4.11 Landscaping is proposed within the parcel including trees on all streets, hedges to provide boundaries, landscaping within parking areas and rear gardens.
- 4.12 All properties, bar one, is afforded an EV charging facility and an energy statement sets out better than Buildings Regulations carbon savings.
- 4.13 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.
- 4.14 The application does include the discharge of various planning conditions imposed on the 'mother' outline consent 42/14/0069, these are to be considered separately.

#### Site and surroundings

- 4.15 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 east and the farmland of Higher Comeytrove Farm to the south. The Blackdown Hills AONB is located approximately 2.5 miles to the south of the site. The area submitted for approval with this application comprises parcel H1c(ii) of the site and sits within the parish of Trull.
- 4.16 The site is generally characteristic by an undulating landscape. The area of the site south of Jeffreys Way slopes from the north to the south east to the un-named tributary of the Galmington Stream. That slope has now been cut into terraces in line with application 42/19/0053 to achieve road lines, development platforms and drainage basins.
- 4.17 The site is not near any Conservation Area and the nearest listed building is located approx. 300m to the south east, Comeytrove Manor.

- 4.18 The site is under construction, occupations commenced in April 2022 with currently circa 40 properties occupied at present. Approval of this application would take the number of dwellings consented with implementable Reserved Matters Approval to 431.

## 5. Relevant Planning History

Reference	Description	Decision	Date
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
42/15/0042	Demolition of a section of wall on the western side of Honiton Road for creation of the access to the south west Taunton Urban Extension (Under Planning Application No. 42/14/0069) on Honiton Road, Trull	Approved	9 August 2019
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
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
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,	Approved	22 July 2020

	footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase H1b) on land at Comeytrove/Trull		
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	Withdrawn on procedural grounds – not a Reserved Matters	10 August 2021
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
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	08 April 2021
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
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	Approved	8 April 2021

	works at Phase H1c(i) on land at Comeytrove/Trull		
42/21/0004	Application for approval of reserved matters following outline application 42/14/0069 in respect of the appearance, landscape, layout and scale for the erection of 166 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Parcel H1d on land at Comeytrove/Trull	Approved	3 February 2022
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	Approved	10 January 2022
42/21/0032	Erection and installation of an electricity sub-station on land falling within Phase H1C/H1F at Comeytrove/Trull	Approved	31 August 2021
42/21/0046	Application for approval of reserved matters following outline application 42/14/0069 for a local equipped play area (LEAP), landscaping, drainage and associated engineering operations, referred to as Garden Park, on land at Comeytrove/Trull	Approved	4 April 2022
42/21/0058	Re pointing of former kitchen garden wall (Building A) with removal of loose stones, removal of attached modern industrial shed along stable blocks northern wall and making good of gable end (Building B), and removal of stub wall (Building G) at the stable block associated with Comeytrove Manor, Manor Industrial Estate, Taunton	Pending	
42/21/0077	Application for a non-material amendment to application 42/14/0069 for realignment of the approved A38 roundabout on land south of the A38, Comeytrove	Approved	17 December 2021
42/21/0068	Conversion and change of use from commercial (Class E) to 1 No.	Pending	

	residential dwelling at The Stable Block, Comeytrowe Manor West, Lipe Hill Lane, Comeytrowe		
42/21/0069	Conversion and change of use from commercial (Class E) to 1 No. residential dwelling at The Stable Block, Comeytrowe Manor West, Lipe Hill Lane, Comeytrowe	Pending	
42/22/0026	Application for a Non-Material Amendment to application 42/20/0042 to introduce a turning head at the entrance to the approved pumping station compound and associated delivery of designated cycle lane through the site on land at Comeytrowe Rise, Trull	Refused on procedural grounds – not an NMA	21 April 2022
42/22/0027	Application for Approval of Reserved Matters in respect of the appearance, landscape, layout and scale, following Outline Approval 42/14/0069 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 at Phase H1e, on land west of Comeytrowe Lane, Taunton	Pending	
42/22/0040	SCC Consultation – Erection of primary school and nursery, to include construction of sports pitches, parking area and access onto spine road incorporating landscaping and infrastructure on land at Comeytrowe, Taunton <i>For the full application file visit SCC's Planning register online, ref SCC/3938/2022</i>	Pending	Comments sent to SCC 26 May 2022
42/22/0043	Variation of Condition No. 02 (approved plans), for the inclusion of a turning head at the entrance of the approved pumping station compound, of application 42/20/0042 at Orchard Grove New Community, Comeytrowe Rise, Taunton	Pending	

## **6. Environmental Impact Assessment**

- 6.1 Upon receipt of an application the Council has to consider if the development falls into Schedule 1 or 2 of the Environment Impact Assessment Regulations. The Council concludes it falls into neither.
- 6.2 Then the Council must consider if the application is:
- (i) a subsequent application in relation to Schedule 1 or Schedule 2 development
  - (ii) has not been subject to a screening opinion and
  - (iii) is not accompanied by an ES (under Reg 9 of the EIA regulations).
- 6.3 In this case the Garden Community development fell within Category 10b (Urban Development Projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the outline application was accompanied by a full Environment Statement.
- 6.4 The Council therefore must assess whether the information it has within the outline ES is sufficient to determine the application now before it.
- 6.5 The conclusions hereon are such that the Council considers the application as an application for reserved matters will not have any further significant environmental effects over and above those assessed at the outline stage and a further environmental statement is not required.

## **7. Habitats Regulations Assessment**

- 7.1 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').
- 7.2 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.
- 7.3 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).

- 7.4 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 phosphate (P) and the resultant ecological response, or at risk from this process”*.
- 7.5 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”*.
- 7.6 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.
- 7.7 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.
- 7.8 The project being assessed here will result in a positive phosphate output and therefore the wastewater 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.
- 7.9 In response to this situation the Development Consortium 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.

- 7.10 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 (42/22/0035) on the Council's website.
- 7.11 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 (sHRA) report concludes that in order to achieve phosphate neutrality for Parcel H1c(li) part of the site in the Eastern Neighbourhood will be fallowed. Given Parcel H1c(il) itself was to be fallowed to provide mitigation for previously approved parcels more land has been allocated for fallowing in the Eastern Neighbourhood to compensate.
- 7.12 The key design principle for fallowing is the cessation of arable farming and the application of fertilizer, beyond that the creation and maintenance of permanent vegetative cover (as opposed to bare ground) will provide soil stability and minimise the runoff of silt and/or phosphate from the land.
- 7.13 Management of the Fallow Land will be undertaken in accordance with the submitted Fallow Land Management Plan.
- 7.14 The proposed Phosphate Mitigation Strategy is an interim measure for the Parcel H1c(il) Reserved Matters application, a separate but similar approach has been taken with Parcels H1a, H1b, H1c(i) and H1d. As explained land is to be taken out of agricultural production prior to the first occupation.
- 7.15 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 in-isolation or in combination.
- 7.16 Extensive discussion between the Consortium and Natural England has occurred over the course of the development so far resulting in the approach taken and the submitted documents.
- 7.17 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. Natural England has asked for further information from the applicant given the site will soon have exhausted its fallowing potential. This is more of a summary document than integral to the determination of this application. Somerset Ecology Services as the

Council's/LPA's retained Ecologists have agreed that the sHRA can be adopted by the Council.

