



PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 12TH OCTOBER 2005 AT 17:00.

(RESERVE DATE : THURSDAY 13TH OCTOBER 2005 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Committee held on 28 September 2005 (TO FOLLOW).
3. Public Question Time
4. TAUNTON REPORT ITEMS
38/2002/114 - RESIDENTIAL DEVELOPMENT, NEW SITE ACCESSES, CAR PARKING AND ASSOCIATED WORKS ON FORMER GAS STORAGE SITE, CASTLE STREET, TAUNTON; AND 38/2004/493 - RESIDENTIAL DEVELOPMENT, NEW SITE ACCESSES, CAR PARKING AND ASSOCIATED WORKS ON FORMER GAS STORAGE SITE, CASTLE STREET, TAUNTON.
5. LYDEARD ST LAWRENCE - 22/2005/013
ERECTION OF TWO STOREY EXTENSION, HOCcombe BARN, LYDEARD ST LAWRENCE (REVISED SCHEME).
6. NORTH CURRY - 24/2005/037
CONVERSION OF BARN INTO 5 BEDROOMED TWO STOREY DWELLING WITH DETACHED DOUBLE GARAGE AT CHESTNUT FARM, HELLAND.
7. TAUNTON - 38/2005/360
ERECTION OF DWELLING AND RETENTION OF ACCESS ON LAND TO THE REAR OF 188 KINGSTON ROAD, TAUNTON
8. WIVELISCOMBE - 49/2005/057
ERECTION OF TWO EXTENSIONS TO DWELLING AND CONSTRUCTION OF GARAGE/STUDIO TO REPLACE EXISTING GARAGE AT THE PADDOCKS, FORD ROAD, WIVELISCOMBE, AS AMENDED BY DRAWING NO. 6705:05 REV A RECEIVED 26TH SEPTEMBER, 2005
9. ENFORCEMENT ISSUES AT CREECH PAPER MILLS, CREECH ST. Enforcement item
MICHAEL.

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

05 October 2005

TEA FOR COUNCILLORS WILL BE AVAILABLE FROM 16.45 ONWARDS IN COMMITTEE ROOM NO.2.

Planning Committee Members:-

Councillor Mrs Marie Hill (Chairman)
Councillor Mrs Marcia Hill (Vice-Chairman)
Councillor Mrs Allgrove
Councillor Miss Cavill
Councillor Clark
Councillor Croad
Councillor Denington
Councillor Floyd
Councillor Guerrier
Councillor Henley
Councillor C Hill
Councillor Hindley
Councillor House
Councillor Lisgo
Councillor Phillips
Councillor Mrs Smith
Councillor Stuart-Thorn
Councillor Wedderkopp



Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



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Website: www.tauntondeane.gov.uk (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

Planning Committee – 28 September 2005

Present: Councillor Mrs Marie Hill (Chairman)
Councillor Mrs Marcia Hill (Vice-Chairman)
Councillors Mrs Allgrove, Miss Cavill, Clark, Croad, Denington,
Guerrier, Henley, C Hill, House, Phillips, Mrs Smith, Stuart-Thorn and
Wedderkopp

Officers: Mr T Burton (Development Control Manager), Mr J Hamer (Area
Planning Officer (West)), Mrs J Moore (Principal Planning Officer
(East)), Mrs J M Jackson (Senior Solicitor) and Mr G P Dyke (Member
Services Manager)

No press were present at the meeting.

(The meeting commenced at 5.00 pm.)

(Councillors Miss Cavill arrived at the meeting at 5.32 pm.)

121. Apologies

Councillors Floyd, Hindley and Lisgo.

122. Minutes

The Minutes of the meeting held on the 7 September 2005 were taken as
read and were signed.

123. Applications for Planning Permission

The Committee received the report of the Development Control Manager on
applications for planning permission and it was RESOLVED that they be dealt
with as follows:-

- (1) That **outline planning permission be granted** for the under-
mentioned development, subject to the standard conditions adopted by
Minute No 86/1987 of the former Planning and Development
Committee and such further conditions as stated:-

07/2005/021

Erection of two detached houses, Rose Cottage, Bradford on Tone.

Conditions

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C013 – site levels;
- (d) C010 – drainage;
- (e) C101 – materials;
- (f) C201A – landscaping;

- (g) C207 – existing trees to be retained;
- (h) C208A – protection of trees to be retained;
- (i) C208B – protection of trees – service trenches;
- (j) C215 – walls and fences;
- (k) C307 – access – gates set back;
- (l) C323 – parking;
- (m) The design of the dwellings hereby permitted shall pay careful regard to the setting of the adjacent listed building, with particular attention being paid to detailing, materials and positioning;
- (n) A full and detailed tree survey shall be submitted to, and approved in writing by, the Local Planning Authority and attention paid to the positioning of the new access drive in order to avoid damage to the important trees on the site;
- (o) C917 – services – underground;
- (p) P001A – no extensions;
- (q) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60m to the south of the access and 30m to the north of the access. Such visibility splays shall be fully provided before works commence on the erection of the dwellings hereby permitted and shall thereafter be maintained at all times;
- (r) The access over the first 5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (s) The garages shown on the submitted plan, Drawing No 11204/2, shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (t) The gradient of the proposed access shall not be steeper than 1:10;
- (u) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use.
(Notes to applicant:- (1) Applicant was advised to contact Wessex Water in respect of proposed connections, prior to the commencement of any works on site; (2) N110 – design; (3) N114 – meter boxes; (4) N118 – disabled access; (5) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (6) N091 – trees; (7) Applicant was advised that as the site is adjacent to open countryside, a substantial planting of hedge and trees will be expected on the eastern boundary of the site.)

Reason for granting outline planning permission:-

The proposal was considered to accord with Taunton Deane Local Plan Policies S1, S5, H2, EN8, EN12 and EN16 subject to conditions, as the proposed buildings would not cause detriment to the visual amenities of the area, to the listed building or harm to the important trees.

- (2) That **planning permission be granted** for the under-mentioned developments, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

05/2005/037

Retention of walls to side and rear, 16 Stonegallows, Taunton.

Condition

Within six months from the date of this permission, the wall to the eastern boundary shall be finished and thereafter maintained, on both sides, in a protective coating in a colour to match the existing dwelling in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason for granting planning permission:-

When completed, the wall would not have an adverse impact on visual or residential amenity and therefore would not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

12/2005/008

Erection of dwelling house and new access, land adjacent to Stone Acre, Corfe.

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C205 – hard landscaping;
- (e) C215 – walls and fences;
- (f) C010 – drainage;
- (g) P001A – no extensions;
- (h) P003 – no ancillary buildings;
- (i) P006 – no fencing;
- (j) All new fenestration shall be recessed and timber (unless otherwise agreed in writing by the Local Planning Authority) and details including sections, mouldings, profiles and method of opening shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development;

- (k) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 90m either side of the access. Such visibility splays shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
- (l) The proposed access over the first 5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (m) Before the access hereby permitted is first brought into use, the turning space shown on the submitted plan shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times;
- (n) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garage hereby permitted shall be used for the parking of vehicles only and shall not be used for any other purpose whatsoever.
- (o) The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access;
- (p) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
- (q) The gradient of the proposed access shall not be steeper than 1:10;
- (r) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (s) Notwithstanding the illustrative road frontage details shown on Drawing No 1705/7, full and proper details of road frontage treatment shall be submitted to, and approved in writing by, the Local Planning Authority before development commences.
(Notes to applicant:- (1) In respect of condition (f), applicant was advised that any soakaway should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water Infrastructure; (3) In respect of condition (s), applicant was requested to discuss any proposed road frontage treatment with the Case Officer).

Reason for granting planning permission:-

The proposed development would not adversely affect visual or residential amenity, road safety or the character and appearance of the Area of Outstanding Natural Beauty. Accordingly the proposal did not conflict with Taunton Deane Local Plan Policies S1, S2, H2 and EN10.

29/2005/014

Erection of two storey extension, enlarged porch, alterations to outbuilding to form annex at Higher Howstead, Otterford.

Conditions

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) C404 – single family unit;
- (d) The rooflights hereby permitted shall be flush fitting conservation style roof lights. Once installed, flush fitting rooflights shall be retained thereafter.
(Note to applicant:- N024 – development in accordance with approved plans.)

Reason for granting planning permission:-

The proposal was considered to comply with Taunton Deane Local Plan Policies H17 and H18 and material considerations did not indicate otherwise.

42/2005/029CA

Demolition of bungalow and outbuildings at Sundene, Dipford Road, Trull.

Conditions

- (a) C002A – time limit;
- (b) C653 – no demolition before planning permission granted and contract let;
- (c) Details of any alterations to the front boundary walls for access during demolition and their subsequent reinstatement shall be submitted to, and approved in writing by, the Local Planning Authority prior to demolition commencing.

Reason for Conservation Area consent being granted:-

The proposal was considered to comply with Taunton Deane Local Plan Policy EN15 and material considerations did not indicate otherwise.

46/2005/024

Proposed change of use of double garage to farriers forge workshop at The Forge, Blackmoor, West Buckland, Wellington.

Conditions

- (a) C001 – time limit;
- (b) Noise emissions arising from the workshop or from any part of the land or premises to which this permission relates shall not exceed background levels at any time by more than 5 dB expressed in terms of an A-Weighted 2-minute Leq, between 0800 and 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays when measured at any point 1m from any residential or other noise-sensitive boundary. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time, when measured as above. At all other times, including Sundays and Bank Holidays, noise emissions shall not exceed background levels when measured as above. For the purposes of this permission, background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.
- (c) C901 – personal permission;
- (d) The use hereby permitted shall be strictly limited to the use of the site for a farriers forge workshop and for no other purpose including any purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order;
- (e) Plans showing a parking area providing for four vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated (not loose stone or gravel) before the use commences and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (f) C723 – sound-proofing;
- (g) Full details of any external alterations shall be submitted to, and approved in writing by, the Local Planning Authority and implemented prior to commencement of the use hereby approved. Such alterations shall include doors, windows, flues, vents and any other openings or apertures.

Reason for granting planning permission:-

The proposal was considered acceptable and accorded with Taunton Deane Local Plan Policies S1, EC6 and EC7 as it enabled the employment of a specialist craftsman, subject to conditions, which should ensure no detriment to the amenities of local residents.

48/2005/036

Retention of single unit portakabin for use in children's Sunday School and Ministerial preparation at land between Bathpool Chapel and 103 Bridgwater Road, Bathpool.

Conditions

- (a) The portakabin hereby permitted shall be removed and the land restored to its former condition on or before the 30 September 2015;
- (b) Noise emissions arising from the playing of amplified music or speech on any part of the land or from any premises to which this permission relates shall not be audible at the boundary of any residential or other noise-sensitive boundary;
- (c) The portakabin hereby permitted shall be used for Sunday Schools and Ministerial preparation only and for no other purpose without the prior written consent of the Local Planning Authority;
- (d) (i) Within one month of the date of this permission, a landscaping scheme which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development or as otherwise extended with the agreement in writing by the Local Planning Authority; (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy, weed-free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) Within one month of the date of this permission, details of the finish colour of the portakabin shall be submitted to, and approved in writing by, the Local Planning Authority. The portakabin shall be painted in the approved colour by the 30 November 2005 unless otherwise agreed in writing by the Local Planning Authority.

Reason for granting planning permission:-

The proposed portakabin complemented the existing Bathpool Chapel and was considered to be in accordance with Taunton Deane Local Plan Policy S1.

- (3) That **planning permission be refused** for the under-mentioned developments, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

06/2005/033

Erection of one detached dwelling with integral double garage, extension to No 1 Piffin Lane and erection of garages for Nos 1 and 4 Piffin Lane, land adjacent to north side of Piffin Lane, behind 1-4 Church Street, Bishops Lydeard.

Reason

The established character of the site comprises an attractive open-space of landscaped gardens providing a backcloth to the built environment within the village Conservation Area. It is considered that the development of this area as proposed would have an adverse impact on the historic development/settlement pattern and would not preserve or enhance the character and appearance of the Conservation Area and, further, would cause harm contrary to the provisions of Planning Policy Guidance Note No 15 and Taunton Deane Local Plan Policy EN14.

Reason for refusing planning permission contrary to the recommendation of the Development Control Manager:-

The Committee was of the view that the proposed development would have an adverse impact on this part of the village and would not preserve or enhance the character of the Conservation Area.

38/2005/303

Redevelopment to provide four commercial/retail units and 24 flats with associated parking and access into Wood Street at 7-11B Staplegrove Road, Taunton.

Reason

On the basis of the information available, the Local Planning Authority is not satisfied that 24 dwellings can be accommodated on the site without detriment to neighbouring amenity and contrary to the requirements of Taunton Deane Local Plan Policies H2(E) and (G) and S1(E).

Reason for refusing planning permission contrary to the recommendation of the Development Control Manager:-

The Committee was not satisfied that the number of properties proposed could be accommodated on the site without an adverse effect on neighbouring properties.

- (4) That the following applications be **withdrawn**:-

08/2005/012

Erection of five dwellings with garages and parking at Mill Court, Tudor Park, Priorswood, Taunton

31/2005/012

Erection of a detached house and garage and alterations to existing access, on land to the rear of The Hyde, Henlade.

(Councillor Guerrier declared a personal interest in the application covered by Minute No 124 below.)

124. Change of use of land and temporary stationing of a maximum of six gypsy caravans and associated parking at land to the west of Higher Yalham Farm, Culmhead (29/2005/011)

Reported this application.

RESOLVED that subject to the views of the First Secretary of State under the Departure Procedures, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C016 – temporary permission;
- (b) The proposal shall provide temporary accommodation for a period of up to three months for gypsies who immediately proceeding occupation of the site have been evicted from unauthorised sites within the Borough of Taunton Deane;
- (c) C215 – walls and fences;
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy, weed-free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) C324 – parking;
- (f) Before the development hereby permitted is occupied, unobstructed visibility shall be provided above a height of 900mm from adjoining carriageway level for a minimum distance of 90m on both sides of the point of vehicular access for a depth of 2m measured from the nearside edge of the adjoining carriageway. Such visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
(Note to applicant:- Applicant was advised that prior to their erection on site, details of the proposed fencing must be agreed in writing with the Local Planning Authority.)

(Councillor C Hill declared a personal interest in the application covered by Minute No 125 below and left the meeting during its consideration.)

125. Erection of extension to provide additional bedroom accommodation to care home, Camelot House, Taunton Road, Chelston, Wellington (part amendment to permission 46/2004/035) (46/2005/025)

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the Environmental Health Officer, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) Prior to the commencement of development, the first 10m of hedgerow, shown coloured pink on the attached plan, shall be removed. A replacement hedge, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority, shall be replanted behind a 4.5m x 29m splay line as indicated. Such hedge shall be planted within 9 months of the commencement of development. There shall be no obstruction to visibility within the splay area in excess of 900mm above adjoining carriageway level;
- (d) C902 – alternate permissions on same site;
- (e) The provision of equipment in the boiler room and laundry shall be carried out in accordance with the details set out in the letter dated the 13 September 2005.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N045 – encroachment; (5) N051B – health and safety; (6) Applicant was advised to give consideration to providing accommodation for nursing staff as part of the proposed development as replacement accommodation for the mobile home on the site; (7) Applicant was advised that there is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3m easement width on either side of their apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. Arrangements should be made with Wessex Water, prior to the commencement of works on site, for the protection of their infrastructure crossing the site; (8) Applicant was advised that means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2000. Access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000. All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.)

126. Application for a Certificate of Lawful Use – Land to the side and rear of Yew Tree Cottage, Wrantage (24/2005/033LE)

Reported that in May 2004, planning permission was granted for the erection of a dwelling on land to the west of Yew Tree Cottage, Wrantage. Works subsequently began and two residential caravans were positioned on adjacent land for occupation by the owners whilst the new house was built.

Complaints were received from a local resident and North Curry Parish Council about the caravans and the owners were advised that if the caravans were to remain on the adjacent land, planning permission would need to be obtained. If however, the caravans were relocated onto the site of the new dwelling, permission would not be required whilst the house was built.

During the course of these discussions, the issue of the use of the adjacent area of land was raised. In order to provide certainty, an application had been made for a Certificate for Lawful Use for the use of an area of open storage on land to the side and rear of Yew Tree Cottage, Wrantage.

Such a certificate was issued by the Local Planning Authority accepting that a use had become lawfully established over a period of time. The decision, which was usually delegated to the Development Control Manager, acting on the advice of the Chief Solicitor, was based entirely on the evidence submitted that the use had taken place.

The application was supported by two statutory declarations from the applicant and his brother who had known the land since the early 1950s. These stated that the land had throughout that period been used for the storage of a variety of items, including building materials and vehicles, and was distinct from the remainder of the area which had been in agricultural use. Three further supporting letters had also been submitted.

The Development Control Manager was satisfied that the evidence submitted passed the test that the use had been continuous for at least the last 10 years and that a Certificate of Lawful Use should be issued.

Noted that the wording of the Certificate would be such that it would prevent a further intensification of the use.

RESOLVED that the decision of the Development Control Manager to grant a Certificate of Lawful Use in respect of the use of an area of land to the side and rear of Yew Tree Cottage, Wrantage for open storage be endorsed.

127. Business requiring to be dealt with as a matter of urgency

The Chairman reported that she had certified that the item covered by Minute No 128 below should be dealt with as an urgent matter.

128. Enforcement item – Notification to install Telecommunications Mast on land at Shoreditch Road, Taunton (Application No TEL/1/05)

Reference Minute No 109/2005, reported on the discussions that had taken place with the Company O2 concerning the possibility of finding an alternative site for the telecommunications mast.

A meeting had taken place with O2, and although the idea of siting the mast on top of an existing street light had been rejected by the Development Control Manager, an alternative site within the vicinity of the approved site,

had been suggested. To date, no response had been received to that proposal. Furthermore, despite an agreement to provide additional information to assist the Development Control Manager in suggesting other acceptable locations, this information had not been received.

In an attempt to facilitate matters, O2 had been notified that if the mast was relocated, the Council would make a reasonable contribution towards the costs of doing so.

However, the response to that proposal had been a letter from solicitors acting for O2 which was at odds with the position that had been taken by the company's agent and other representatives of O2. In short, the letter had stated that O2 had made no commitment to relocate the mast, that no alternative site had been identified and that O2 intended to erect the mast at Shoreditch Road. Although clarification of O2's actual position had been sought, there were doubts that O2 now intended to seek an alternative site.

In terms of trying to establish the level of compensation that might be payable following discontinuance action, reported that this was difficult to assess without knowing whether or not there was a suitable alternative site. Without the co-operation of O2 it might take some time to establish the level of compensation.

However, as the erection of the mast could be imminent, it was considered appropriate to take a decision, in principle, that a Discontinuance Notice should be served. This would make the Council's position clear to O2.

RESOLVED that subject to confirmation that a suitable alternative site was available and as to the likely level of the compensation, a Discontinuance Notice be served in respect of Permission No TEL/1/05 relating to the telecommunications mast at Shoreditch Road, Taunton.

(Councillors Miss Cavill and Mrs Smith left the meeting at 7.30 pm and 8.30 pm respectively. Councillors Henley and Stuart Thorne left the meeting at 8.40 pm.)

(The meeting ended at 8.45 pm.)

38/2002/114

LATTICE PROPERTY HOLDINGS LTD
(NOW SECOND SITE PROPERTY HOLDINGS LTD)

RESIDENTIAL DEVELOPMENT, NEW SITE ACCESSES, CAR PARKING AND ASSOCIATED WORKS ON FORMER GAS STORAGE SITE, CASTLE STREET, TAUNTON AS AMENDED BY AGENTS LETTER DATED 26TH APRIL, 2004 AND DOCUMENTS ATTACHED AND LETTER DATED 7TH JUNE, 2004 AND AS FURTHER AMENDED BY AGENTS LETTER DATED 15TH APRIL, 2005 AND DOCUMENTS ATTACHED

22300/24650

OUTLINE

1.0 **RECOMMENDATION**

I recommend that subject to the completion of a Section 106 Agreement relating to contributions towards transport infrastructure, off-site flood attenuation, sport and recreation provision and education provision the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), the means of access thereto, and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority.
- 01 Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order, 1995.
- 02 Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.
- 02 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 03 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 03 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 04 Details of the phasing of all elements of the proposal shall be submitted to and approved by the Local Planning Authority before development is commenced and no deviation of the approved phasing shall occur without the prior written approval of the Local Planning Authority.

- 04 Reason: In the interests of the proper development of the site in accordance with Taunton Deane Local Plan Policy T2.
- 05 A development brief indicating a draft layout of the whole site indicating access arrangements including cycleways and footpaths, the density, form, scale, height and massing of the development, location of landscaping and amenity areas shall be submitted to and approved by the Local Planning Authority prior to the submission of any reserved matters. Any material deviation from the approved brief shall not take place other than with the prior approval of the Local Planning Authority.
- 05 Reason: The application site forms a large part of the major mixed use redevelopment site as allocated in the Taunton Deane Local Plan Policy T2 and will require a co-ordinated approach.
- 06 A strategic footway/cycleway link along the south bank of the River Tone shall be formed between the extremities of the site to the satisfaction of the Local Planning Authority within 12 months of the first occupation of any of the dwellings. Details of such link, which shall be constructed in a landscaped setting in accordance with the approved Development Brief, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any part of the development.
- 06 Reason: To achieve the aims of the Taunton Transport Strategy and in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy T2.
- 07 The development brief required by Condition 05 shall make provision for pedestrian access across the site between Castle Street to the River Tone.
- 07 Reason: To ensure permeability of the site and achieve the aims of the Taunton Transport Strategy in accordance with Taunton Deane Local Plan Policy T2.
- 08 Parking provision shall be made for each dwelling in accordance with details to be approved by the Local Planning Authority and such provision shall thereafter not be used for any other purpose.
- 08 Reason: To ensure that adequate and satisfactory parking facilities are available within the site for the occupants of the dwellings in accordance with Taunton Deane Local Plan M4.
- 09 Detailed drawings showing cross sections indicating any change of levels on the site shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 09 Reason: In the interests of the proper development of the site in accordance with Taunton Deane Local Plan Policy T2.
- 10 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 10 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 11 Details and samples of the materials to be used for the surfaces of the drives, turning and parking areas, shall be submitted to and be

approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.

11 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Deposit Policies S1(D) and S2(A).

12 (i) Before any part of the permitted development is commenced, a scheme of planting of trees and shrubs, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within a period of time or a phased programme agreed with the Local Planning Authority before commencement of the development. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained to the satisfaction of The Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

12 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.

13 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

13 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

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

14 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

15 Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before the development hereby permitted is occupied/use hereby permitted is occupied.

- 15 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 16 No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- 16 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.
- 17 Provision shall be made for combined radio and TV aerial facilities to serve the development hereby permitted and no external radio or TV aerial shall be fixed on any individual residential property or flat or other unit of living accommodation.
- 17 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy C14.
- 18 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming

the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).

- 18 Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Policy S1(E).
- 19 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
- 19 Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 20 A strip of land 7 metres wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land.
- 20 Reason: To preserve access to the watercourse for maintenance and improvement.
- 21 The detailed drawings to be submitted for approval under reserved matters shall include a topographical survey of existing ground levels contoured at .25 metre intervals, together with details of proposed finished levels.
- 21 Reason: To enable the Local Planning Authority to assess the effects of the proposed development on flood defence/land drainage.
- 22 Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, are submitted to and agreed in writing by the local planning authority. This route must be in place before any occupancy of the building(s).
- 22 Reason: To provide safe access and egress during flood events and reduce reliance on emergency services.
- 23 No development approved by this permission shall be commenced until details of the existing and proposed finished floor levels have been submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
- 23 Reason: To ensure that the development is subject to minimum risk of flooding.
- 24 No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
- 24 Reason: To alleviate the increased risk of flooding.

- 25 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 25 Reason: To prevent pollution of the water environment.
- 26 The site must be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage.
- 26 Reason: To prevent pollution of the water environment.
- 27 Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not cause nuisance to the occupants of the premises on the completed development. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed in writing prior to the commencement of the development hereby approved.
- 27 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 28 Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at nearby premises:- Monday - Friday 0800 - 1800, Saturdays 0800 - 1300. All other times, including public holidays no noisy working.
- 28 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Revised Deposit Policy S1(E).

Notes to Applicant

- 01 You are reminded that the submitted layout plan is for illustrative purposes only.
- 02 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 04 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 05 The developer shall protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.
- 06 The site was previously a gas works and has since been used for other purposes. As such there is the possibility of contamination on site. Whilst we are aware of a thorough and comprehensive remediation strategy that was undertaken on this site, this was in 1997-98. Best

practices have changed since that time, and the techniques and remedial criteria may now not be sufficient to be fit for the proposed use, as set out in this application. We therefore recommend that the previous investigations be reviewed in the context of current legislation when considering land contamination and prevention of pollution of controlled waters. Consideration should also be given to possible contamination arising from the land use, which may have had consequential impact on soils, subsoils and groundwater beneath this site, since the original report was commissioned.

- 07 The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.
- 08 Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulation stage.
- 09 Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.
- 10 All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

38/2004/493

SECOND SITE PROPERTY HOLDINGS LTD

RESIDENTIAL DEVELOPMENT, NEW SITE ACCESSES, CAR PARKING AND ASSOCIATED WORKS ON FORMER GAS STORAGE SITE, CASTLE STREET, TAUNTON AS AMENDED BY AGENT'S LETTER DATED 4TH FEBRUARY, 2005 AND ATTACHED DRAWING NO 100/11

22314/24650

OUTLINE

1.0 RECOMMENDATION

I recommend that Members support the Council's stated position in respect of the forthcoming appeal as follows:-

THAT THE PROPOSAL fails to meet the requirements of Policies H1, C1, C4, EN28 and T2 of the Taunton Deane Local Plan in respect of the applicant's failure to make necessary contributions towards:-

- (i) transport infrastructure
- (ii) off-site flood mitigation works
- (iii) sport and recreation provision
- (iv) education

A list of the conditions that will be suggested to the Inspector in the event of the appeal being allowed in accordance with those relating to application 38/2002/114.

2.0 APPLICANT

Second Site Property Holdings Ltd

3.0 PROPOSAL

This report relates to two applications 38/2002/114 and 38/2004/493. The first application was submitted in March 2002.

Changes to the alignment of the Inner Relief Road, which ultimately has led to the Third Way proposal delayed consideration of this application. Therefore, in December 2004 a duplicate application was submitted which enabled the applicant to appeal against non-determination, whilst continuing to negotiation on the first application. The Public Local Inquiry into that appeal is scheduled for 6th December, 2005.

The two applications are identical seeking residential development as part of Second Site's land to the north of Castle Street and adjacent to the River Tone. Whilst illustrative proposals have been submitted all matters other than means of access are reserved for subsequent approval. The illustrative proposals indicate approximately 130 dwellings on the site. The proposal includes a public cycle/walkway adjacent to the river and a pedestrian bridge linking the site to the south-east corner of French Weir Park. Car parking is shown in a semi-basement form. The applications are supported by a Planning Statement and Transport Assessment, Flood Risk Assessment and a land condition statement.

4.0 **THE SITE**

The site is part of the former gas works. It is bounded on the west by Riverside Chambers and Hickley Valtone; on the north by the River Tone; to the east by land owned by Somerset County Council. (Second Site also own land between the SCC land and the Tangier Scout and Guide Centre on the line of the Third Way road but this is not included in this proposal). Castle Street runs to the south of the site. The site is currently used as a temporary car park. The site area is 1.4 ha.

5.0 **RELEVANT PLANNING HISTORY**

38/2004/525 Continued use of temporary car park and for car boot sales, on former Gas Board Site, Castle Street, Taunton. Temporary permission granted 21st December, 2004. Expires 31st December, 2005.

38/2003/462 Continued use of land as temporary car park and for car boot sales, former Gas Board Site, Castle Street, Tangier, Taunton. Temporary permission granted 13th October, 2003.

38/2002/283 Continued use of land as temporary car park and for car boot sales, former Gas Board Site, Castle Street, Tangier, Taunton. Temporary permission granted 9th August, 2002.

38/2001/023 Continued use of land as temporary car park and for car boot sales, former Gas Board Site, Castle Street, Tangier, Taunton. Temporary permission granted 25th June, 2001.

38/1998/319 Change of use of land to form temporary car park and use of land for car boot sales at the former Gas Board Site, Castle Street, Tangier, Taunton. Permission Refused 27th April, 2000.

6.0 **RELEVANT PLANNING POLICIES**

Regional Planning Guidance for the South West (RPG 10)

Policy SS14 Taunton

Policy HO3 Affordable Housing

Policy H06 Mix of Housing Types and Densities

**Somerset and Exmoor National Park Joint Structure Plan Review
(Adopted April 200)**

Policy STR1 Sustainable Development

Policy STR4 Towns

Policy 17 Mixed Use Developments

Policy 34 Phasing

Policy 35 Affordable Housing

Policy 40 Town Strategies

Policy 48 Access and Parking

Policy 49 Transport and Development

Policy 55 Major Highway Improvements

Policy 60 Flood Plain Protection

Taunton Deane Local Plan (Adopted November 2004)

Policy S1 General Requirements

Policy S2 Design

Policy S3

Proposals incorporating a mix of uses will be permitted, provided that:

- (A) only uses which accord with the development plan policies applying to the site or area are incorporated, including the accessibility of the site for non-car transport modes;
- (B) only uses which would be compatible with each other and the surrounding area are incorporated, taking account of any mitigation measures proposed; and
- (C) the scheme is designed as a unified whole.

Proposals forming part of a larger mixed-use allocation (policies T2, T3, T4 & T8) will be permitted provided that they do not prejudice the comprehensive and co-ordinated development of the whole allocation and the delivery of necessary infrastructure.

Policy S9 Taunton Town Centre

Policy H1 Phasing Strategy

Policy H2

Housing development will be permitted within defined limits of settlements, provided that:

- (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criterion (B);
- (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips;
- (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car;
- (D) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking;
- (E) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity;
- (F) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings;
- (G) existing and proposed dwellings will enjoy adequate privacy and sunlight; and
- (H) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs, particularly those low-cost housing types which are under-represented in the current stock.

Policy H9

On suitable housing sites, the provision of affordable dwellings will be sought where:

- (A) within Taunton and Wellington, the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings;
- (B) outside Taunton or Wellington, the site is of a sufficient size and land value for the incorporation of affordable housing to be feasible and there is a need for affordable housing in the parish or adjoining parishes; and
- (C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision.

The provision of affordable dwellings sought on a site will be based on the overall need to provide for the identified affordable housing need. In assessing the level of provision on individual sites regard will be paid to the need to balance other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its financial viability. Indicative targets for the allocated sites are set out in Policy H10.