- 7.18 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 has been the case for all previous parcels.
- 7.19 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. In conclusion the LPA view 55 additional dwellings are deliverable whilst maintaining phosphate neutrality and therefore ensuring no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site.
- 7.20 In the wider context recent Government announcements in the form of the recent Written Ministerial Statement and the Letter to Chief Planning Officers, are to be treated with cautious optimism. This is important in considering the continued development of this site.
- 7.21 The Written Ministerial Statement (WMS) issued on 20<sup>th</sup> July 2022, set out details of a national nutrient mitigation scheme to be funded by Defra/DHULC and implemented by Natural England. The DLUHC letter to Chief Planning Officers dated 21<sup>st</sup> July 2022 gives further details and states that the national nutrient mitigation scheme will enable LPA's to grant permission subject to conditions or obligations securing mitigation and phasing development if needed.
- 7.22 The WMS also states that there will be a new legal duty imposed upon water companies in England to upgrade wastewater treatment works in 'nutrient neutrality' areas to the highest technically achievable limits by 2030 - the Government will be tabling an amendment to the Levelling Up and Regeneration Bill. The DLUHC letter states that, as a result of the new legal duty on water companies, the pollution levels after 2030 via water treatment works will be much reduced and so a lower level of mitigation will be required, thus reducing the overall mitigation burden on housing developments.
- 7.23 DLUHC state they will make clear in future planning guidance that judgements on deliverability of sites should take account of strategic mitigation schemes and the accelerated timescale for the Natural England's mitigation schemes and immediate benefits on mitigation burdens once legislation requiring water treatment upgrades comes into force.
- 7.24 The Government will also be bringing forward proposals to 'reform' the Habitats Regulations.
- 7.25 However, none of the above has yet been translated into legislation or even planning guidance as yet. As such this scheme seeks to consume its own smoke, but as referenced above there may be the need, in the absence of the

legislation and/or planning guidance coming into force swiftly, that this scheme will need to explore other longer-term solutions.

## 8. Consultation and Representations

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

Date of Consultation: 23/24 March 2022

Date of revised consultation: 09 August 2022

### 8.1 Statutory Consultees

8.1.1 It should be noted not all statutory consultees are consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order.

8.1.2 It should be noted that specific comments made by consultees on Parcel H1f will not appear below, given that part of the scheme has been withdrawn; any general comments that could relate to H1c(ii) have been reported and will be assessed.

Statutory consultee	Comments	Officer comments
Trull Parish Council	<p>Upon receipt of the first set of amended plans –</p> <p><i>“None of our previous objections have been satisfied by the new amendments that are proposed. Therefore Trull Parish Council continues to object to this proposal on the following grounds.</i></p> <ol style="list-style-type: none"> <li><i>1. The original proposed secondary access of Comeytrowe Road is placed in a more northerly position than that agreed at outline permission of 42/14/0069. The figure approved as part of that permission was Figure 4.3 Rev A.</i></li> <li><i>2. There still does not appear to be an updated phosphate mitigation plan. Therefore neither of these areas should be developed. Parcel H1Cii is shown on the map in the Brookbanks Report as ‘fallowed land’, and parcel H1F as ‘land taken out of urban use’.</i></li> <li><i>3. There is no contaminated land assessment for the former industrial estate nor a plan for decontamination.</i></li> <li><i>4. An additional access onto Comeytrowe Road would require a new full planning application and cannot be permitted as part of this reserved matters application.</i></li> </ol>	<ol style="list-style-type: none"> <li>1. The Bus Gate in Parcel H1f is no longer part of the application.</li> <li>2. Phosphate mitigation is assessed at Section 7.</li> <li>3. The former industrial estate in Parcel H1f is no longer part of the application.</li> <li>4. Agreed.</li> <li>5. This is a subjective view, the design principles follow those already established for circa 375 dwellings approved so far.</li> </ol>

	<p>5. <i>The houses are bland in style and do not satisfy the high design standards required by a development in a town that has taken Garden Town funding.</i></p> <p>6. <i>The density in H1Cii does not fulfil the criteria laid out in the agreed density parameter plan which requires ‘predominantly detached units’, in fact all the houses along the northern boundary are semi-detached. The density overall has been lowered by including a long stretch of road which has previously appeared in 4 other planning applications (42/19/0053; 42/20/0006; 42/20/0056 and 42/21/0004)”</i></p>	<p>6. The issue of density is assessed at Para 12.21.</p>
	<p>On original plans –  Objection for the following reasons;</p> <ol style="list-style-type: none"> <li>1. <i>“Both of these areas are shown on the phosphate mitigation map by Brookbanks as not being land for development. Parcel H1Cii is shown as fallowed land and parcel H1F as ‘land taken out of urban use’. There is no updated phosphate mitigation plan to explain this anomaly.</i></li> <li>2. <i>There is no contaminated land assessment for the former industrial estate nor a plan for decontamination.</i></li> <li>3. <i>An additional access onto Comeytrowe Road would require a new full planning application and cannot be permitted as part of this reserved matters application.</i></li> <li>4. <i>The houses are bland in style and do not satisfy the high design standards required by a development in a town that has taken Garden Town funding.</i></li> </ol> <p><i>The density in H1Cii does not fulfil the criteria laid out in the agreed density parameter plan which requires ‘predominantly detached units’, in fact all the houses along the northern boundary are semi-detached. The density overall has been lowered by including a long stretch of road which has previously appeared in 4 other planning applications (42/19/0053; 42/20/0006; 42/20/0056 and 42/21/0004).”</i></p>	<ol style="list-style-type: none"> <li>1. The matter of phosphate mitigation is covered at Section 7.</li> <li>2. The former industrial estate is no longer part of the application.</li> <li>3. Agreed</li> <li>4. This is a subjective view, the design principles follow those already established for circa 375 dwellings approved so far.</li> <li>5. The issue of density is assessed at Para 12.21.</li> </ol>

<p><b>Comeytrove Parish Council (Neighbouring Parish)</b></p>	<p>Upon receipt of the first set of amended plans –  <i>“Object - Flooding: The Parish Council fully supports the objections raised by the Lead Local Flood Authority “We object to this application as not enough information has been provided to ensure the development will not increase flood risk in line with the NPPF.”</i>  <i>Phosphates: The land of this proposed submission is shown on the phosphate mitigation map as not being suitable for development and there was no phosphate mitigation plan to explain why it had now become suitable, this matter needs to be addressed before any permission is granted</i>  <i>Contaminated land: In addition, a contaminated land assessment has not been carried out on the former Industrial Estate.</i>  <i>Additional Access: An additional access onto Comeytrove Road should not be permitted and this would require a new full planning application and cannot be permitted as part of this reserved matters application”.</i></p>	<p>Comments as above, phosphate mitigation is assessed at Section 7. The former Industrial Estate is no longer part of the application and therefore contaminated land will be assessed in a future application. Any additional access to Comeytrove Lane will need assessment via a separate FULL application.</p>
	<p>On original plans – Object to this application on grounds of the increased flood risk, increased traffic flow if additional access permitted and environmental concerns.</p>	<p>Flooding and drainage issues are addressed at Para 12.47. No vehicular access to Comeytrove Lane is proposed by this revised application and the environmental concerns are not expanded upon or evidenced.</p>
<p><b>Bishops Hull Parish Council (Neighbouring Parish)</b></p>	<p>Upon receipt of the first set of amended plans –  <i>“Continue to object on the basis of:</i>  <i>1. flood impacts as set out in the correspondence from the LLFA on 11 March;</i>  <i>2. insufficient detail on the successful operation of the ‘bus gate’; and</i>  <i>3. ambiguity over proposed parking accessed from Comeytrove Lane,</i></p>	<p>Flooding and drainage issues are addressed at Para 12.47. No vehicular access to Comeytrove Lane is proposed by this revised application. The remainder of the comments</p>

	<p><i>which is not permitted under the conditions of the overarching outline permission. For example, drawing 02-GA-7101 continues to show a 'private block paved driveway' which is clearly outside of the application redline. To prevent any ambiguity, this should be removed from any plan submitted for approval and a further condition added to prevent the laying out of any parking south of the 'special key building' (parking spaces 246- 249 previously marked on drawing PL-VI-33 rev E).</i></p> <p><i>It should also be made clear how the units which previously benefitted from these parking space will be allocated parking within the development, not outside of the redline boundary. The Design Compliance Statement (February 2022) continues to state: "the other three apartments and the stable building will be served by the new courtyard space which will provide a shared access, via the existing driveway to the south, and car parking for both buildings." This access arrangement is not permitted under the outline permission and the application is therefore not in conformity with this. As a reminder, Somerset County Council in its response to application 42/21/0068 stated that: It is important to reiterate that the highway authority would strongly object to the vehicular access route being used to provide any vehicle connection to the adjacent Orchard Grove site. It is therefore critical that full details of this aspect of Parcel H1f are properly confirmed as part of any Reserved Matters approval, to prevent any ambiguity in the future. As the 'courtyard space' land sits between the redline boundaries of applications 42/21/0035 and 42/21/0068, the use of this land should also be clarified by the applicant. The Parish Council requests that it should be landscaped to enhance the setting of the heritage setting and could include further biodiversity enhancements".</i></p>	<p>relate to Parcel H1f which is no longer part of the application.</p>
	<p>On original plans – “OBJECT with Highways concerns if new access permitted”</p>	<p>No vehicular access to Comeytrove Lane is proposed by this revised application.</p>

<p><b>Highway Authority - SCC</b></p>	<p>On the latest set of amended plans -  <i>“Summary:  These are updated comments following the earlier Highways Development Management responses made on 13th October 2021, 7th April 2022 and 27th July 2022. The local planning authority has confirmed that the application has been amended and that the scheme now considers only Parcel H1c(ii) with Parcel H1f removed. A summary of the updated highway comments is as follows:  - The submitted scheme will require a temporary turning heads to the provided as part of the highway layout. These are not shown on the submitted layouts, and should be secured as part of any permission. It is questioned whether it is appropriate to condition a requirement that is currently beyond the red line boundary of the site, and this should be clarified with the local planning authority.  - The latest submission makes a comment that the opportunity for EV charging would be provided at every dwelling, although this is not shown on any plan submitted as part of the application. The suggested provision does also not appear to correspond with the latest Building Regulation requirements, and it is recommended that this provision is reviewed by the local planning authority”.</i></p>	<p>The provision of temporary turning heads can be controlled by condition.  EV charging is assessed at Para 12.57.</p>
<p><b>Natural England</b></p>	<p><i>“Thank you for consulting Natural England on the above reserved matters application. I have this afternoon spoken with the applicant’s consultant, Brookbanks, who have prepared the nutrients calculations and phosphorus mitigation strategy for the next parcels of land at Comeytrowe. The methodology follows that previously approved for earlier parcels of land, using the nutrients savings from taking land within the outline red line boundary out of agricultural production to provide headroom for new development. Fallowing of land is acceptable as a temporary or bridging solution provided it is backed with the commitment for it to become the permanent mitigation solution in the event</i></p>	<p>Final details are being ironed out, but NE advise there are no fundamental issues or impediment to approving this application.</p>

	<p><i>that an alternative solution cannot be found.</i></p> <p><i>Given that the current application concerns phases of development on land that was previously fallowed and some of the calculations relate to other reserved matters applications in the pipeline (including the care), the assessment of nutrient budgets is inevitably quite complex. It is also apparent that land within the outline consent red line boundary available for fallowing will be more or less exhausted if current or pending phases of development are approved. For those reasons we have requested that Brookbanks provides an overview of the phosphorus budget that shows that the overall amount of development (quantum of housing/residential) for which approval is being sought and the overall amount of land that need to be fallowed.</i></p> <p><i>Brookbanks indicated that it would take several days to provide this information and that may it is not available to include in your Officer's Report for Committee. However, I can say that I do not foresee any fundamental problem with the calculations or mitigation approach for this application. Rather it is sensible that we, as a statutory adviser on Habitats Sites, and your Authority, as the Competent Authority for Habitats Regulations Assessment, have the additional reassurance that the overall budgets for Comeytrowe work".</i></p>	
<b>Public Rights of Way - SCC</b>	On original plans – No objections subject to comments relating to potential path surfacing, the crossing of an internal road being agreed via the s38/s278 highway adoption process. An informative note is suggested.	Informative note imposed.
<b>Environment Agency</b>	On original plans – No objection in principle, comments made in relation to condition discharges. "Phases H1C and H1F are located within Flood Zone 1 at the lowest risk of flooding, the ideal flood zone to develop".	Condition discharges are a separate matter; no further action.
<b>ICOSA - NAV</b>	No objections.	No further action.

<b>Lead Local Flood Authority (LLFA) - SCC</b>	The LLFA has received a package of information from the applicant relating to context, capacity, exceedance routes and management. There are no remaining issues.	No further action.
<b>Historic England</b>	On original plans - No comments to make, advice should be sought from SWT Conservation, archaeological and placemaking advisers.	The recommended consultations have taken place; no further action.
<b>Sport England</b>	On original plans – No comments to make.	No further action.
<b>National Highways</b>	On original plans – offer no objection.	No further action.

## 8.2 Non-Statutory Consultees

<b>Non-Statutory consultee</b>	<b>Comments</b>	<b>Officer comments</b>
<b>Affordable Housing</b>	<p>On the latest set of amended plans – <i>“The developer is required to deliver 17.5% affordable homes on this site under the S106 Agreement with a permissible variance for each RM application of 15-20% providing the final overall is 17.5%. This will be monitored across all phases of this development. For Phase H1Cii the 17 affordable homes proposed is 31% of the total 55 homes. 9 will be in accordance with the S106 agreement and 8 will be as additional affordable housing through Homes England funding. The additional affordable housing across this phases is welcomed to meet the high level of affordable housing demand in Taunton. We will continue to monitor the tenure across the whole development to ensure the overall tenure meets the S106 agreement requirements of 60% affordable rented and 40% shared ownership.</i></p> <p><i>The affordable housing layout and proposed tenure plans are shown on drawings (A1) DrNo13708 PL-VI-23/ Planning Layout - H1c-ii. The plans clearly show the affordable housing arranged in small clusters interspersed with some open market homes and therefore are considered to be an integral part of the development and will</i></p>	No action required.