Policy H10

Indicative targets for affordable housing, as a percentage of the dwellings on each site, will be sought on allocated sites as set out in the following table:

In order to promote sustainable travel, and to reduce the amount of land taken for development, the Borough Council will consider the need for residential car parking against the following criteria:

Site Name	Policy Reference	Indicative Target
Tangier	T2	25%

Policy M4

- (A) the impact on urban design;
- (B) the location of the development, and its accessibility to employment opportunities and services;
- (C) the type and mix of the proposed dwellings.

The Borough Council will not permit more than an average of 1.5 car parking spaces per dwelling on any residential development. A significant reduction in this average will be expected for elderly persons, student and single persons accommodation, and for residential proposals involving the conversion of buildings where off-road parking provision may be difficult to achieve. Car-free residential developments will be sought in appropriate locations, such as within or adjoining Taunton and Wellington town centres.

The Borough Council will require all residential developments to make provision for the parking and storage of bicycles with a minimum provision as follows:

- (D) 1 space for all residential units with between 1 and 3 bedrooms;
- (E) 2 spaces for residential units with four bedrooms or more.

Policy M5 Cycling

Policy C1 Education Provision for New Housing

New housing development which generates a significant need for statutory education provision (for children aged 4-16) will be permitted provided that:

- (A) existing statutory education provision within reasonable distance of the development has sufficient spare capacity to meet the additional need generated by the development; or
- (B) new permanent provision within a reasonable distance necessary to accommodate the additional need generated by the development is:
 - (i) firmly programmed in the Local Education Authority capital programme; or
 - (ii) provided by the development.

Policy C4 Standards of Provision for Recreational Open Space

In the event of the increased demand for open space not being met by existing facilities, developers of new housing, on sites of six or more dwellings, will provide landscaped and appropriately equipped recreational open space in accordance with the following standards:

- (A) children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;
- (B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones;
- (C) formal parks, gardens and linear open spaces as required by particular Local Plan allocations;
- (D) in the case of small groups of housing where the site is too small for provision of playing fields or children's play space on-site, or where it is physically unsuitable, off-site provision will be sought; and
- (E) developers will be required to arrange for maintenance of the recreational open space.

Policy EN23 Areas of High Archaeological Potential

Policy EN29 Development and Flood Risk

Land with little or no risk of flooding will be the priority location for development. Where material planning considerations dictate that development cannot be located on land with little or no risk of flooding, the preference for site selection will be as follows:

- (A) (i) land with low to medium risk of flooding; followed by
- (ii) land with a high risk of flooding; in the following order of preference;
- (iii) developed areas; followed by
- (iv) undeveloped and sparsely developed areas; followed by
- (v) functional flood plains.

Where development is permitted on land subject to flooding, the Borough Council will require the development to be protected to the following standard:

- (B) (i) within Taunton and its associated settlements, 1 in 200 year; or
- (ii) elsewhere, 1 in 100 year.

Where, exceptionally, permission is granted for development within an undeveloped or sparsely developed area of high risk, the threat of flooding should be managed to ensure that the development is and remains safe throughout its lifetime and does not increase flood risk elsewhere.

Policy EN29 Flooding Due to Development

Policy EN32 Development of Contaminated Land

Policy T2 Tangier Major Development Site

Sites within the Tangier area as shown on the Proposals Map are proposed for major mixed-use redevelopment to include a food superstore, retail warehousing, offices, leisure and residential. To ensure the provision of a satisfactory overall development, a co-ordinated approach and the delivery of the following key elements will be necessary:

- (A) contributions towards the provision of the Inner Relief Road from the junction of the Wellington Road to Bridge Street, incorporating a bridge over the River Tone;
- (B) a comprehensive cycle and pedestrian network within the site redevelopment area which incorporates routes alongside the River Tone, Mill Stream, Galmington Stream and Steps Water in order to

provide quality links from the site to Goodland Gardens and French Weir/Wellington Road;

- (C) the provision of town centre shoppers' car parking facilities, as part of any proposed car park to serve the customers of any retail development;
- (D) contributions towards the provision of bus priority measures including park and ride sites at East and West Taunton;
- (E) landscaping, to incorporate the protection of the existing waterside tree groups;
- (F) affordable housing provision, in accordance with policies H9 and H10;
- (G) archaeological survey, in accordance with policy EN23;
- (H) contamination survey and remedial works as required, in accordance with policy EN32;
- (I) flood mitigation works; and
- (J) primary and secondary school accommodation in accordance with Policy C1.

The Taunton Urban Design Framework and Taunton Design Code prepared by Terence O'Rourke are also of relevance. (Relevant extracts are attached as Appendix B.)

Tangier Development Guide published 1993.

7.0 **RELEVANT CENTRAL GOVERNMENT GUIDANCE**

Planning Policy Statement 1 : Delivering Sustainable Development

Paragraph 8

Paragraphs 27 – 29

Planning Policy Guidance Note 3 – Housing

Paragraph 16 Decisions about the amount and types of affordable housing to be provided in individual proposals should reflect local housing need and individual site suitability and be a matter for agreement between the parties. Local planning authorities and developers should be reasonably flexible in deciding the types of affordable housing most appropriate to a particular site. The objective should be to ensure that the affordable housing secured will contribute to satisfying local housing needs as demonstrated by a rigorous assessment.

- Paragraph 22 The Government is committed to maximising the re-use of previously-developed land and empty properties and the conversion of non-residential buildings for housing, in order both to promote regeneration and minimise the amount of greenfield land being taken for development.
- Paragraph 46 To promote more sustainable residential environments, both within and outside existing urban areas, local planning authorities should promote:
- development that is linked to public transport;
 - mixed use development;
 - a greener residential environment;
 - greater emphasis on quality and designing places for people; and
 - the most efficient use of land.
- Paragraph 49 Local authorities should promote developments which combine a mix of land uses, including housing, either on a site or within individual buildings such as flats over shops. This is important not only to accommodate new households but also to bring new life into our towns and cities. To increase housing opportunities in town centres, local authorities should identify sites or areas where housing or mixed-use development will be required, including, where appropriate, specifying the proportion of floor space which should be residential within such developments.
- Paragraph 50 Local planning authorities should facilitate mixed-use development by:
- encouraging more housing, including affordable housing, in town centres by, for example, converting space above shops and vacant commercial buildings;
 - identifying appropriate sites in development plans;
 - preparing development briefs for sites likely to become available for development;
 - assembling sites for redevelopment; and
 - adopting flexible planning standards for car parking and density which facilitate such developments.

Paragraph 51 Local authorities should promote additional housing in town centres within the context of their overall strategy for each centre, taking into account the existing balance of uses in the centre. Priority should be given to employment-generating uses such as shopping, offices and leisure especially at ground floor level but opportunities to add housing on upper storeys should be taken. Local planning authorities should allow housing developments with limited or no off-street car parking in areas with good public transport accessibility and where effective on-street parking control is present or can be secured.

Paragraph 52

Paragraphs 54 – 57

Paragraph 58 Local planning authorities should therefore:

- avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net - see definitions at Annex C);
- encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and
- seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.

Paragraphs 59 – 62

Planning Policy Guidance Note 13 Transport

Paragraphs 16 – 17

Paragraph 21

Paragraphs 49 – 56

Paragraph 83 The development plan should indicate the likely nature and scope of contributions which will be sought towards transport improvements as part of development in particular areas or on key sites. This will give greater certainty to developers as to what will be expected as part of development proposals and also provide a firmer basis for investment decisions in the plan area.

Paragraph 84 Planning obligations may be used to achieve improvements to public transport, walking and cycling, where such measures

would be likely to influence travel patterns to the site involved, either on their own or as part of a package of measures. Examples might include improvements to a bus service or cycle route which goes near to the site, or pedestrian improvements which make it easier and safer to walk to the site from other developments or from public transport. When entering into a planning obligation consideration should be given to the usual statutory and policy tests.

Paragraph 85 Planning obligations where appropriate in relation to transport should be based around securing improved accessibility to sites by all modes, with the emphasis on achieving the greatest degree of access by public transport, walking and cycling. While the individual circumstances of each site and the nature of the proposal will affect the details of planning obligations in relation to transport, developers will be expected to contribute more to improving access by public transport, walking and cycling for development in locations away from town centres and major transport interchanges, than for development on more central sites. Where development can only take place with improvements to public transport services, a contribution from the developer (payable to the local authority) would be appropriate.

Planning Policy Guidance Note 16 Archaeology and Planning

Paragraph 12

Paragraphs 18 – 25

Paragraph 30 In cases when planning authorities have decided that planning permission may be granted but wish to secure the provision of archaeological excavation and the subsequent recording of the remains, it is open to them to do so by the use of a negative condition i.e. a condition prohibiting the carrying out of development until such time as works or other action, e.g. an excavation, have been carried out by a third party. In such cases the following model is suggested:

"No development shall take place within the area indicated (this would be the area of archaeological interest) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority." (Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme).

The use of this model is also advocated in the CBI Code of Practice for Mineral Operators. The advice on the use of the above condition should be regarded as supplementary to that contained in DOE Circular 1/85 relating to archaeology.

Planning Policy Guidance Note 17 Planning for Open Space

Sport and Recreation

Paragraph 33 Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs. It is essential that local authorities have undertaken detailed assessments of needs and audits of existing facilities, and set appropriate local standards in order to justify planning obligations. Further advice to authorities on seeking planning obligations for open space, sports and recreational facilities is contained in the good practice guide associated with this guidance.

Planning Policy Guidance Note 25 Development and Flood Risk

Paragraph 10 Flood risk involves both the statistical probability of a flood occurring and the scale of the potential consequences. The impacts vary in their nature, scale and extent. Development constructed without regard to flood risk can endanger life, damage property and require wasteful expenditure on remedial works. While flood defence works can reduce the risk of flooding, they cannot eliminate it. For example, a flood bank designed to contain a particular level of flood will be overtopped by one that is more severe. Flood risk is also expected to increase over time as a result of climate change. It is important that those who plan and occupy development in flood risk areas are aware of the remaining risk, despite the presence of flood defences, and the steps that they should take in the event of a flood. Local authorities and owners and occupiers of premises in flood-risk areas should consult the Environment Agency, the emergency services and other relevant agencies in drawing up their emergency plans for dealing with flooding.

Paragraph 11 Continued construction of hard-engineered flood defences to protect development in areas exposed to frequent or extensive flooding may not be sustainable in the long term. Soft engineering techniques such as creating, preserving and enhancing natural flood meadows and washlands or salt marshes and mud flats can be of great value in attenuating flooding as well as contributing to biodiversity. A sustainable approach to flood risk will involve avoiding additional

development in some areas. Where this is not possible, development needs to be of a design and with an appropriate level of protection to ensure that the risk of damage from flooding is minimised, while not increasing the risk of flooding elsewhere.

Paragraph 12 The threat of flooding needs to be managed in an environmentally sensitive way. Flooding is part of the natural cycle of events that helps to sustain biodiversity. In extreme circumstances, however, and sometimes when human activity has worsened its impact, flooding can destroy ecosystems and habitats, wash away soil and destroy the buildings and infrastructure on which the economy and society are dependent. Potential damage from flooding is both uncertain and unpredictable but it can be significant and, in the case of soil loss, potentially irreversible. Because of this the Government considers that the objectives of sustainable development require that action through the planning system to manage development and flood risk should be based on the precautionary principle.

Paragraph 13

Paragraph 15 The primary responsibility for safeguarding land and other property against natural hazards such as flooding remains with the owner. There is no statutory duty on the Government to protect land or property against flooding but it has recognised the need for action to be taken to safeguard the wider social and economic well-being of the country. Operating authorities have permissive powers but not a duty to carry out flood defence works in the public interest (Further details on the role of operating authorities and the Environment Agency are given in Appendix D). Individual property owners are also responsible for managing the drainage of their land in such a way as to prevent, as far as is reasonably practicable, adverse impacts on neighbouring land.

Paragraphs 21 –22

Paragraphs 35 - 36

Paragraph 57 The susceptibility of land to flooding is a material consideration in determining planning applications. The land concerned may be that subject to the application or elsewhere if the development may have flood implications there. The potential consequences for occupiers, either of the development or elsewhere, in terms of personal safety and financial risk can be serious. Applicants for planning permission should, therefore, assess the risk posed by the development. They should consider the specific risk of flooding to the development being proposed over its currently expected lifetime and its possible

effects on flood risks elsewhere in terms of its effects on flood flows and flood storage capacity and the run-off implications. Applications for renewal of planning permission should be reviewed in the light of the latest evidence on flood risk, taking into account any reviews of land allocations conducted in accordance with the guidance in paragraph 52. Such applications should, in any event, also be tested against the criteria in the sequential test set out in paragraph 30 and Table 1.

Paragraph 61

Paragraph 62

Circular 6/98 Planning and Affordable Housing

Paragraphs 8 - 14

Circular 05/2005 Planning Obligations

Paragraph B1

Paragraph B5 The Secretary of State's policy requires, amongst other factors, that planning obligations are only sought where they meet *all* of the following tests. The rest of the guidance in this Circular should be read in the context of these tests, which must be met by all local planning authorities in seeking planning obligations.

A planning obligation must be:

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

Paragraphs B12 – 14

Paragraph B15 Where a proposed development would, if implemented, create a need for a particular facility that is relevant to planning but cannot be required through the use of planning conditions (see paragraph B51), it will usually be reasonable for planning obligations to be secured to meet this need. For example, where

a proposed development is not acceptable in planning terms due to inadequate access or public transport provision, planning obligations might be used to secure contributions towards a new access road or provision of a bus service, perhaps co-ordinated through a Travel Plan. Similarly, if a proposed development would give rise to the need for additional or expanded community infrastructure, for example, a new school classroom, which is necessary in planning terms and not provided for in an application, it might be acceptable for contributions to be sought towards this additional provision through a planning obligation.

Paragraph B17

Paragraph B18 – B20

Paragraph B21 Where the combined impact of a number of developments creates the need for infrastructure, it may be reasonable for the associated developers' contributions to be pooled, in order to allow the infrastructure to be secured in a fair and equitable way. Pooling can take place both between developments and between local authorities where there is a cross-authority impact. Local authorities should set out in advance the need for this joint supporting infrastructure and the likelihood of a contribution being required, demonstrating both the direct relationship between the development and the infrastructure and the fair and reasonable scale of the contribution being sought. There should be a clear audit trail between the contribution made and the infrastructure provided.

Paragraph B22 In some cases, individual developments will have some impact but not sufficient to justify the need for a discrete piece of infrastructure. In these instances, local planning authorities may wish to consider whether it is appropriate to seek contributions to specific future provision (in line with the requirements for demonstrating need as set out above). In these cases, spare capacity in existing infrastructure provision should not be credited to earlier developers.

Paragraph B24

Paragraph B30

Paragraphs B33 – B35

Paragraph B56 The Secretary of State will deal with each appeal or call-in which comes before him on its merits, but he is unlikely to attach weight to demands by a local planning authority or offers by a developer which go beyond this guidance. If a local planning authority seeks unreasonable planning obligations in connection with a grant of planning permission, it is open to the applicant to

refuse to enter into them; he/she has the right of appeal to the Secretary of State against a refusal of permission or the imposition of a condition or the failure to determine the application. Such appeals will be considered in accordance with the advice given in this Circular. As with unilateral undertakings (paragraphs B46-49), it is important that planning obligations are entered into prior to the consideration of the appeal or call-in by the appointed Inspector and not left until the latter stages.

Paragraph B57 Where an appeal has arisen because of what seems to the Secretary of State to be an unreasonable requirement on the part of the local planning authority, and a public local inquiry or hearing has been held, he will consider sympathetically any application which may be made to him for an award of costs. Similarly, where an appellant has refused to meet a reasonable requirement by the local planning authority, applications for an award of costs against the former will also be sympathetically considered.

8.0 **CONSULTATIONS**

Consultations have been carried out on a number of occasions during the processing of these proposals as they have been amended. The responses set out below are the latest responses received, although earlier comments are also included where considered still appropriate.

County Highway Authority

“The application as currently submitted includes land that is required for the provision of the Third Way road scheme. This is now formally adopted as a County scheme and will be the subject of a bid to Government for Major Scheme funding in July 2005. I understand that a revised application is to be submitted with a revised red line. In the event that this does not happen I would very strongly recommend refusal of the application.

The anticipated revised drawings will include a new red line and remove the means of access from the application. (This has now been done) However it is my understanding that the development will be broadly similar in concept to the published and adopted Urban Design Framework and Third Way proposals. This will require vehicular access to be taken from Tangier. The junction with Castle Street is substandard and there is no footway link to the town centre or to other nearby facilities. Both of these issues would be addressed by the provision of the Castle Street section of the Third Way. However it is unlikely that the delivery of this section of the route in isolation would be either technically possible or desirable in transport terms. It is likely that the cost of this section of the Third Way could not be financed by the development.

There will clearly be some elements of the Taunton Vision that will be implemented before all of the required infrastructure is in place. This site falls within that category. In these circumstances the highway authority would be prepared to accept a

contribution towards the provision of the Third Way as part of the package of measures included within a S106 Agreement. The package should also include improvements to forward visibility for vehicles approaching from the town centre direction and turning right from Castle Street in to Tangier. This would appear to require some rearranging of a few car parking spaces in the adjacent Borough Council car park as an interim measure, as discussed with Mr Noall. Mr Sorenson's letter to you of 1 July 2004 sought the provision of shared use bridges over the River Tone and another between Steps Water and French Weir. This has been accepted by the applicants in their supporting document "Further Planning Application Amendments" dated 11 October 2004. However the construction of the Third Way will provide a river crossing at the point of one of the proposed bridges. It's provision is therefore no longer required. In order to enable the development to proceed and to facilitate the implementation of the Taunton Vision I would be prepared to accept a package of measures that included the two bridges described above, a minor improvement to the Castle Street/Tangier junction and a reduced contribution of £600,000 towards the provision of the Third Way, in lieu of the provision of the section of it fronting the development site.

Therefore, to summarise the above, it would be necessary for the Applicant to enter into a Section 106 Agreement for the provision of a contribution of £600,000 towards the Third Way, the provision of a cycleway bridge between French Weir and Steps Water, provision of a cycleway bridge over the River Tone, provision of footway/cycleway links from and to the Third Way, provision of any works deemed necessary from the result of the Transport Assessment. The following conditions should therefore be applied:-

1. No work shall commence on the development site until a Legal Agreement has been provided and signed for the provision, design and implementation of an additional cycleway bridge between Steps Water and French Weir, the provision of a cycleway bridge over the River Tone, a contribution of £600,000 towards the provision of the Third Way, such infrastructure works associated with the Transport Assessment, provision for pedestrian footways, and access arrangements, in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority.
2. The development hereby approved shall not be occupied until sufficient parking space has been provided within the curtilage of the site.
3. To ensure orderly parking on the site and thereby decrease the likelihood of parking on the highway, the car parking area shall be marked out in accordance with a scheme to be agreed by the Local Planning Authority prior to the car park being brought into use.
4. Approval of the details of the means of access to the site shall be obtained from the Local Planning Authority.
5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been

submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use.

6. In the interests of sustainable development a network of cycleway and footpath connections shall be constructed within the development site in accordance with a scheme to be agreed in writing by the Local Planning Authority.
7. There shall be no windows, doors, utility boxes etc located in a position where they will open over the public highway.
8. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhanging margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

It is essential the proposed development is designed to compliment that of the Third Way and to meet the aspirations of PPG13, such aspirations and design should be incorporated within the Legal Agreement with the subsequent approval in detail.

The developer should liase with the Highway Authority to ensure that levels along the Castle Street frontage are planned in order to tie in with levels for the Third Way.”

County Policy & Development Consultant

“Having consulted our records, I note that the applicants planning statement (April 2004) indicates that this application has been held in abeyance to enable the matter to be considered within the context of Terence O'Rourke (TOR'S) master planning work for Taunton. To date my records also show that Somerset County Council (SCC) has only been consulted in our capacity as the highway authority and that my colleague Brian Hensley is dealing with such matters.

Accordingly, on behalf of SCC as the Strategic Planning Authority, I believe that it would be helpful to elaborate and provide an update on the following matters referred to within the applicants planning statement (April 2004).

Regional Planning Guidance (RPG10)

Given that Regional Planning Guidance (RPG10) identifies Taunton as one of 11 Principal Urban Areas (PUA's) in the South West, where most growth is planned to occur, I concur with the applicants planning statement (April 2004), as expressed in para 3.7, which implies it is essential that this proposal does not prejudice the comprehensive development of the Tangier development area.

In coming to this opinion, I draw your attention to Policy SS14 of RPG10 (especially the last bullet point), which advises that local authorities, developers, infrastructure and transport providers and other agencies should work together to achieve the following for Taunton:

- An enhanced role as a focal point for increasingly diversified economic activity and as a commercial, cultural and service centre for the central part of the region;
- Balanced housing and economic development, facilities and services consistent with the town's enhanced role; and
- Investment in transport and other infrastructure and facilities to support this strategy, including measures to address capacity problems at M5 junction 25.

The enactment of the New Planning Act (Sept 04) means that RPG10 is now part of the development plan until replaced by the Regional Spatial Strategy (RSS). In my opinion, greater weight has to be attached to such advice in line with PPG1 (Revised) and draft PPS 1 (2004).

Not prejudicing comprehensive development

As indicated above, I concur with the applicant's view that it is essential that these proposals do not prejudice the comprehensive development of the Tangier development area as a whole.

Further material considerations

The fact that the development is technically capable of being accessed off the present alignment of the Inner Relief Road (IRR), is not in itself a reason for allowing this development to go ahead given the legal duty of Taunton Deane Borough Council (TDBC) is to ensure that all material considerations have been taken into account prior to the issue of a consent or a refusal. In this respect, attention is drawn to the following considerations:

- In terms of the missing link of the IRR, planning permission has only been granted in relation to the details of the road alignment. The design of the bridge over the River Tone does not have planning permission. To avoid doubt on this matter, please find enclosed a copy of the permission.
- SCO's historical commitment to the IRR is within the context of adopted Joint Structure Plan (April 2000), adopted Local Plan (2004), and the approved Local Transport Plan (July 2000).
- In parallel with TOR'S master planning work, public consultation on a proposed transport strategy for Taunton was undertaken in March 2004. Against a backdrop of an increasingly congested highway network, a key issue to emerge from consultation on the Taunton Transport Strategy Review (TTSR) was the difference of opinion on proposals for the town centre,

particularly Tangier. As a result of this split in opinion SCC, in partnership with TDBC and the Regional Development Agency, commissioned further work.

- In committee reports and the press, this further work has been referred to as the Third Way. The outcome of TOR'S further work in relation to the potential for modifying the form of the IRR and the results of further public consultation on the TTSR were reported to our Executive Board on the 10th Nov 04 (Minutes enclosed).
- The Third Way alignment is now approved SCC policy as indicated by the Minutes of Executive Board on the 10th Nov 04. Rather than progressing works aimed at implementing the IRR, SCC has now turned it's attention to implementing the details of the road alignment associated with the Third Way as a Local Transport Plan commitment, utilizing Government and private developer funds.

Other issues

You should be aware that the use of the land proposed does not accord with or, has the potential to conflict with that set out in the Taunton Urban Design Framework Report, the Taunton Urban Design Framework Design Codes, and the Taunton Vision. Bearing in mind that planning applications should be determined on their merits, in the light of all the material considerations, I would recommend that the Borough Council's Planning Policy team be consulted on the following matters:

- Whether the proposed mix of uses, design, form, scale and proposed heights of buildings (up to 7 storey) is in keeping with stated objectives. For example, with reference to the Taunton Vision "to plan and properly integrate any new development into the overall fabric of the town."(page 22).
- Whether the apparent creation of "dead space" at ground level along the river frontage is in keeping with the Taunton Vision and the message of a "fresh approach to the town centre and the river frontage." For example, on wildlife issues, my countryside colleagues advise that at the proposal should:
- Indicate the retention of bankside vegetation in order to enhance the area for wildlife;
- Compensate against the adverse effects of increased street lighting from the development, which would have a potential impact on otters and bat species. For example, bat roost sites in the water front buildings of the proposed development could be considered. Such matters should be designed in consultation with English Nature.

County Archaeologist

"The site lies partly within an Area of High Archaeological Potential as defined by the Local Plan (Policy EN24). During the Local Plan process this office carried out correspondence with the applicants concerning the archaeological issues associated with this site. However, I do not see any statements concerning archaeology in the

planning application. I have copies of a series of letters written to the applicants laying out the requirements for archaeological evaluation in order to assess any remains (there exists a high potential for human burials on this site) but I am unaware of any assessment being carried out.

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation.

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it."

The County Archaeologist has subsequently confirmed that he will not object to the proposal subject to the archaeological condition proposed.

County Planning and Development Officer, Property Services

"The development would result in additional demand for places at the primary and secondary schools in the local area and, in the event that planning permission is granted for the development, the County Council would seek contributions to provide additional accommodation as necessary. Policy T2 of the Draft Local Plan states that, "...To ensure the provision of a satisfactory overall development [of the Tangier site], a co-ordinated approach and the delivery of the following key elements will be necessary: ..J) primary and secondary school accommodation in accordance with Policy C1."

The proposed development is stated to be likely to include a total of 150 units. No schedule of unit-types has been provided at this stage, but the Local Education Authority would expect, on average and across all types of accommodation, that for each additional 150 units, places for 30 primary-aged children (or one classroom) could be expected to be required. The cost of the provision of an additional classroom will therefore be sought by the County Council in the case of this scheme.

The LEA anticipates the need to provide secondary education places for 30 additional secondary-aged students for every 210 new residential dwellings. However, the way this translates into accommodation requirements is not as straightforward as in the case of primary education.

In the DfES document "Assessing the Net Capacity of Schools", the principle applied in the assessment of the capacity of secondary schools is that it is based on "the number, size and type of teaching spaces and the age-range of the school". The DfES has provided formulae which calculate a certain number of basic work places for each

particular space. The DfES accepted (in a re-draft of the above publication) that some 'teaching spaces' (e.g. assembly halls, libraries, etc.) are not readily available for timetabled teaching and the total number of basic work places is reduced by 60 thus producing, in effect, the gross capacity of the school.

The DfES also recognises that, in secondary schools, allowance must be given for the teaching strategies employed by the school, the different types of spaces and, importantly, the operating practicalities which means that all spaces are only partially used. The amount of usage depends on the type of space as specialist spaces will have a lower frequency of use because there is a need to have vacant rooms so that these rooms can be prepared for lessons. The DfES refers to this allowance as 'the Utilisation Factor', which is a decimal fraction equivalent to the average proportion of time that any workplace is in use. For 11-16 secondary schools the utilisation factor is 0.75, but this varies according to the age range of the school.

When the utilisation factor is applied to the gross capacity of the school the net capacity is produced. As an example, a classroom (with an area above the minimum described by the DfES) will have a gross capacity of 30 but a net capacity of $30 \times 0.75 = 22.5$. This number is then rounded down (to take account of the 60 place reduction) to give 22.

For the reasons explained above, contributions from developers should therefore be based on the costs of the equivalent of a classroom for every 154 dwellings. The costs of providing an additional secondary class base will therefore also be required by the County Council in this case.

Because of the uncertainty of the actual number of units that will be constructed on the site, contributions will be sought on a per-dwelling basis and it is important that contributions are paid at a sufficiently early stage of development.

The amount of affordable housing that may be included within the development is not clear at present, but the impacts of affordable housing are at least as great as they are for open market housing; children living in affordable housing also need educating and it would therefore be erroneous to omit this element from calculations for contributions.”

Environment Agency

The Environment Agency provided initial comments. They have been reconsulted following the submission of a Flood Risk Assessment. Their revised observations on flood risk taking into account the latest modelling and the Flood Risk Assessment will be submitted following a meeting with the applicant's consultant on 10th October, 2005. The Environment Agency's comments on other issues are as follows:-

“Suggested conditions:-

CONDITION:- No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

CONDITION: A strip of land 7 metres wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land.

REASON: To preserve access to the watercourse for maintenance and improvement.

CONDITION: The detailed drawings to be submitted for approval under reserved matters shall include a topographical survey of existing ground levels contoured at .25 metre intervals, together with details of proposed finished levels.

REASON: To enable the Local Planning Authority to assess the effects of the proposed development on flood defence/land drainage.

CONDITION: Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, are submitted to and agreed in writing by the local planning authority. This route must be in place before any occupancy of the building(s).

REASON: To provide safe access and egress during flood events and reduce reliance on emergency services.

CONDITION: No development approved by this permission shall be commenced until details of the existing and proposed finished floor levels have been submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

To ensure that the development is subject to minimum risk of flooding.

As an alternative to the Section 106 Agreement, the Local Planning Authority may wish to consider the following Grampian Condition (subject to advice from the Local Planning Authority).

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To alleviate the increased risk of flooding.

If you would like to discuss the above you are advised to contact Dave Crowson, Development Control Team Leader on 01278 484559.

The Agency would also request the inclusion of the following formal conditions :-

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas,

roadways and hardstandings for vehicles shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

REASON: To prevent pollution of the water environment.

CONDITION: The site must be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage.

REASON: To prevent pollution of the water environment.

The Agency would further comment as follows:-

The site was previously a gas works and has since been used for other purposes. As such there is the possibility of contamination on site. Whilst we are aware of a thorough and comprehensive remediation strategy that was undertaken on this site, this was in 1997-98. Best practices have changed since that time, and the techniques and remedial criteria may now not be sufficient to be fit for the proposed use, as set out in this application.

We therefore recommend that the previous investigations be reviewed in the context of current legislation when considering land contamination and prevention of pollution of controlled waters. Consideration should also be given to possible contamination arising from the land use, which may have had consequential impact on soils, sub-soils and groundwater beneath this site, since the original report was commissioned.”

“With regard to the proposed S106 Agreement, the Agency advise the following flood risk requirement.

1. Loss of floodplain storage associated with the development footprint is estimated at 12 - 15000 cubic metres in the 1 : 200 year event The site will need to be raised to the design flood level to ensure its safety (200 year plus climate change provision)
2. Initial calculations suggest that approximately 50,000 m³ of additional storage provision on the Galmington Stream may be sufficient to off-set the loss of storage on the Tangier site
3. Current estimates for the provision of this off-site storage are £1M - £2M
4. There are as yet, unresolved issues relating to loss of flood conveyance and timing of storage i.e. timing of critical flood events is important and careful control maybe necessary to show that flood detention is effective for all appropriate events
5. As you are aware, the Agency, in conjunction with the other 'Vision' partners, have been carrying out a flood risk assessment of Taunton. It is intended under Stage 2 of this Study to develop a Flood Management 'Masterplan'

which would inform the UDF of the required flood management infrastructure, phasing, cost, position, operation etc.