	<p><i>not be visually distinguishable from the market housing on site.</i></p> <p><i>The type of the affordable housing units to be provided reflect the distribution of property types and sizes in the overall development with the majority of the homes having 2 and 3 bedrooms.</i></p> <p><i>The proposed overall mix reflects the existing need in Taunton and allows for different sized households across the development to encourage a diverse and sustainable community and allow socially supportive and stable community to develop on the site.</i></p> <p><i>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.</i></p> <p><i>The Housing Association associated with this development is LiveWest which is one of Somerset West and Taunton's preferred partners. LiveWest have agreed the affordable housing layout and plans and are working closely with the Somerset West and Taunton Enabling team on a Local Lettings Plan to ensure local people are given priority for affordable housing on this development.</i></p> <p><i>The delay whilst a resolution to the Phosphate issue was found has impacted on the Affordable Housing Delivery program. However it is hoped that the Affordable Homes proposed within this Reserved Matters application will be able to meet the grant funding deadlines providing the proposed affordable homes start on site imminently. The impact of a delay to start on site and therefore completion of further 'additional' affordable homes through subsequent Reserved Matters submissions will form part of the ongoing discussion with Homes England and LiveWest".</i></p>	
--	--	--

<b>Crime Prevention Officer</b>	On original plans – no objection subject to comments – design observations and recommendations given.	This advice has been borne in mind during revisions and implemented where possible/ appropriate.
<b>SWT Environmental Health</b>	No comments of Parcel H1c(ii)	No further action.
<b>SWT Conservation Officer</b>	No objection. Verbally discussed - the setting of Comeytrowe Manor has been establish by the grant of the outline.	No further action.
<b>SWT Placemaking Officer</b>	Comments on original plans, Parcel H1c(i) only - Concerns raised relating to the lack of an Appearance Palette, the grouping to the south without a perimeter road, a key building is missing and key buildings are not sufficiently individual and house types do not reflect the local vernacular. The scheme should be reviewed by QRP.	The concerns are noted, this Parcel follows the approved design principles of previous parcels and amended plans have tried to address concerns where possible. No previous parcels have been reviewed by QRP.
<b>SWT Green Infrastructure Officer</b>	On the latest set of plans – (comments numbered to aid response) <i>“In general, I am supportive of what is being proposed. The removal of Parcel H1f from the application doesn't suppose to cause any difference in terms of GI. However, I am writing here a few general suggestions from a GI perspective –</i> <b>1. Trees and Vegetation - I think vegetation and tree planting hasn't been fully maximised along (all) streets, and specifically, along the tertiary cycle street, which connects major green areas (the linear pocket park within the application boundary and Highfield meadow and Manor Park are outside the application boundary). I marked on the map below the street section which should have a softer approach. I also and a few suggestions within the application boundary where I think trees could be added without further changes. I am sure there are many more areas where vegetation/trees could be added,</b>	1. The street mentioned is outside the current application.  2. This can be conditioned.  3.This hasn't been raised by the highway authority, the road design follows the principles from the previous approvals.  4. Dense tree buffers do not feature in other previously approved situations.

	<p><i>including within the street verges and adding new tree pits.</i></p> <p><b>2. Crossing points</b> - <i>I think the proposal should identify and add more crossing points based on pedestrian desire lines to create better and safer walking routes across the neighbourhood. The parks would attract residents of different ages, including children, and I suggest adding a crossing point at the entrances to the park. I would prefer the crossing point to be raised and paved (using the same surface as the pavement).</i></p> <p><b>3. Streets</b> - <i>I also think that all street types within the site boundary (tertiary cycle street, tertiary garden lane and the private drivers) should include measures to calm traffic to create a pleasant low-traffic environment around. Such as creating pinch-points, lane shifts or filtered permeability.</i></p> <p><b>4. Edges treatment</b> - <i>The design suggests a 'green edge frontage' treatment for the plots that border the adjacent open spaces. I think this type of separation has the potential to create a softer transition from the built to the open area. However, I would suggest adding a green buffer dese tree planting to make a more gradual transition between the buildings and the open spaces.</i></p> <p><b>5. Playground</b> - <i>As I have commented before on the LEAP, I think that its design and setting still don't fully benefit from the site topography and the level change. Integrating the topography within the design has the potential to create a unique playground which could strengthen the character of the area and the linear park.</i></p> <p><b>6. Drainage</b> - <i>The drainage strategy includes a seasonal attenuation pond as part of the local park and another attenuation pond at the edge of the development. A sewer system is designed to drain and discharge rainwater to the attenuation ponds. I think the drainage strategy should rely more on rain gardens and Bio-swales</i></p>	<p>5. The LEAP/playground has been approved.</p> <p>6. The approach to drainage follows and fits that established site wide and agreed with the LLFA.</p>
--	---	---

	<i>for capturing more rainwater closer to where it falls and draining it to the attenuation ponds. I also haven't seen (might missed?) a plan that shows where permeable paving is used. I think the street surfaces and parking areas next to the Linear Pocket Park should be permeable paving”.</i>	
<b>SCC Ecologist</b>	<p>On amended plans (inclusive of sHRA)-  <i>“SES can confirm that we concur and support Natural England’s comments on this application”.</i></p> <p>On original plans –  Commenting on condition discharge material, largely in relation to Parcel H1f. Refers to the fact dormice are catered for via a site wide licence already. By inference there are no stated issues with H1c(ii).</p>	No further action.
<b>SWT Tree Officer</b>	<p>On original plans – Comment made relating to protective fencing and underground services. Space should be made for strategically placed larger species within the layout that can grow to maturity. The smaller trees shown are unlikely to make a long-term contribution to the canopy cover or treed character of the development.  Smaller planting sizes would aid establishment.  Concern over the use of fastigiate trees.</p>	<p>A condition will secure protective fencing and a no dig area in the RPZ for underground services.  Larger trees are shown in the open spaces throughout the western neighbourhood.</p>
<b>Devon and Somerset Fire and Rescue</b>	<p>On original plans - Comments relating of means of escape, and the availability of fire hydrants.</p>	<p>These matters are covered by Building Regulations; no further action.</p>
<b>Blackdown Hills ANOB</b>	<p>On original plans – No comments to make.</p>	No further action.

### 8.3 Local representation

8.3.1 In accordance with the Council’s Adopted Statement of Community Involvement this application was publicised by letters of notification to neighbouring properties and several site notices were displayed in streets surrounding the site on 18 October 2021.

8.3.2 59 letters were received, all expressed objection, queries or concern.

- 8.3.3 Three issues in particular raised many objection's, firstly the proposed use of the former Industrial Estate access on Comeytrowe Lane to serve several proposed properties in Parcel H1f. Parcel H1f has now been withdrawn as part of this application, but not before the applicant signalled its intention to revise this arrangement. Secondly the detail and use of the bus-gate on Comeytrowe Lane and thirdly potential land contamination at the former Industrial Estate which are also only relevant to Parcel H1f. These issues and more will be relevant once Parcel H1f reemerges via what will now be a new application in the future.
- 8.3.4 Given the above it should be noted that specific comments made by members of the public on Parcel H1f will not appear below, given that part of the scheme has been withdrawn; any general comments that could relate to H1c(ii) have been reported and will be assessed.
- 8.3.5 Of the 58 letters only 8 raised objection/concerns that were directly or indirectly applicable to the now revised application for Parcel H1c(ii).