6. The above proposals should therefore be regarded as a 'first order' estimate which will certainly be refined by the Phase 2 Study.”

Wessex Water

“According to our records the development is located within a sewerage area, with foul, surface water sewers and water mains close to/crossing the site. Please find enclosed a copy of our records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. We advise that this should be agreed as early as possible and certainly before the developer submits to your Council any Building Regulations application.

Please also note that the proposed development is in close proximity to a sewage pumping station and therefore may at certain times be subject to odour and noise.

The developer has identified that the method for the disposal of surface water is yet to be agreed. It is recommended that surface water is discharged to the adjacent watercourse. Subject to Environment Agency approval it is advised that your Council should be satisfied with any arrangement for the disposal of surface water from the proposal.

It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows generated by the proposal. The connection point can be agreed at the detailed design stage, however it is recommended that the developer contacts Wessex Water prior to submitting a full planning application to discuss their drainage proposal. We would require connection to be at an agreed point downstream from the pumping station located to the west of the site.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It is further recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.”

Chief Fire Officer

- “1. Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulation stage.
2. Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.
3. All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

Commission for Architecture & the Built Environment

No comment.

Civic Society

“The amended drawing represents a plan much more closely allied to the ideas in the Taunton UDF and Design Code documents produced by Terence O'Rourke than the earlier proposals, and as such is welcome.

The smallness of scale of the plan view, and more importantly the lack of any elevations, prevents a fuller appraisal of the intentions of the developers, and our comments are therefore limited.

What can be said is that while the general approach is more suitable, the layout and apparent almost extreme uniformity of the buildings in plan view suggests an unimaginative and monotonous development. The devil is perhaps still in the detail to come - some thoughtful adjustments and well presented elevations could transform this application into a very appropriate proposal.

We wonder if a wholly residential proposal is entirely desirable: the Castle Street face of area "D" might, for example, be suitable for small offices at ground level with apartments above.

We would hope that the siting of the footbridge over the Tone is still negotiable: the position envisaged in the UDF- roughly in the line of the "gateway" bridge over the Mill Stream - may a better fit to the needs of the envisaged "Cultural Quarter" than the line between areas "A" and "B" as on drawing #100/11.

Following on that line of thought, the space between the buildings of areas "C" and "D" is really too small (and angled too much to the northwest) to provide a good line of sight and a sense of accessibility to the riverbank from the inner Tangier area.

The UDF position for the footbridge would also be a better balance in terms of distance between bridges for the length between the "Third Way" bridge and French Weir, so long as there is access to the riverside between "A" and "B" (which would allow pedestrians at the west end of Tangier to access the French Weir bridge from the east without having to go back along Tangier so as to access it from the Mill Stream path).

We are pleased to see that your consultations to date have moved the proposal so far in the right direction. This is a very important area, if only because it can be a major element in setting the tone (no pun intended) for the Town Centre: if the Toneside developments look overbearing, or mean and dull, then so, people may feel, is Taunton.”

Landscape Officer

“I am disappointed given the scale of development, that the landscape and treatment of tree waterside edge are not given greater consideration. In terms of a landscape concept to consider public v private spaces, boundary treatment, riverside landscape including materials and levels, junction of the promenade at either end looks unresolved, species and how spaces will be defined.

Given the importance of the river to the Taunton Vision I would like to see part of the public waterway at just above normal water level and provision of a boathouse and moorings for public/private boat use.

The existing protected trees TD472 should be retained unless good reason is given for their felling. The east access links should provide for at least temporary access back to Castle Street.”

“The proposal appear to give little opportunity for landscaping on this important development site. However, it may provide grater scope for extending the riverside walkway east along the river and then returning to Castle Street.”

Planning Policy

“I refer to the above application and have the following comments.

Tangier is a large area of brownfield land to the south west of the town centre that is largely underused and inefficient. The site is allocated as a major development site within the TDLP (policy T2). The nature of the allocation, being a mixed-use proposal, is a direct response to the advice in PPG1 (General Policy and Principles). Paragraph 8 states:

"Within town centres, but also elsewhere, mixed-use development can help create vitality and diversity and reduce the need to travel. It can be more sustainable than development consisting of a single use. Local planning authorities should include policies in their development plans to promote and retain mixed uses, particularly in town centres, in other areas highly accessible by means of transport other than the car and in areas of major new development...."

Paragraph 10 states:

Development plans should identify individual sites where development should incorporate a mixture of uses, with a suitable justification, and itemise those uses considered desirable. The plan should also indicate if conditions and planning

obligations are likely to be used to secure an appropriate mixture of uses or to ensure that certain parts of a scheme are implemented as proposed...."

The Tangier Major Development Site consists of eight Separate land areas, including the former British Gas site. The TDLP notes that this particular site is suitable for "offices, leisure and residential" (refer to the table at paragraph 8.43). Furthermore, paragraph 8.47, relating to office development, states:

The most appropriate location for such use is on land adjacent to the River Tone (former gas works), the majority of which is owned by British Gas. Within this area, the ideal site would be adjacent to Riverside Chambers, a Government owned office block. This land is ideal for a high quality development incorporating a vertical mix of uses (e.g. restaurants or public houses on the ground floor with offices above).

Paragraph 8.48 notes that land adjoining the river frontage is an ideal location for leisure uses.

With regard to residential development, paragraph 8.49a discusses the suitability of the various sites within the Tangier area for residential development. It goes on to state; "Elsewhere within the site, the Borough Council will expect all developments (retail, leisure and offices) to explore a vertical mix of uses, with a view to incorporating an element of residential development. For example, the former Gas Works site is ideal for a mixed use development incorporating an element of residential".

From the above, it is clear that the TDLP is promoting the British Gas land for a mix of uses consistent with PPG1, of which an element should be residential.

Given the above, it is clear that the proposed development is inconsistent with the provisions of the TDLP and PPG1, as there is no provision for uses other than residential. The applicant's suggestion that other uses can be incorporated through the consideration of a detailed planning application, following the granting of outline permission for residential development, is meaningless and should be dismissed. If the Borough Council were to accept this suggestion, Members should be aware that they would be unable to guarantee the incorporation of other uses.

The information in support of the application notes "The site geometry and the difficulties of access and servicing make it impractical to bring forward a combined office and residential scheme" However, nowhere is this explained. What are the difficulties and why can they not be overcome? The site presents a development challenge and its difficulties should not be dismissed as an excuse for the development of a purely high value use such as residential. The promotion of mixed use development, consistent with the themes of sustainable development, suggests that further work be invested to ensure that a scheme be delivered consistent with the advice in the TDLP.

The applicants note that the provision of a proposed cycleway should be regarded as a leisure and recreation use, as well as a functional transport corridor. Whilst this is strictly true, it cannot be regarded as an element of a mixed use scheme as required by the TDLP.

I note that the supporting information, at various instances, states that officers have agreed to the proposals as submitted. These statements require correction. Officers of the Planning Policy Unit have not agreed to the proposal as currently submitted.

I understand that CABE have been invited to assess the potential of the various sites within the town centre, in terms of their ability to deliver a mix of uses and the creation of effective linkages throughout the town centre. Furthermore, the current "Visioning" exercise will generate a range of ideas from various stakeholders, for consideration by the Commission. The development of this site as currently proposed would prejudice the further advancement of ideas that may be forthcoming as a result of this process.

RPG10 recently conferred PUA status upon Taunton. PUA status brings a great challenge to this authority, with extra pressure for all variety of uses including offices, leisure and retail. If we allow our key town centre sites to be sold off for residential, then they are gone for good. This then raises the question of where are we to accommodate our visitor intensive uses. We have limited town centre sites and they should be used for maximum benefit.

Ultimately, I have heard no sound reason as to why this site should not be redeveloped to provide a mix of uses, both vertical and horizontal. If the developers state that such things are not viable, we should then demand to see their financial appraisal and have them checked over by reputable consultants such as Donaldsons or CB Hillier Parker (we do not have the in-house expertise).

Given the above, officers of the Planning Policy Unit consider that the current proposal is premature and inconsistent with the need to secure a mixed-use development within this site.

I have the following further specific comments:

Affordable Housing

The applicants state they will provide 25% affordable housing, although this will be subject to negotiation following the publication of the new Housing Needs Survey. This is less than the 30% target as currently set out within the TDLP. The applicants provide no indication as to the split between low cost market housing and social housing. The new HNS will be presented to the Executive on 15th May 2002, and will determine the appropriate amount of affordable housing to be sought. The report will identify the appropriate contribution from each site. The content of the report will be relevant to the consideration of this site.

The applicants note that, as the site will deliver a greater number of houses than the allocation provides for (137 compared to 100), the suggested reduction in the affordable housing quota will actually deliver a level of affordable housing consistent with the target for the site as set out in the Plan. However, such an approach is flawed. The correct approach must be to apply the affordable housing target to the amount of housing proposed. Any other approach will result in a reduced level of affordable housing compared to that which is required.

Relief Road

I was unaware that the route of the IRR had been acquired by CPO. The advice of the County Highway Authority should be sought as to the line of the safeguarded route, and the appropriate level of contributions towards the IRP and other means of sustainable transport.

Flood mitigation

I advise consultation with the Environment Agency as to the potential effects of flooding on this site, possible measures of flood relief, and the extent of any required maintenance strip.

Car Parking

The levels of car parking proposed seem high (more than one per dwelling). It is questioned why such levels of parking are required in such an accessible location.

Contamination

I note that the applicants state that it is not necessary to carry out site investigation prior to the granting of planning consent. I recommend that you seek the advice of the Environmental Health Officer with respect to this. Archaeology

It is essential that the views of the County Archaeologist be sought. The applicants have objected to the provisions of the TDLP with respect to archaeology on this site. The CA has responded to these objections, and I hereby attach a copy of the correspondence for information.

Provision for Education

I recommend that the views of the County Education Authority be sought.”
(26.04.02)

“From the covering letter accompanying the proposal this appears to be a revised scheme, amending the original submission by redrawing the 'red line' boundary to include 'the larger area of land in Second Sites' holding. Land to the east, up to the Third Way crossing is not now included but would appear to be the land the applicants refer to for 'mixed use', in a later phase with the County Council.

As stated in my previous comments the site and Tangier itself should be a mixed use development, as stated in the adopted Local Plan. Whilst I am happy with the later proposed mixed use element I am unclear how this could be secured if it is now beyond the application site? Is this being formally offered through a S106 agreement?

The other points in my 28.10.04 Forward Plan Unit comments stand, including issues such as play provision, education and although in outline only, the indicated design form fronting the river.” (04.03.05)

“I refer to your internal memorandum dated 26 September 2005 and references regarding Forward Plan comments on the above site dated 26 April 2002 and 28 October 2004.

I do not consider that the latter Forward Plan response necessarily supercedes the former. Rather they should be read in parallel other than where factual changes have been made through the Local Plan adoption process.

Thus:

- The Local Plan requirement for the delivery of a mixed use scheme still stands. Whilst the earlier comments referred to PPGI, similar focus is placed in PPS1;
- The adopted Local Plan refers to an indicative target of 25% affordable housing. The 2002 comments referred to 30%;
- Earlier reference to the Inner Relief Road (including within the Local Plan) has in effect been superceded by other material considerations, notably the Third Way route is in the County LTP scheme rather than the IRR.

All other comments remain.” (28.09.05)

Environmental Health Officer

“I refer to my previous memo of 8th Dec 2004 and the additional information that you forwarded to me on 17th January. This consists of a letter from CSJ Planning (22 Dec 2004) and copies of a Land Condition Statement prepared by Celtic Technologies for Lattice Property in January 2002.

The report provides information on the site history; a summary of the site investigations and remedial works that have been carried out and a brief environmental assessment. I have also been contacted by George Lucas of Second Site who has explained that they propose to carry out some additional site investigations and assessment. This does show that the site owners area ware of the potential risks that could be encountered while developing the site.

It is recommended that the standard contaminated land condition be placed on this application, (attached)”

Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in

the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).

Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Policy S1(E).

Note to Applicant

The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.

Drainage Officer

"I note that details of surface water disposal are to follow. I therefore cannot make any comments apart from the request that the following design sheets be made part of any approval should it be given.

Due to the position of the proposal in relation to the River Tone it is requested that no planning permission be given until details have been agreed even if only in principle.”

Leisure Development Manager

Response is awaited to recently suggested S.106 contributions.

9.0 **REPRESENTATIONS**

3 letters of representations have been received (in respect of the initial proposals 38/2002/114) raising the following concerns:-

1. Height of buildings. Anything above two storeys unacceptable.
2. Loss of privacy to properties in Portland Street (on opposite bank of river).
3. Loss of outlook.
4. Loss of car parking will lead to pressure on surrounding streets.
5. Need for adequate playing field contribution and recreational facilities.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposal meet the requirements of the Taunton Deane Local Plan?
POLICY
- B. Does the proposal meet the requirements of the Taunton Urban Design Framework and Design Codes? THE TAUNTON VISION
- C. Will the proposals have an adverse impact upon the surrounding area?
IMPACT
- D. Does the proposal make adequate contributions towards affordable housing, transport, off-site flood attenuation, education and sport and recreation provision? S.106 CONTRIBUTIONS
- E. Do the Council's S.106 requirements make the proposal non-viable?
VIABILITY

A. Policy

The site forms part of the Tangier Development site identified in the Taunton Deane Local Plan (Proposal T2). Paragraph 8.38 states that “In accordance with Local Plan Policy S3, the Borough Council will permit the development of separate parts of the site, provided that any individual proposal does not prejudice the comprehensive and co-ordinated development of the whole allocation and delivery of necessary infrastructure.”

An illustrative drawing has been submitted which demonstrates that this site can be developed without prejudicing other parts of the development site, most notably the Somerset County Council land to the east.

Policy T2 seeks mixed use of the overall Tangier site. Whilst these applications show an entirely residential scheme, it is considered that this riverside location is most suited to a primarily residential use. Whilst the applicants have been encouraged to incorporate an element of other uses in key locations on the road frontage, they have declined to do so. In light of significant opportunities for commercial uses elsewhere in the area, it is concluded that the proposal should not be resisted for this reason.

Paragraph 8.56 of the Local Plan indicates that “the Borough Council will expect density of development to exceed 50 dwellings per hectare.” Development in the form identified on the illustrative drawings will easily meet this requirement.

B. The Taunton Vision

The work undertaken by Terence O’Rourke has adapted and further developed the proposal as set out in the Local Plan, through the production of the Taunton Urban Design Framework and Design Code. (extracts of which can be seen as Appendix B).

The Urban Design Framework identifies the Tangier Area as having significant potential for housing. “As with Firepool it can provide the type of ‘urban living’ adjacent to the river, which has been historically lacking in the town centre. There is already pressure for high quality residential development along the river front, and this is considered to be the appropriate location for high density flats facing onto a publicly accessible river front.” The Design Code indicates three storeys of town houses to the river front and court yard parking. Whilst the illustrative drawings indicate flats with semi-basement car parking, this is a detailed matter than can be further explored through the submissions of a development brief, which is proposed as a condition of any approval.

There is a requirement for Environment Agency access along the river bank. The Design Code also suggests limited vehicular access along the river bank. I consider that it would be better to exclude residents’ vehicles from this area and the applicant’s submission achieves this. However, it does provide the required pedestrian and cycleway in this area and a bridge linking the site with French Weir Park which not only improves pedestrian access, but will also hide an unsightly pipe which crosses the river in this area. The further pedestrian/cycle bridge shown in the Design Code more central to this site is not being provided as part of these applications. However, it is essential that the detailed design does not prejudice its provision at a later date.

Whilst not slavishly following the material in the Vision documents, the illustrative drawings submitted clearly demonstrate that this site can be developed without prejudicing the important principles embodied with these Taunton Vision documents.

C. Impact

As the applications are in outline form, the impact of the development will largely be determined through the submission of the development brief and subsequent applications for reserved matters approval.

However, it is considered that buildings of the height and in the positions shown in the Design Code document would not adversely impact upon the area. On the contrary, these proposals will significantly enhance the appearance of this rather neglected area. The existing use of the site as a car park is a temporary use only. Other measures such as the implementation of the Silk Mills Park and Ride scheme should prevent additional on-street parking pressure in nearby residential streets, which are largely subject to a residents parking scheme in any case.

D. S.106 Contributions

The S.106 requirements of this site need to be assessed against both Policies T2 and S3 of the Local Plan and the tests of reasonableness set out in Circular 05/2005. Policy S3 of the Local Plan is relevant in that proposals, such as this, forming part of a larger mixed-use allocation will be permitted provided that they do not prejudice the comprehensive and co-ordinated development of the whole allocation and the delivery of necessary infrastructure. It is important therefore that the proposal contributes towards the provision of transport, flood alleviation and other infrastructure to serve the Tangier area as required by Policies T3 and S3.

Affordable Housing

The Local Plan recognises that there may be significant on-site costs given the brownfield nature of the development. Accordingly a target of only 25% affordable housing is proposed for the site. The applicants are willing to sign up to this requirement with a proportion of 20% shared ownership at 80% subsidised with as has been discussed with the Council's Housing Officer.

Flood Attenuation

The site is identified as being at risk of flooding from the River Tone (a copy of the relevant flood risk map is attached at Appendix C). A flood risk assessment has recently been submitted. The solution proposed would allow for the semi-basement car parking to flood. Whilst the Environment Agency have indicated that they may accept this as an interim solution, the only appropriate long-term solution is to provide off-site attenuation (as was provided by Tesco when their nearby store was built). This would accord with the requirements of both PPG25 and the Local Plan (Policies EN28 and T2) which requires flood risk issues to be considered in a comprehensive manner. Notwithstanding the applicants claim that they should not be required to make any contribution to a longer term solution I see no justification for this claim. Whilst modelling work is continuing and extent of the off site attenuation (and therefore the contribution required from this site) is yet to be determined, the principle of such a contribution is essential if a comprehensive solution to flood risk at Tangier is to be realised. Further discussions are taking place on this issue and members will be updated at the meeting. Until this matter is resolved to grant permission for this proposal would be in direct conflict with PPG25 guidance.

Transport

Somerset County Council as Transport Authority state that “the junction with Castle Street is substandard and there is no footway link to the town centre or other nearby facilities. Both of these issues would be addressed by the provision of the Castle Street section of the Third Way”. They indicate that the cost of this section could not be reasonably be met by this development. In these circumstances it is suggested that a contribution of £600,000 be made towards the provision of Third Way. This stance accords with criterion (A) of policy T2 and S3 of the Local Plan. The Highways Authority are also seeking the provision of a footway/cycleway bridge across the river and an improvement to the existing French Weir/Steps Water bridge. The applicant has offered to fund the additional bridge as part of the recreation contribution to this development. However, as this is to be provided I do not think that the improvements to the French Weir/Steps Water bridge can also be considered as being reasonably related or necessary for the development to this site.

The applicants have offered a contribution of only £85,000 based upon what they consider to be the increased traffic beyond the generation existing car park use (which only has a temporary consent) and a previous gas works uses. I agree with the County Council that the existing highway network is not suitable to accommodate the scale of development proposed in anything beyond the short term. Any contribution towards transport should be based upon the cost of necessary improvements (in this case provision of part of the Third Way) and not simply on traffic generation. In any case, the applicant’s figure is based upon a comparison with the temporary car park use that the Council has consistently indicated that it would not wish to allow in perpetuity because of the substandard nature of Castle Street.

Sport and Recreation

The Council’s Leisure Development Manager has consistently stated that rather than on site sport and recreation provision, contributions should be sought towards improvements to nearby facilities, these contributions would most probably be targeted towards French Weir Park. In this respect the applicant has offered to fund the bridge which will link this site to the park and in addition to provide the riverside walkway, which will be of recreational benefit to both residents of this site and the wider public. They claim that this would comprise a higher total contribution than if these had met the Council’s normal requirement. The Leisure Development Manager is currently considering this proposal and her further observations should be available prior to the meeting.

Education

Criterion (J) of Policy T2 requires the provision of contributions towards primary and secondary school accommodation in accordance with the Council’s normal requirements. The applicant “broadly accepts the Local Plan formula for calculating the contributions” although there remains disagreement over some of the assumptions made and the total contribution required as a result. The applicant has

appointed an education consultant and discussions are continuing. Members will be updated on any progress in this respect at the meeting.

E. Viability

The applicant claims that:- “the total contributions being sought from the development are self-evidently so high such as to render the scheme non-viable.” However, they have not provided any evidence to support this claim. Advice has been received from the Council’s Valuer that refutes their suggestion that because of the unknowns relating to this site and the fact they will not be developing the site themselves, that it is not possible to provide a viability appraisal. In the absence of any evidence to support the applicant’s claim, the Borough Council sees no reason to reassess its requirements, the principle of which has been accepted through the Local Plan Process.

F. Sustainability

As stated in paragraph 8.39 of the Local Plan redevelopment of this site will enable a range of sustainable development objectives to be achieved including reducing reliance on the car, as the site is in a location which is highly accessible to a variety of modes of travel and maximising the potential of an under-used brownfield site, which will reduce the need to look to irreplaceable green fields as a means of accommodating new development.

11.0 **CONCLUSION/SUMMARY**

The site forms part of the Tangier development site as allocated in the Taunton Deane Local Plan. The principle of residential development in this key riverside location is accepted.

The application is in outline form with illustrative drawings only. I am satisfied that a condition requiring the submission of a development brief will enable the Council to ensure that the detailed proposal does not prejudice the design aspirations associated with the Taunton Vision.

The key area of contention set out in this report relates to the S.106 requirements and discussions are continuing in respect of education and sport and recreation contributions. However, there remains a fundamental disagreement in respect of the nature of the contributions required in respect of both transport and flood mitigation. This Council supports Somerset County Council’s stance that in the long-term the development of the site will require the provision of a Third Way road scheme and that a reasonable contribution towards this is therefore required. The costs of flood attenuation for the Tangier site as a whole are still being investigated. Whilst short-term solutions proposed may be acceptable as an interim measure, it is right that this scheme makes a suitable contribution to the long-term solution that meets the tests of PPG25. Until the cost of the overall scheme is known it is not possible to calculate a precise figure. I therefore conclude that planning permission should not be granted until the figure is available. Policy S3 requires that developments forming part of larger mixed-use allocations will be permitted providing they do not prejudice the comprehensive and co-ordinated development of the whole allocation and the

delivery of necessary infrastructure. It is considered that the proposal is failing to address this latter requirement. Whilst one option would be to refuse permission for the first application, a resolution to grant permission subject to the completion of the S.106 Agreement will enable negotiations to continue in the hope that agreement can subsequently be reached.

As stated earlier in this report the second application (38/2004/493) is to be the subject of a non-determination appeal in December. This now prevents Members from determining this application. Members are therefore requested to resolve to challenge the appeal on the grounds that the proposal fails to make adequate contributions towards (1) transport infrastructure contrary to Policies T2(A) and S3 of the Taunton Deane Local Plan; (ii) off-site flood mitigation works contrary to Policies T2(I) and S3 and (subject to the failure to reach agreement by 6th December, 2005); (iii) sport and recreation provision contrary to Policy C4 and S3; and (iv) education contributions contrary to Policies T2(J) and S3.

CONTACT OFFICER: Mr T Burton Tel: 356464

APPENDIX A

- 01 Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), the means of access thereto, and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority.
- 01 Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order, 1995.
- 02 Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.
- 02 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 03 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 03 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 04 Details of the phasing of all elements of the proposal shall be submitted to and approved by the Local Planning Authority before development is commenced and no deviation of the approved phasing shall occur without the prior written approval of the Local Planning Authority.
- 04 Reason: In the interests of the proper development of the site in accordance with Taunton Deane Local Plan Policy T2.
- 05 A development brief indicating a draft layout of the whole site indicating access arrangements including cycleways and footpaths, the density, form, scale, height and massing of the development, location of landscaping and amenity areas shall be submitted to and approved by the Local Planning Authority prior to the submission of any reserved matters. Any material deviation from the approved brief shall not take place other than with the prior approval of the Local Planning Authority.
- 05 Reason: The application site forms a large part of the major mixed use redevelopment site as allocated in the Taunton Deane Local Plan Policy T2 and will require a co-ordinated approach.
- 06 A strategic footway/cycleway link along the south bank of the River Tone shall be formed between the extremities of the site to the satisfaction of the Local Planning Authority within 12 months of the first occupation of any of the dwellings. Details of such link, which shall be constructed in a landscaped setting in accordance with the approved Development Brief, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any part of the development.
- 06 Reason: To achieve the aims of the Taunton Transport Strategy and in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy T2.

- 07 The development brief required by Condition 05 shall make provision for pedestrian access across the site between Castle Street to the River Tone.
- 07 Reason: To ensure permeability of the site and achieve the aims of the Taunton Transport Strategy in accordance with Taunton Deane Local Plan Policy T2.
- 08 Parking provision shall be made for each dwelling in accordance with details to be approved by the Local Planning Authority and such provision shall thereafter not be used for any other purpose.
- 08 Reason: To ensure that adequate and satisfactory parking facilities are available within the site for the occupants of the dwellings in accordance with Taunton Deane Local Plan M4.
- 09 Detailed drawings showing cross sections indicating any change of levels on the site shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 09 Reason: In the interests of the proper development of the site in accordance with Taunton Deane Local Plan Policy T2.
- 10 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 10 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 11 Details and samples of the materials to be used for the surfaces of the drives, turning and parking areas, shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 11 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Deposit Policies S1(D) and S2(A).
- 12 (i) Before any part of the permitted development is commenced, a scheme of planting of trees and shrubs, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within a period of time or a phased programme agreed with the Local Planning Authority before commencement of the development. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained to the satisfaction of The Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 12 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.

- 13 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 13 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 14 The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhanging margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- 14 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 15 Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before the development hereby permitted is occupied/use hereby permitted is occupied.
- 15 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 16 No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- 16 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.
- 17 Provision shall be made for combined radio and TV aerial facilities to serve the development hereby permitted and no external radio or TV aerial shall be fixed on any individual residential property or flat or other unit of living accommodation.
- 17 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy C14.
- 18 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a

conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).

18 Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Policy S1(E).

19 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

19 Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

20 A strip of land 7 metres wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land.

- 20 Reason: To preserve access to the watercourse for maintenance and improvement.
- 21 The detailed drawings to be submitted for approval under reserved matters shall include a topographical survey of existing ground levels contoured at .25 metre intervals, together with details of proposed finished levels.
- 21 Reason: To enable the Local Planning Authority to assess the effects of the proposed development on flood defence/land drainage.
- 22 Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, are submitted to and agreed in writing by the local planning authority. This route must be in place before any occupancy of the building(s).
- 22 Reason: To provide safe access and egress during flood events and reduce reliance on emergency services.
- 23 No development approved by this permission shall be commenced until details of the existing and proposed finished floor levels have been submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
- 23 Reason: To ensure that the development is subject to minimum risk of flooding.
- 24 No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
- 24 Reason: To alleviate the increased risk of flooding.
- 25 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 25 Reason: To prevent pollution of the water environment.
- 26 The site must be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage.
- 26 Reason: To prevent pollution of the water environment.
- 27 Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not cause nuisance to the occupants of the premises on the completed development. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed in writing prior to the commencement of the development hereby approved.

- 27 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 28 Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at nearby premises:- Monday - Friday 0800 - 1800, Saturdays 0800 - 1300. All other times, including public holidays no noisy working.
- 28 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Revised Deposit Policy S1(E).

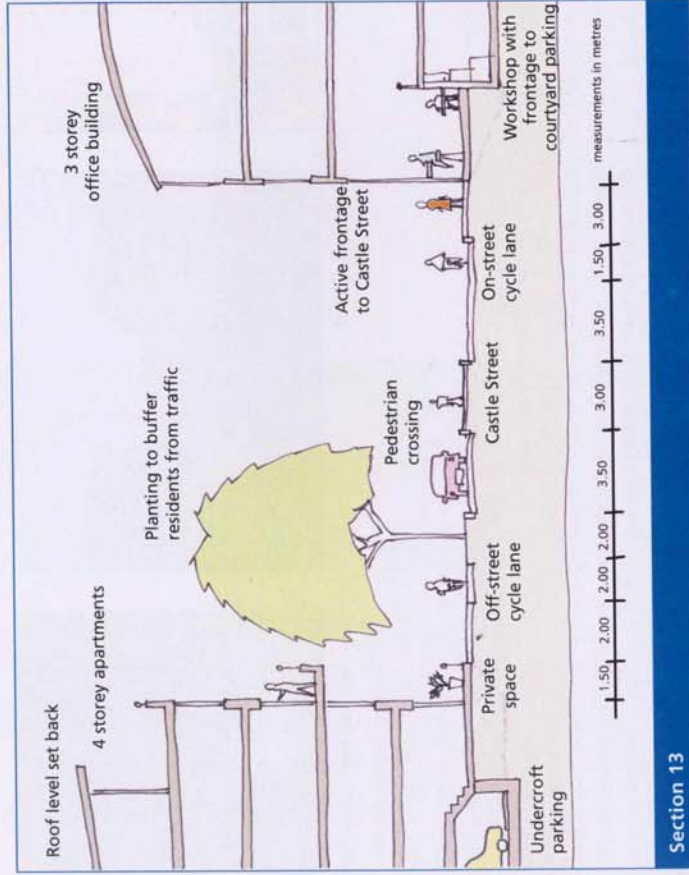
Notes to Applicant

- 01 You are reminded that the submitted layout plan is for illustrative purposes only.
- 02 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 04 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 05 The developer shall protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.
- 06 The site was previously a gas works and has since been used for other purposes. As such there is the possibility of contamination on site. Whilst we are aware of a thorough and comprehensive remediation strategy that was undertaken on this site, this was in 1997-98. Best practices have changed since that time, and the techniques and remedial criteria may now not be sufficient to be fit for the proposed use, as set out in this application. We therefore recommend that the previous investigations be reviewed in the context of current legislation when considering land contamination and prevention of pollution of controlled waters. Consideration should also be given to possible contamination arising from the land use, which may have had consequential impact on soils, subsoils and groundwater beneath this site, since the original report was commissioned.
- 07 The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.

- 08 Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulation stage.
- 09 Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.
- 10 All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

APPENDIX B
TAUNTON DESIGN CODE

Castle Street



Section 13

Tangier Waterfront



Smaller perimeter development blocks will open up pedestrian routes and views to the riverfront. A direct view of the riverfront should be provided from the 'gateway space' on Castle Street.