Comment	Officer comment
<p><b>Impact on residential amenity</b></p> <p>Objection to original plans - The proximity and orientation of certain plots will impact on 18 Jeffreys Way, the ground does not slope away as is the case further east along Jeffreys Way. The outlook from an annexe by a dependent relative is of concern. The impact could be reduced by reducing dwelling numbers, parking moved, and orientation altered.</p> <p>On amended plans – the plans are an improvement to the previous versions. Queries relating to affordable housing and timescales for delivery.</p>	<p>These issues have been taken on board in the revised plans which seek to achieve an acceptable relationship, this is explored further at Para 12.39.</p>
<p>Objection to original plans - 16 Jeffreys Way - <i>“The latest proposed plan submitted has changed in the way the units are drafted to be allocated. The allocation of units between private and rented has changed compared with earlier versions submitted. The rented housing units seem to be clustered, rather than “pepper-potted” as I believe is the stated aim of SW&amp;T. The Affordable/Rented units seem to have narrower plots than the private ones. Hence the impact upon my property is that the density of immediate neighbours is greater than might otherwise be possible. Plots B171 &amp; B172 are still quite close to our rear boundary (and that of No</i></p>	<p>These issues have been taken on board in the revised plans which seek to achieve an acceptable relationship, this is explored further at Para 12.39.</p> <p>The distribution of affordable units has been agreed with the relevant officer.</p> <p>The issue of density and scale is addressed at Para 12.20 onwards. No comments have been received in connection with the amended plans.</p>

<p>18). <i>If these units were converted to a single larger unit, this would enable the repositioning of parking and the building orientation move the building further away. Overall, the density of these plots B163 to B172 has not materially changed and there must be scope to redesign the road layout &amp; density behind our property. Is it possible to remove a pair of semi-detached units, create a turning or parking space and assist the re-orientation of B172/173 or replacement single unit??</i></p> <p><i>The overall top corner of the development H1C-ii, as now proposed, seems comparatively crammed in against the rest of the phase designs. The existing field is higher than our garden and house floor levels. Even with the boundary fencing, the proposed building layout density impacts upon us most invasively as existing residents. Within the overall scope of circa 2k houses, one would hope there is scope to alter this particular phase layout. This would benefit both the new and existing residents.”</i></p>	
<p>15 Highfield Crescent - A request for cross sections is made – <i>“The buildings closest to my property will have a dominating impact, their scale and height difference, (much higher) and gable ends blanking out much sunlight. Even though their actual distance will be over 20m away. A slight roof design change would ameliorate the blank gable ends. Any windows will look directly into, particularly downwards, into my bedrooms and living room as well as the garden. My privacy will be greatly impeded”.</i></p>	<p>These issues have been taken on board in the revised plans which seek to achieve an acceptable relationship, this is explored further at Para 12.39.</p> <p>Cross sections were submitted, and the issue of density and scale is addressed at Para 12.20 onwards.</p>
<p>15 Highfield Crescent – On amended plans -</p> <p><i>“1. We now have 4 houses with windows that fundamentally look into and at our house and garden. This removes any vestige of privacy.</i></p> <p><i>2. My previous submission to the Planning Committee asked for simple cross section drawings to be made, showing relative heights and aspects. This has not been done for my property, which actually is the most affected by the new houses cf those in Jeffreys Way.</i></p> <p><i>3. I therefore feel badly done by and aggrieved, that we have not been treated fairly and equally.</i></p>	<p>Cross sections were submitted, these issues have been taken on board in the revised plans which seek to achieve an acceptable relationship, this is explored further at Para 12.39.</p> <p>The applicant has been constantly reminded of their responsibilities with regard noise, dust and vibration mitigation set out in their own CEMP. Environmental Protection colleagues are currently dealing with a complaint.</p>

<p>4. <i>On your visit to us, we roughly measured distances and heights, showing that the new full ridge height of the new houses are way above the ridge height of our dormer bungalow. We have a lower inherent height, not only that, the new houses foundations are some 9' (over 2m) higher than our houses.</i></p> <p>5. <i>The 4 new houses absolutely dominate our position.</i></p> <p>6. <i>Please can you tell me if privacy is a planning factor?"</i></p> <p>The development is also causing intolerable noise and dust with horrendous vibrations from the volume of heavy machinery, which has caused damage to property.</p>	
<p>14 Jeffreys Way – Query relating to the extent of boundary fencing being currently erected and ensuring there are no gaps.</p>	<p>The plans show there will be no gaps but this is being confirmed with the consortium.</p>
<p><b>Design and Layout</b></p>	
<p><i>"This submission does not seem to fully align to the statements, both of the developers and SW&amp;T, about building a cohesive integrated community".</i></p>	<p>No evidence is given to justify this statement; design and layout is considered at Para 12.20 onwards.</p>
<p><b>Highways</b></p>	
<p>Concern about potential vehicular access from the development onto Comeytrove Road.</p>	<p>The outline is clear in setting out the points of access for the development. Where any variation is sought then this will be consulted upon, assessed, and referred to the planning committee. The redline for this revised application does not now extend near Comeytrove Lane as before.</p>
<p>No improvement is being made to the carriageway width at 'Midfields' on Comeytrove Lane.</p>	<p>All off-site highways works deemed necessary to serve this development were secured via the outline consent. New developments need to address their own impact.</p>
<p><b>Drainage</b></p>	
<p>Photos sent relating to a flooding event at Comeytrove Manor (adj. to H1f) in Sept 21.</p>	<p>This event followed a heavy storm and was quickly addressed by the developers when contacted by the member of the public. The application contains a surface water strategy assessed in Para 12.47.</p>
<p><b>Other</b></p>	
<p>A question regarding responsibilities – Who will be responsible for rectifying damage and undertaking any remedial works caused by this development – to adj.</p>	<p>A specific evidenced allegation needs to be made to the appropriate body to investigate. Issue with</p>

property, from flooding or traffic accidents, and pollution of the Galmington Stream, who will bear the cost?	damage to private property is a civil matter.
---	---

8.3.6 There were no specific letters of support received.

## 9. Relevant planning policies and Guidance

9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan 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).

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

9.3 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

9.4 Relevant policies of the development plan in the assessment of this application are listed below.

### Core Strategy 2012

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

Site Allocations and Development Management Plan 2016

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

Other relevant policy documents

Somerset West and Taunton Design Guide

Taunton: The Vision for our Garden Town and the Taunton Design Charter and Checklist

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency

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

Neighbourhood Plans

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

The revised National Planning Policy Framework (NPPF), last update July 2021 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Build a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making efficient use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

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.