Flexible ground floor space will make use of changes in levels to meet flood alleviation requirements, presenting three storeys of townhouses to the riverfront. Courtyard parking is provided within the perimeter blocks (and encourages shared parking where



Views to riverfront

possible with office users). A similar approach to parking provision and building heights is appropriate along the Mill Stream frontages.

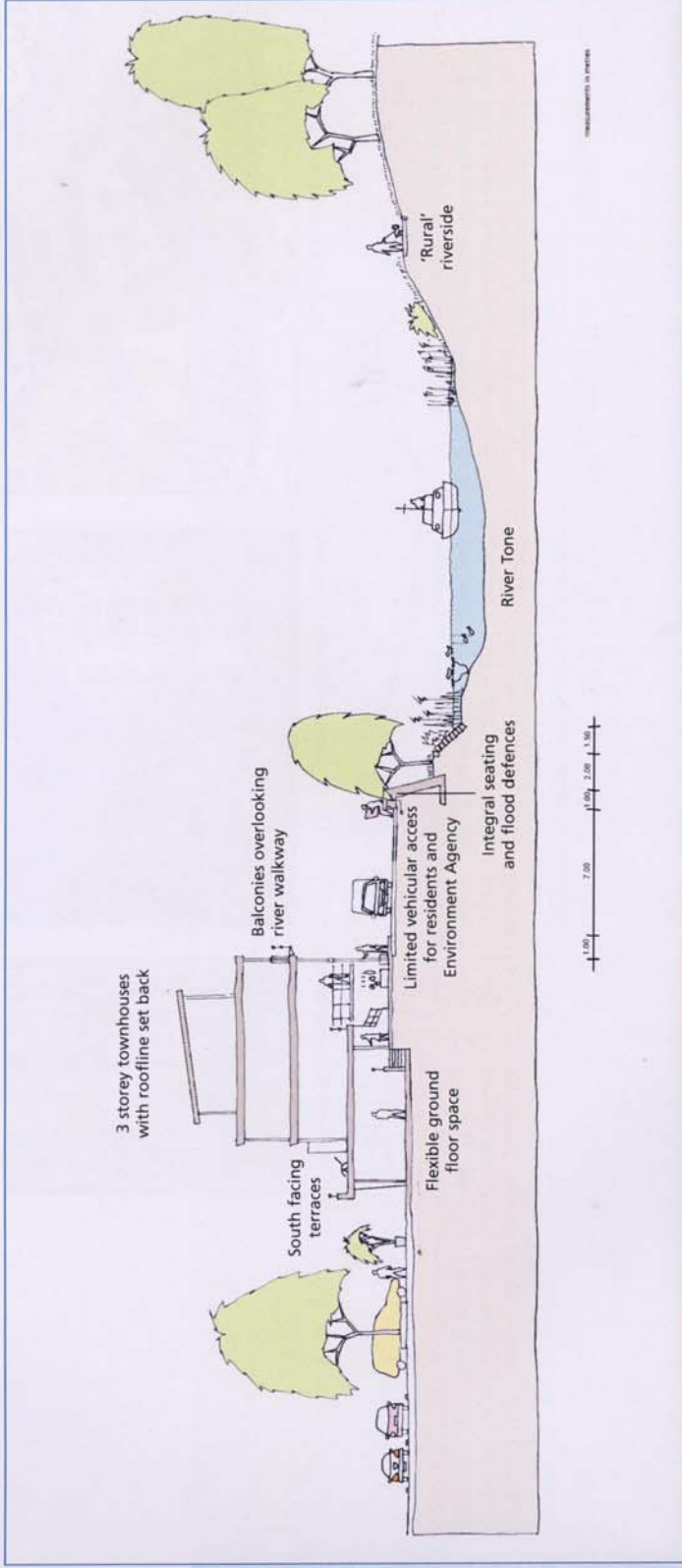
Buildings must front the River Tone and the Mill Stream. This will increase natural surveillance and encourage pedestrian flow on these key routes. Balconies and roof terraces will promote overlooking and create attractive private amenity space.



New river crossings (pedestrian and cycle)

There will be limited vehicular access along the south bank of the river for residents and the Environment Agency. The riverfront should still reflect the rural character of French Weir and maintain the informal nature of the riverbank. In order to encourage pedestrian flow a new shared-use bridge (for pedestrians and cyclists) is provided linking French Weir and residential areas to the north with the new business/residential area of Tangier. The design and materials should reflect the rural character.

Tangier Waterfront



Section 14

Tangier Waterfront



South of the Mill Stream, 2-3 storey development reflects the existing residential scale. Elsewhere along the riverfront 3-4 storey buildings will be appropriate.



Apartment overlooking water

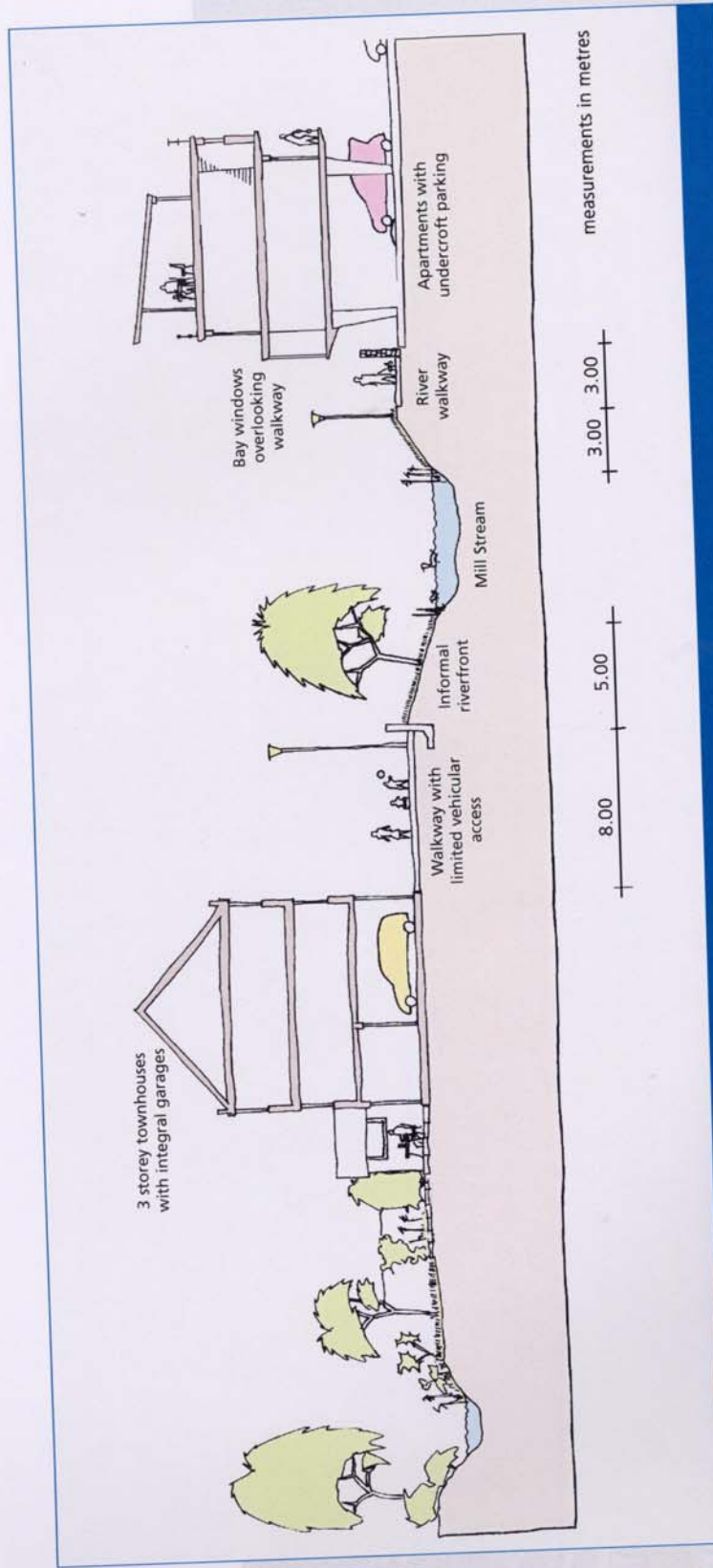


Balconies on the walkways

A pedestrian link must be provided between the new theatre and the multi-storey car park. It should follow the Mill Stream east to Castle Street and must be well-signed and well-lit. At Castle Street, visitors will have clear routes east to Castle Green or north to Goodland Gardens and the theatre along the riverfront.

Along the waterfront, seating should be incorporated into the flood defence walls. Interpretive board and signage should reflect the historic and ecological interest of the area and be co-ordinated with street furniture along the length of the river walkway.

Tangier Waterfront



Section 15

TAUNTON URBAN DESIGN FRAMEWORK

Tangier & Cultural Core

Tangier will be a mixed use area where the scale of development will reflect the scale of proximity to the area of Castle Green, the River Tone and Goodland Gardens. It will be the hub for small businesses, the 'creative industries', and Taunton's cultural attractions.



Tangier

Local Businesses

There is existing demand from locally and regionally based occupiers for office accommodation in the town centre, centred on the Crescent and Tangier. There is good demand for office suites up to 465sqm, and a lack of accommodation in this size range, particularly in terms of modern accommodation*. Around 10,000sqm of flexible office floorspace could be provided within Tangier to meet the needs of local businesses and encourage the growth of new industries.

A Learning Environment

The area is well located in relation to the town centre and has good access from the west of the town. SCAT and Musgrove Park Hospital are major centres of growth which are well related to Tangier.

SCAT and the Castle School are already a focus for community activity particularly in terms of training, education and sports provision. Tangier should therefore seek to create good physical links between these areas and the town centre to ensure that they are accessible to the new resident and business population.

A Mixed Use Environment

The Tangier area has significant potential for housing. As with Firepool it can provide the type of 'urban living', adjacent to the river, which has been historically lacking in the town centre. There is already pressure for high quality residential development along the riverfront, and this is considered to be the appropriate location for high density flats facing on to a publicly accessible riverfront.

South of the Mill Stream, Tangier presents an opportunity for a mix of town houses and flats which could meet requirements for key worker housing and student accommodation in the town centre.

Waterfront

Both the Mill Stream and the Tone are important pedestrian routes. They will retain an informal character but have improved walkways overlooked by houses and apartments and Environmental Agency access. New bridges for pedestrians and cyclists will increase permeability across the river.

The Third Way

The 'Third Way' provides a new vehicular crossing over the River Tone, completing a road link from Wellington Street to Bridge Street. The route improves access to Tangier and brings potential traffic relief to the retail core. The alignment minimises the impact on the environment, whilst maximising opportunities for development. The design of the road and the bridge is sensitive to its town centre and riverfront location.

Car Parking

A new multi-storey car park is proposed opposite the Tesco foodstore. This will serve the new businesses, the cultural core and the town centre. Apartments will 'skin' the car park, overlooking the water.

* Technical Appendix: Baseline Report

Tangier & Cultural Core



New 'shared-use' bridge



Three storey offices at gateway to Tangier

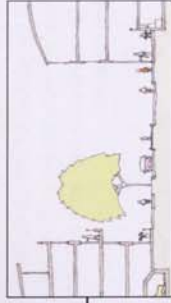
300 space multi-storey car park

Apartments overlooking the water



Townhouses overlooking the river

New vehicular crossing

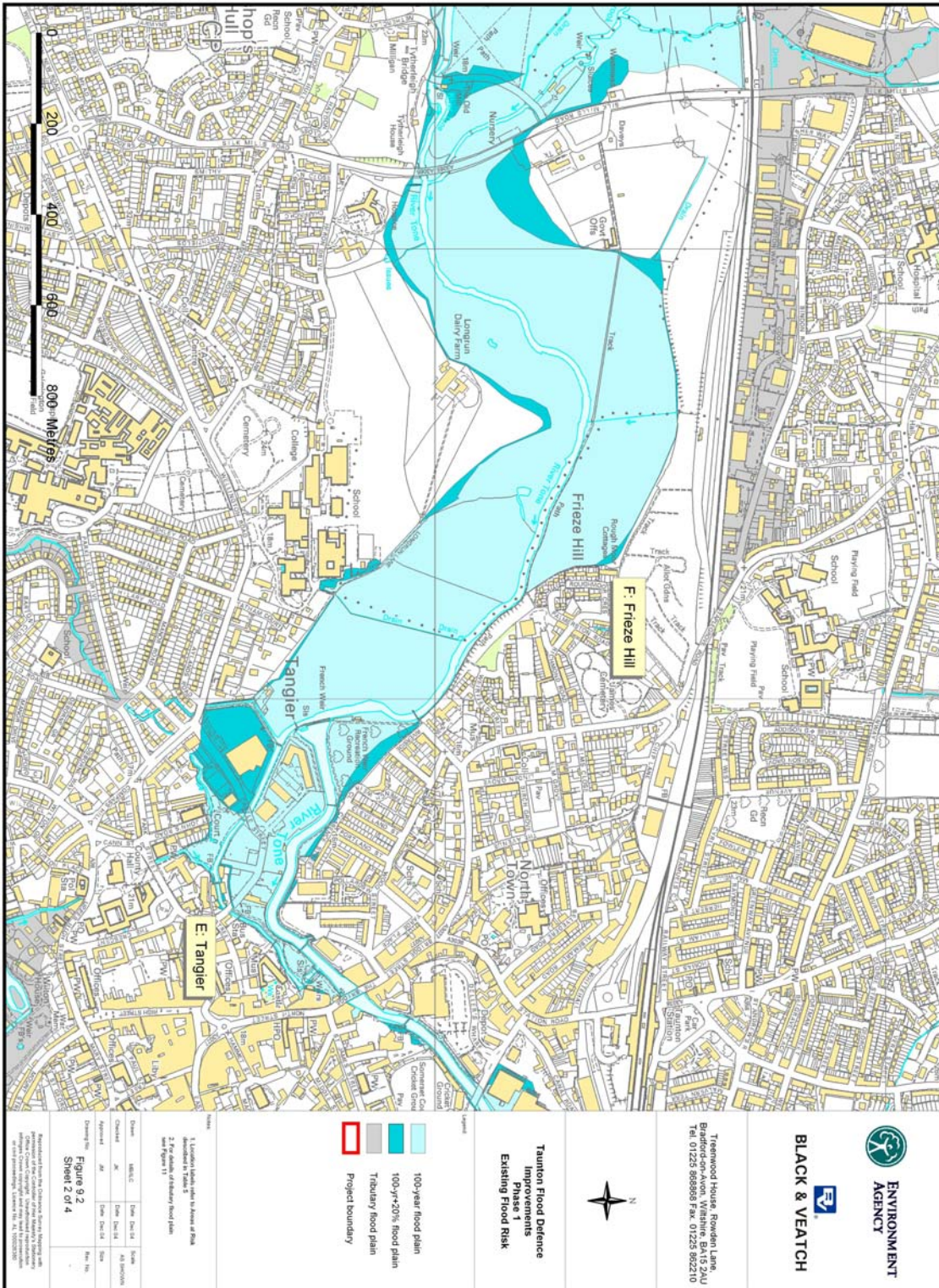


Apartments and offices fronting Castle Street

Active ground floor uses

Two/three storey townhouses and apartments fronting the Mill Stream

APPENDIX C



22/2005/013

DR & MRS PEPPERELL

ERECTION OF TWO STOREY EXTENSION, HOCOCOMBE BARN, LYDEARD ST LAWRENCE (REVISED SCHEME).