## **10. Conclusion on Development Plan**

- 10.1 To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.
- 10.2 The relevance of and weight given to material considerations is vitally important in assessing the 'planning balance'. This project relates to a historic allocation, a 2014 application and 2019 outline approval informed by a viability assessment. Importantly also pre-Garden Town allocation. The Urban Extensions of Comeytrove and Staplegrave were therefore brought forward, allocated, financially assessed and master planned in a different policy context to that which exists today. The challenge is to ensure sustainable development is secured, within the established legal framework to maintain momentum in housing delivery.
- 10.3 Indeed, SWT published the Strategic Housing and Employment Land Availability Assessment (SHELAA) in May 2022. The former TDBC LPA area had a 4.04 Year Housing Land Supply (YHLS).

- 10.4 As a result of the Phosphates Planning Committee decision on 21 July 2022 to bring forward interim measures to unlock development in the former TDBC area and taking into account the Written Minister Statement 20 July 2022 the Council considers that it could demonstrate a 5YHLS.
- 10.5 The interim measures, the phosphates credits, could unlock between 150 and 780 dwellings and this would result in a HLS of between 4.25 and 5.13 years. At the upper end this would mean that *Presumption* would not apply.
- 10.6 Clearly the sites in the supply need to come forward and this scheme of 55 units with a phosphate solution is part of a site which underpins and contributes significantly to the Council's five-year housing land supply.
- 10.7 This report assesses the material planning considerations and representations before reaching a conclusion on adherence with the development plan as a whole.

## **11. Local Finance Considerations**

Community Infrastructure Levy  
Creation of dwellings is CIL liable.

Amended scheme development measures approx. 5176 sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £362,500.00. With index linking this increases to approximately £511,000.00.

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.

## **12. Material Planning Considerations**

- 12.1 The main planning issues relevant in the assessment of this application are as follows:
- The principle of development
  - The scope of this application
  - Issues raised through the consultation process

Principle of Development

- 12.1. 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.

- 12.2. A full and detailed Environmental Statement was submitted with the Outline application. It was not required to be updated to support application 42/20/0006 Phase H1c(ii).
- 12.3. 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

- 12.4. 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.
- 12.5. These can be summarised as increased or improved detailing, changes to fenestration, improvement to dwelling design and streetscape, revised boundary treatments, landscaping changes and improvements and clarification of the relationship to adjacent existing residential properties.
- 12.6. Available phosphate mitigation has also seen the proposal be substantially amended by reducing the extent of the application.

#### The Scope of this application

- 12.7. The outline application accompanied by an Environmental Statement was approved on the basis that reserved matters would subsequently be sought for layout, scale, appearance and landscaping. Access was approved as part of the outline application and three Highways related plans for 2 roundabouts on the A38 and Honiton Rd and the secondary 'bus only' access off Comeytrove Lane were approved and listed in Condition 02 accordingly.
- 12.8. 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

- 12.9. 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.
- 12.10. 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.
- 12.11. 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.
- 12.12. 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. An assessment of the internal movement and access is to be found at Para 12.45.
- 12.13. 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 high-level parameter plan. It also fits with the already approved detailed landscaping plans for Highfield Park (app ref 42/19/0053) and the approved Garden Park (app ref 42/21/0046).
- 12.14. Additional landscaping to that retained is provided for in the form of street trees, front gardens, parking areas and within incidental public open space areas. The quantum, distribution and species choice is considered acceptable. A condition relating to protective fencing for existing trees and hedges will be imposed as required by the Council's Tree Officer.
- 12.15. 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.

- 12.16. 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.
- 12.17. The infrastructure Reserved Matters application, ref 42/19/0053, also showed some internal estate roads and the location of the more strategic public open space areas which this application also accords with.
- 12.18. The layout provides a suitable quantum of parking spaces, largely on plot, to accord with policy.
- 12.19. A later section of this report assesses the '*Standard of amenity for proposed dwellings*'.
- 12.20. Scale - The approved Scale Parameter Plan stated in Condition 02 is Plan No.9602 Rev K. It shows the area covered by this reserved matters application as being 'Up to 11m' 2.5-3 storey high development. This Reserved Matters application therefore accords with this approved plan.
- 12.21. Density - An integral part of scale and layout is density. The approved Density Parameter Plan stated in Condition 02 is Plan No.9601 Rev I. It shows the area covered by this reserved matters application as being 'lower density' inclusive of predominantly detached units, some semi-detached and minimal terraced units at a density of 20-40 dwellings per hectare (dph) to the north, nearest the Jeffreys Way boundary and the southernmost areas as '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).
- 12.22. This Reserved Matters application shows an averaged density across the whole parcel at 42.9 dph. It is clear from looking at the plan that the density of the northern part nearest the Jeffreys Way boundary is at a lower density than that to the south bordering the Garden Park.
- 12.23. The plan continues the pattern established by Parcels H1a and H1c(i) whereby semi-detached units dominate, with larger detached units facing open spaces. Stronger terrace forms are used to enclose and overlook the Garden Park as required by the Design Guide.
- 12.24. In addition, the reason for the higher proportion of semi-detached smaller houses is influenced in part by the inclusion of 'additionality' affordable homes through the securing of Homes England funding. It should also be noted that the approved adjacent Parcel H1b was 40.2dph within a medium density

range of 30-50dph. The proposed density of Parcel H1a was 37.8dph within the lower density range of 20-40 dwellings.

- 12.25. 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.
- 12.26. 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 are also material considerations albeit with limited weight given the existence of the outline approval.
- 12.27. Given the strategic nature of this site, this design process has taken place over a number of years, with broader considerations around the site context and structure being considered in principle as part of the Outline application, with the approval of the parameter plans previous discussed.
- 12.28. 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.
- 12.29. 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.
- 12.30. 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.
- 12.31. The Comeytrove Garden Community will deliver a comprehensive landscape and green infrastructure scheme, with substantial areas of open space and tree planting in line with the Garden Town Vision. Much of this green infrastructure has already been designed and approved under application 42/19/0053. This application also approved the strategic Sustainable Urban Drainage Systems (SuDS) and earthworks to create level building plots. This is the work presently occurring on site.

- 12.32. 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.
- 12.33. Within Phase 1, Parcels H1a, H1b, H1c(i) and H1c(ii), 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/look 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.
- 12.34. As such the approach to parcel H1c(ii) 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, H1c(ii) and H1d despite several design facets remaining problematic to officers and councillors 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.
- 12.35. Numerous amendments have been made to the Reserved Matters submission to both align with those parcels already approved but to also respond to new settings 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.
- 12.36. The comments of the GI Officer are noted; green infrastructure has been considered, street trees and on-plot trees included and there is a comprehensive approved landscaping scheme within the public open spaces areas.
- 12.37. 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.
- 12.38. Overall it is considered the proposal accords with the relevant policies of the Core Strategy and SADMP.

## Residential Amenity - Impacts on Neighbours

- 12.39. The application nestles into a corner formed by boundaries to Jefferys Way (3 properties) and 1 property at Highfield Crescent. This is reflected in the letters received from these residents (NB 1 property on Jeffreys Way was vacant for most of the application period and has subsequently been sold and is now occupied by new owners). Save for this dwelling the other three have been visited and the application assessed from those gardens.
- 12.40. As a result, some revisions have been secured to lessen the actual, and perceived impact of new houses. Whilst these changes will not have gone as far as some would like, cross sections provided by the applicant show window to window distances in excess of that typically found to be acceptable in planning terms. In the case of Jeffreys Way and Highfield Crescent separation distances are a minimum of 29m, when 21m is used as a guide.
- 12.41. As was evident on Parcel H1c(i), application 42/20/0056, which extended along the majority of the Jeffreys Way boundary, attention has been paid to limit the perceived impact by securing a higher than normal boundary fence and the inclusion of tree planting in the rear gardens of proposed properties. Highfield Crescent is separated from new properties by an area of open space where planting will take place and properties there also benefit from established and robust vegetated boundaries.
- 12.42. Overall it is considered the proposal accords with the relevant policies of the NPPF, Core Strategy and SADMP.

### Other Considerations

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

### *Ecology*

- 12.44. The outline application is subject to numerous ecologically related conditions that require consideration at each Reserved Matters stage. Most of the issues raised by the Council's retained ecologist relate to Parcel H1f, which is now withdrawn. The Ecologist refers to phosphates, site wide licences relating to dormice and the need for further surveys for bat activity in the former Industrial Estate to satisfy those conditions related to H1f. In short there are no ecological concerns with H1c(ii).

### *Internal Access and Movement*

- 12.45. The Western Neighbourhood Design Guide and Masterplan set out a hierarchy of roads and streets which this application accords with. Condition 26 of the outline also required an internal network of cycle paths to be created and plans for this in the Western Neighbourhood have also been agreed, which this application respects.
- 12.46. Comments have been made regarding turning heads (Highway Authority) and crossing points (GI Officer), both issues can be easily resolved via conditions.

### *Drainage and Flood Risk*

12.47. The site is not within a Flood Risk area. The approach to surface water drainage follows that established via the Infrastructure application in 2019 when the majority of attenuation basins and the way they were to drain the Western Neighbourhood was approved. The LLFA have raised some concerns relating to Parcel H1c(ii) and further details will be examined via the submission for condition 13 of the outline consent. The strategy works on the basis of surface water being captured and held in attenuation basins and then released slowly, at a rate the same or better than would have been the case had the rain fallen on a green field. Other parts of the strategy include the use of water butts, permeable paving and depressions. Surface water is also importantly kept separate from foul discharges.

### *Impact of Heritage Assets*

12.48. 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.

12.49. The primary areas of interest within the Environment Statement accompanying the outline application was Rumwell Park and the Trull Conservation Area.

12.50. Parcel H1c(ii) is not within the perceived setting of Rumwell Park which is located further to the north west and is distant from the Trull Conservation Area.

12.51. Comeytrove Manor (Grade 2) is located to the south east, but there is little intervisibility between its setting and the parcel in question.

12.52. 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*

12.53. 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.

12.54. 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.

- 12.55. The submitted Energy and Sustainability Statement, which mirrors that already approved for parcels H1b, H1a, H1c(ii) and H1d 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.
- 12.56. 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.
- 12.57. Councillors will also be keen to learn that in order to support the transition to electric vehicles, all units, bar one, are to be provided with infrastructure to allow the future installation of electric vehicle charging points. The comments on EV charging by the Highway Authority is noted.

*Standard of amenity for proposed dwellings*

- 12.58. 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.
- 12.59. There is sufficient space between the windows of dwellings to prevent unacceptable overlooking, and gable ends are positioned so as to avoid overshadowing of neighbours.
- 12.60. Overall it is considered the proposed dwellings will provide an acceptable standard of amenity for future residents.

*Refuse and Recycling*

- 12.61. 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*

- 12.62. Parking is provided largely in the form of 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.
- 12.63. 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.

### **13. Planning Balance and Conclusion**

- 13.1. The continued delivery of the Garden Community will make a significant contribution towards meeting 'transformational housing growth' in Taunton and the wider council area whilst contributing to the Council's 5-year land supply of housing land and the provision of much needed affordable housing.
- 13.2. 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 four approved housing parcels.
- 13.3. There has been engagement by the applicant's agent and officers have added value by seeking amendments to plans during the application stage.
- 13.4. The parcel contributes, in a small way, to the comprehensive landscape and green infrastructure scheme for the Comeytrove site. The wider site is delivering substantial areas of open space, including new parks and gardens, allotments, playing fields and tree planting in line with the garden town vision approved by Reserved Matters 42/19/0053.
- 13.5. It is considered the application accords with the Development Plan when taken as a whole and any impacts are either already mitigated by legal agreement or conditions under the outline or via additional conditions proposed here.
- 13.6. 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.
- 13.7. In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

### **Appendix 1 – Planning conditions and informatives**

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

(A1) DrNo PL-VI-21 RevG	Site Location Plan
(A0) DrNo PL-VI-22 RevB	Site Context Plan
(A1) DrNo PL-VI-23 RevL	Planning Layout
(A1) DrNo PL-VI-24 RevG	Materials Plan
(A1) DrNo PL-VI-24.1 RevB	Materials Plan Specification
(A1) DrNo PL-VI-25 RevC	Boundary Treatments Plan
(A3) DrNo PL-VI-25.1 RevB	Boundary Treatments

(A0) DrNo PL-VI-26 RevA	Presentation Layout
(A0) DrNo PL-VI-27 RevA	Interrelationship Plan
(A1) DrNo PL-VI-28 RecC	Visitor Parking Plan
DrNo 13708 AC-VI-23 RevC	Accommodation Schedule - Parcel H1c(ii)
(A1) DrNo 13708 SS-VI-22 RevB	Street Scenes
(A3) DrNo 13708 SE-H1cii-AA RevA	Site Section A-A
(A3) DrNo 13708 SE-H1cii-CC RevA	Site Section C-C
(A3) DrNo 13708 SE-H1cii-DD RevA	Site Section D-D
(A3) DrNo 13708 SE-H1cii-II RevC	Site Section I-I
(A3) DrNo 13708 SE-H1cii-JJ RevC	Site Section J-J
(A3) DrNo 13708 SE-VI-21 RevA	Site Sections
(A3) DrNo HT-H1cii-S-A24L-01 RevA	Housetype Planning
Drawing -H1c-ii Secondary Frontage - A24L	
(A3) DrNo HT-H1cii-S-A30L-01 RevB	Housetype Planning
Drawing -H1C-II Secondary Frontage - A30L	
(A3) DrNo HT-H1cii-S-ELMSLIE-01 RevA	Housetype Planning
Drawing - H1C-II Secondary Frontage - Elmslie	
(A3) DrNo HT-H1cii-S-BECKET-01 RevA	Housetype Planning
Drawing - H1C-II Secondary Frontage - Becket	
(A3) DrNo HT-H1cii-K-CARTWRIGHT-01	Housetype Planning
Drawing - H1C-II Key Local Space Frontage - Cartwright	
(A3) DrNo HT-H1cii-K-ELMSLIE -01	Housetype Planning
Drawing - H1C-II Key Local Space Frontage - Elmslie	
(A3) DrNo HT-H1cii-K-ALDRIDGE-01 RevA	Housetype Planning
Drawing - H1C-II Key Local Space Frontage - Aldridge	
(A3) DrNo HT-H1cii-K-MYLNE-01	Housetype Planning
Drawing - H1C-II Key Local Space Frontage - Mylne	
(A3) DrNo HT-H1cii-K-A10L-01	Housetype Planning Drawing -
H1C-II Key Local Space Frontage - A10L	
(A3) DrNo HT-H1cii-K-A24L-01	Housetype Planning Drawing -
H1C-II Key Local Space Frontage - A24L	
(A3) DrNo HT-H1cii-GE-BECKET-02 RevA	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Becket	
(A3) DrNo HT-H1cii-GE-BECKET-03 RevB	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Becket	
(A3) DrNo HT-H1cii-GE-BECKET-04 RevA	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Becket	
(A3) DrNo HT-H1cii-GE-BECKET-05	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Becket	
(A3) DrNo HT-H1cii-GE-ALDRIDGE-01	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Aldridge	
(A3) DrNo HT-H1cii-GE-PEMBROKE-01 RevB	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Pembroke	
(A3) DrNo HT-H1cii-GE-MILNE-01	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Milne	
(A3) DrNo HT-VI-SGAR-21	Housetype Planning Drawing
Vistry - Single Garage	

(A3) DrNo HT-VI-GAR-22 Vistry - Double Garage Double Owner	Housetype Planning Drawing
(A0) DrNo BR-L-N1-PL227 RevE Plan, Layout Sheet	Landscape Proposals Planting
(A0) DrNo BR-L-N1-PL228 RevF Plan, Sheet 1	Landscape Proposals Planting
(A0) DrNo BR-L-N1-PL229 RevF Plan, Sheet 2	Landscape Proposals Planting
(A3) DrNo BR-L-N1-PL327	Soft Landscape Tree Pit Detail
(A2) DrNo 13708 SRS-VI-02 RevD	Steps & Railings Study
(A1) DrNo 1033-02-ATR-4001 RevF	Fire Tender Tracking Plan
(A1) DrNo 1033-02-ATR-4101 RevF	Refuse Vehicle Tracking Plan
(A1) DrNo 1033-02-DR-4001 RevG	Preliminary Drainage Layout
(A1) DrNo 1033-02-GA-4001 RevE	Preliminary Highway Levels Plan
(A1) DrNo 1033-02-GA-4002 RevG	Preliminary Highways Levels Plan
(A1) DrNo 1033-02-GA-4101 RevH	Preliminary Proposed Adoption Plan
(A1) DrNo 1033-02-GA-4201 RevF	Preliminary Junction Visibility Plan
(A1) DrNo 1033-02-RP-4001 RevB	Preliminary Road Profile Plan
(A1) DrNo 1033-02-RP-4002 RevA	Preliminary Road Profile Plan

COM-VI-02 Rev 04 H1c-ii Design Compliance Statement  
Energy and Sustainability Statement H1a, AES Sustainability Consultants Ltd,  
July20

Drainage Statement 1033 RevC, awp, 23 January 2022

Arboricultural and Ecological Technical Note – Parcel H1c(ii) Prepared by:  
The Environmental Dimension Partnership Ltd, May 2021, Report Reference  
edp0782\_r067

Shadow Habitats Regulations Assessment Report,  
220728\_P1136\_sHRA\_H1c\_H1f, 28 July 2022, ead ecology

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

2. The landscaping/planting scheme shown on the approved plans shall have been completely carried out by the end of the first available planting season after the final occupation within Phase H1c(ii).  
Prior to the first occupation of any dwelling within Phase H1c(ii) a specification shall have been agreed in writing by the Local Planning Authority and been fully implemented to reinstate the native hedgerow removed in the vicinity of Plots 181/182-186. The replacement hedgerow shall include nine specimen trees. For a period of ten years after the completion of Phase H1c(ii), the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy

CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.

3. The development hereby approved shall be carried out and maintained in accordance with drawing DrNo PL-VI-24 RevG (Materials Plan), DrNo PL-VI RevB (External Materials and Colours Specification), DrNo PL-VI-25 RevC (Boundary Treatments Plan) and DrNo PL-VI-25.1 RevB (Boundary Treatments) 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. Each individual dwelling hereby approved shall only be occupied following it's individual compliance with the Energy and Sustainability Statement H1a, AES Sustainability Consultants Ltd, July20 and the agreed scheme of electric vehicle charging infrastructure as outlined on drawing no. PL-VI-23 RevL and letter dated from Boyer Planning dated 04/08/2022.

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. No individual dwelling hereby approved shall be occupied until:
  - (i) the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and
  - (ii) a notice specifying the calculated consumption of wholesome water per person per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

Reason: To improve the sustainability of the dwellings in accordance with the Taunton Deane: Core Strategy Policies DM5 and CP8, the Supplemental Planning Document - Districtwide Deign Guide and Paragraphs 134, 154 and 180 of the National Planning Policy Framework.

6. Prior to occupation of development to implement the Phosphates Mitigation Strategy and Fallow Land Management Plan as contained within the Shadow Habitats Regulations Assessment Report, 220728\_P1136\_sHRA\_H1c\_H1f, 28 July 2022, ead ecology 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 Habitats

Regulations Assessment Report, 220728\_P1136\_sHRA\_H1c\_H1f, 28 July 2022, ead ecology 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).

7. In accordance with the submitted Arboricultural and Ecological Technical Note, May 2021 ref edp0782\_r067 all protective hedge and tree fencing shall be erected prior to any works within the parcel. Notwithstanding the document, all fencing shall be the fixed type of fencing shown at Annex EDP 2. No trenches shall be dug within the RPAs of trees or hedges for underground services (or anything else) without the prior assessment and written agreement of the Local Planning Authority.

Reason: To safeguard existing trees and hedges to accord with Policy ENV1 of the SADMP.

8. Prior to the first occupation of Plot 172, the side window in the first floor in the southern elevation shall be fitted with obscure glazing and fixed shut. This shall be retained and maintained as such in perpetuity.

Reason: In the interests of residential amenity to accord with the aims and objectives of the National Planning Policy Framework.

9. Details of the cycle/pedestrian crossing points from the Garden/Pocket Park to Highfield Park and over the estate road to Parcel H1e within Highfield Park shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation such agreed details shall have been fully implemented unless otherwise agreed in writing with the Local Planning Authority.

Reason: To facilitate the safe passage of pedestrians and cyclists throughout the site to accord with Policy A3 of the SADMP.

10. Details of any temporary turning heads for vehicles shall be submitted to and approved in writing. Prior to the first occupation such agreed details shall have been fully implemented unless otherwise agreed in writing.

Reason: Due to the phased nature of the internal estate roads to allow vehicles to turn safely in the interests of Highway Safety to accord with the aims and objectives of the National Planning Policy Framework.

#### 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. Potential surface improvements to the path T 29/10 can be technically

approved under a s38 adoption agreement. In the event that there is not an agreement, then a separate s278 agreement will be required. The applicant will need to demonstrate that the crossing point of T 29/11 over the proposed access road, is safe for the public to use and constructed appropriately through the technical approval process as part of a relevant legal agreement.

3. The applicant is advised to refer to the 'SBD Homes 2019' design guide available on the Secured by Design website – [www.securedbydesign.com](http://www.securedbydesign.com) – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.
4. In accordance with the National Planning Policy Framework the Council has worked in a constructive and pro-active way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.