11343/29878

FULL PERMISSION

PROPOSAL

The proposal provides for the erection of two storey and single storey extensions to the existing dwelling which is a barn conversion. There is an outstanding planning permission for the erection of a single storey extension to the dwelling. The current proposal provides for a second floor to be provided above this agreed extension, increasing the height by 1 m. This would allow for a large living room on the ground floor with the provision of additional bedroom accommodation and bathroom on the first floor. The single storey extension would provide for a utility room.

A previous application (22/2005/005) for a two storey and single storey extension was refused by the Planning Committee on 15th June, 2005. The two storey extension now proposed is 1.3 m lower than the refused extension, but still projects above the ridge height of the existing dwelling. The proposal is also smaller as the extension will project to the rear of the dwelling, whereas the previous proposal would have extended into the existing dwelling.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL supports the application.

FIVE LETTERS OF SUPPORT have been received raising the following:- the design would be in keeping with the existing dwelling and will not impact adversely on its character; though amended plans visually less appealing, I hope they will fulfil the planning committees reservations; development would provide a viable family unit and will not create any visible change to the landscape viewed from the access lane; property has been converted from its original barn status for more than a decade and should be assessed as a normal dwelling for the purposes of this application; people using road will notice virtually no difference to the building, and will enhance the property and will be commensurate with the size of the property; proposal looks sensitive in scale and design to the landscape in which the house is built.

POLICY CONTEXT

The dwelling is the result of the conversion of a former barn. Policy H7 of the Taunton Deane Local Plan states that outside the defined limits of settlements, the conversion of

buildings to residential use will not be permitted unless certain criteria are met. Policy H17 of the same plan states that extensions to dwellings will be permitted provided they do not harm (a) the residential amenity of other dwellings; (b) the future amenities, parking, turning space and other services of the dwelling to be extended; and (c) the form and character of the dwelling and are subservient to it in scale and design. I do not consider that criterion (c) is met with the current proposal.

ASSESSMENT

The applicant contends that the other traditional and historic dwellings in the near vicinity are all double storey and that many of these have adjoining single-storey elevations. The current barn conversion is single storey along its length and the applicant considers that a single storey barn of this length would usually have been part of a farmyard complex or a group of adjoining larger barns and somewhat incongruous in isolation.

I consider that the existing character of this barn conversion is as a single storey building. That is the form it was when it was in agricultural use and the extensions that have been carried out to the building have been in keeping with this character. The provision of a two storey element at one end of the building, projecting above the ridge of the dwelling, would have a detrimental impact on that single storey character of the existing building. Notwithstanding the assertions of the applicant, the proposed two storey extension cannot be considered to be subservient to the existing single storey dwelling, as required by Policy H17.

RECOMMENDATION

Permission be REFUSED for reason that the existing dwelling is the result of the conversion of a former agricultural building of traditional character, where the Local Planning Authority's policies require that the appearance, structure and surroundings of the building should remain materially unaltered. The proposed 2 storey extension, by reason of its size and form will have a detrimental impact on the architectural integrity and traditional character of the existing dwelling and detract from the visual amenities of the locality (Taunton Deane Local Plan Policies H7 and H17).

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

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

24/2005/037

MR & MRS WEBBER

CONVERSION OF BARN INTO 5 BEDROOMED TWO STOREY DWELLING WITH DETACHED DOUBLE GARAGE AT CHESTNUT FARM, HELLAND.

32838/24842

FULL PERMISSION

PROPOSAL

Planning permission was granted in August 2004 for the conversion of a stone and brick barn and lean-to a 4 bedroomed dwelling with a new access and double garage. The domestic character of the barn meant that the scheme needed to utilise the existing openings wherever possible reducing the need to introduce new openings that would damage its character. However the scheme did involve to the provision of a pitched roof to replace the mono-pitch roof of the lean-to. None of the roofs had velux roof-lights within them, keeping the roof scape plain and unaltered. This application is an alternative scheme for the conversion of the main barn and includes the raising of the front wall of the lean-to by 1m and the provision of a full-pitched roof over. The additional roof space would accommodate an additional bedroom with en-suite bathroom. The proposal includes the addition of 3 long velux windows in the roof of the main barn and four velux roof lights in the new lean-to roof (two on the front and two on the back). The existing openings would be used but this proposal slightly alters the proposed fenestration. The proposed double garage has been re-sited approximately 6 m to the east. The proposal also seeks the provision of another vehicular access off the adjacent road so that the farmhouse and barn conversion will have separate access. The red line site area includes agricultural fields to the north and east of the site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY it must be largely a planning matter as to whether or not the need to save the building outweighs the sustainability issues created by the development, being outside of any development limit and as such remote from services, public transport, etc. If it is, then from a highway viewpoint I would have no highway objection to the creation of the access as shown on the drawing, provided that conditions are attached to secure its hard-surfacing (not loose stone or gravel) for a minimum of the first 10m from its joining to the public highway, and the imposition of a condition to require any surface water from the driveway to be picked up and disposed so that it does not run onto the public highway. Adequate parking and turning facilities should also be provided within the curtilage. ENGLISH NATURE our records indicate the presence or potential presence of the following protected species on or near the application site:- Bats Barn owls - All bats and their roost sites are fully protected under The Wildlife and Conservation Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Barn owls are also protected under Section I of the Wildlife and Countryside Act 1981 (as amended) that protects all wild birds from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken, but in addition, barn owls are included in Schedule I of the Act and are protected against disturbance while nesting. English

Nature would advise that a wildlife survey of the buildings or habitats affected by this proposal should be carried out on the site, by suitably experienced (and, where necessary, licensed) people. We will be happy to comment in more detail after we have seen a report of the wildlife survey.

LANDSCAPE OFFICER subject to detailed landscape proposals it should be possible to integrate the proposals into the local landscape, however, as it stands it is unacceptable. My concern is there appears to be no designated domestic curtilage. I would not want to see the old orchard be part of the garden otherwise I would have concerns re EN6 and EN12. I am also concerned that hedgerow EN6 has already been removed. NATURE CONSERVATION OFFICER I am concerned that the wildlife report (dated July 2005) submitted is a copy of County Contracts 2004 survey and report. County Contracts have not been involved in further work at Chestnut Farm since June 2004. (telephone call to Adrian Conrad 16th August, 2005). I strongly advise that a new survey is undertaken detailing the current situation with regard to protected species. This should be submitted as soon as possible before determination of this application. ENVIRONMENTAL HEALTH OFFICER the applicant should be advised that suitable and satisfactory drainage provision shall be made. With respect to the proposed septic tank, percolations tests shall be carried out and the soak away system shall be of suitable design and capacity to provide satisfactory drainage for the maximum likely number of occupants of the proposed dwelling. Contaminated land - Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:- (a) provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site. (b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment. (c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy. Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority, in accordance with Taunton Deane Local Plan Policy EN34. Note to applicant:- Commercial/agricultural buildings are often used for the storage of material and fuels that could have lead to contamination of the ground in and around the buildings. There is also a potential risk from areas of filled ground (e.g. old ditches/ponds or slurry pits) as the fill could contain hazardous materials, or could generate gasses as any waste breaks down.

PARISH COUNCIL support the application but feel that the landscaping is totally insensitive to the surrounding area and would appreciate a better landscaping design for the entrance. It is also understood that the garage is in a different position to that shown on the plan but it is now felt that this is more sympathetic to the surroundings.

1 LETTER OF OBJECTION has been received raising the following issues:- the clearing of the site and earthworks have had a major impact on the area the original roof tiles have been removed from the site and cannot be re-used to maintain the character, the proposal involves a substantial increase in the size of the building with an impact on the skyline from the raising of the roofline to provide a second storey; the increase in the size of the dwelling will have an impact on the character of this charming barn to a prominent "executive" home with the sole purpose of maximising the profit to the developer.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review the following policies are considered relevant:- Policy 49 requires proposals for development to be compatible with the existing transport infrastructure and provide safe access to roads of adequate standard.

Taunton Deane Local Plan the following policies are considered especially relevant :- S1 General Requirements, H7 Outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless; A(2) has a size and structure suitable for conversion without major rebuilding or significant extension and alteration; (B) and the proposal: (1) will not harm the architectural or historic qualities of the building; Policies EN4 and EN5 controlling wildlife and protected species in barn conversions; Policy EN12 requires development within Landscape Character Areas should be designed and sited to respect the character and appearance of the area; Policy M4 requires on site parking.

ASSESSMENT

The principle of converting the barn has already been established on the previous permission. The proposed alterations introduce an extension and new roofline for the lean-to that would result in a significant extension to the barn contrary to the requirements of the Local Plan Policy H17. Furthermore I consider that this is detrimental to the character of the main barn as the increased roof height gives dominance to the lean-to structure that undermines the importance of the character of the main barn. In addition the previous scheme allowed for a conversion that maintained the uninterrupted roof of the main barn the feature of the barn that can be seen from the greatest distance away. The amended scheme also introduces a double access from the highway which results in an increase in the visual gap in the road boundary from approximately 5 m in width with replacement boundary hedging on the approved scheme to a gap of approximately 20 m with no planting shown. I consider that the proposal is unacceptable.

RECOMMENDATION

Permission be REFUSED for the reasons of conversion involves significant extension and alteration to the barn contrary to the character of the barn and area.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

38/2005/360

MR & MRS J MERIGAN

ERECTION OF DWELLING AND RETENTION OF ACCESS ON LAND TO THE REAR OF 188 KINGSTON ROAD, TAUNTON

22318/26600

OUTLINE APPLICATION

PROPOSAL

Application is for outline consent for a detached dwelling in the rear garden of an existing dwelling which fronts the eastern side of Kingston Road. The access is to be dealt with as part of the current submission. The main part of the plot is roughly square in shape, scaling 16 m x 19 m with a 45 m long x 7 m wide access drive to Kingston Road. There is an existing conifer hedge around much of the site which is some 6 - 7 m high.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY observations awaited. WESSEX WATER detailed comments relating to drainage.

LANDSCAPE OFFICER concerned with regard to an adverse impact of access and associated highway visibility on the rural character of the road boundary.

8 LETTERS OF OBJECTION have been received raising the following issues:- building in the rear garden would be out of keeping with the area, detrimental to privacy and amenity of surrounding properties and to existing wildlife and general bio-diversity; it may encourage similar proposals for backland development which would further detract from the character and amenity of the area and constitute over-development; the access gradient is extremely steep onto a busy, narrow road with narrow pavement; access will cause noise, vibration, fumes and lights; permission has been refused for other residents to form accesses to Kingston Road; permission has been refused twice for a dwelling on the site; speculative development; view will be blocked; security will be undermined by access from Kingston Road.

9 LETTERS RAISING NO OBJECTION have been received:- consider that the Council should encourage infilling when so many green field sites on agricultural land are being developed; support local business and local people; dwelling would not be overlooked. One person who has no objection expresses concern about the access which should be carefully considered.

POLICY CONTEXT

Taunton Deane Local Plan Policy S1 advised that: road improvements should not lead to environmental degradation by visual impact; the appearance and character of any affected landscape, settlement, building or street scene should not be harmed as a result of development. Policy S2 requires development to reinforce the local character

and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved. Policy H2 for housing within classified settlements requires that new housing, inter alia, should increase development density of area without individually or cumulatively eroding their character or residential amenity and that existing and proposed dwellings will enjoy adequate privacy and sunlight.

ASSESSMENT

The proposal would result in a tandem form of backland development on a site which is landlocked behind 188 Kingston Road and several properties facing Holford Road. In comparison with most of the other sites, especially those fronting Kingston Road, the site is very small and the dwelling indicated on the applicant's plan scales 7 m x 5 m which is unrealistically small, even for a 2 storey dwelling, and out of keeping with other properties in the area. The addition of another dwelling in the garden, together with the loss of much of the garden to 188 Kingston Road, would result in a cramped form of development which is out of keeping with, and harmful to, the character of the area.

As backland development in close proximity to several other dwellings, the proposed dwelling would result in increased activity, causing noise and disturbance to the occupants of both 188 Kingston Road, which has several windows in the north elevation alongside the proposed access drive, and to the properties in Holford Road whose rear gardens adjoin the site. This would be detrimental to residential amenity. It is also likely that a 2 storey dwelling on this plot would result in mutual overlooking and loss of privacy to both existing and the proposed dwelling. The existing property, No. 188, has been converted from a bungalow to 2-storey accommodation, and a main first floor bedroom window overlooks the plot.

Any approval for a backland plot on this rear garden would set a precedent for similar proposals to the rear of properties along Kingston Road and the cumulative effect would further detract from the local character and distinctiveness of the area.

Two previous applications for a dwelling within the curtilage of 188 Kingston Road have been refused in recent years. The previous owner applied for a new dwelling alongside 188 Kingston Road. This was refused in 2003 on the basis of inadequate visibility splays, cramped form of development out of keeping with the area and the loss of hedgerow/trees caused by the formation of the access. A proposal for a dwelling to the rear of 188 Kingston Road (similar to the present application) was refused in 2004 as it was considered to be out of keeping, it would set a precedent and adequate visibility splays to the north could not be achieved. With regard to the last reason for refusal, the applicant has approached the Housing Service (Taunton Deane Borough Council - the landowner) seeking consent to cut back some small trees at the bottom of the bank on Kingston Road. The Housing Asset Manager has advised that, if necessary, it is likely that an easement would be granted. However, it is considered that the highway requirements in creating a safe access (as required in the comments on the previous application) would lead to a detrimental impact on the landscape and the rural character of that part of Kingston Road.

RECOMMENDATION

Permission be REFUSED for the following reasons:- (1) A proposed dwelling in the rear garden of this property, and the resultant loss of garden to the existing dwelling, No. 188 Kingston Road, would be out of keeping with the general layout, scale, form and character of existing development in the locality and would be detrimental to the visual amenity of the area. The proposal is, therefore, contrary to Taunton Deane Local Plan Policies S1, S2 and H2. (2) The proposal will result in a tandem form of development in a backland location, in close proximity to existing dwellings. The increased activities, noise and disturbance will be detrimental to the residential amenity of the occupants of nearby dwellings. Furthermore, the proposal will result in mutual overlooking and loss of privacy to residents and the proposal is contrary to Taunton Deane Local Plan Policy H2. (3) The proposed development, if permitted, is likely to encourage similar proposals in respect of other land in the vicinity which might then be difficult to resist, the cumulative effect of which, if permitted, would further detract from the character and amenities of the area. Accordingly, the proposal is contrary to Taunton Deane Local Plan Policies S1, S2 and H2.

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

CONTACT OFFICER: 356468 MRS H PULSFORD (MON/TUES/WED)

NOTES:

49/2005/057

MR & MRS H RIDLEY

ERECTION OF TWO EXTENSIONS TO DWELLING AND CONSTRUCTION OF GARAGE/STUDIO TO REPLACE EXISTING GARAGE AT THE PADDOCKS, FORD ROAD, WIVELISCOMBE, AS AMENDED BY DRAWING NO. 6705:05 REV A RECEIVED 26TH SEPTEMBER, 2005

08376/27805

FULL PERMISSION

PROPOSAL

The proposal is to erect extensions to the existing dwelling and to erect a garage with studio over to replace an existing garage on the drive at The Paddocks. The extensions result in a 4 bedroomed dwelling with additional bathroom facilities and larger kitchen. These extensions are in character with the original property and, given the location well away from any nearby properties, do not result in any overlooking or loss of amenity. The garage, which would be demolished, is sited approximately half way along the drive which serves The Paddocks and West Bray. The garage and 2 parking spaces are sited alongside the boundary with No. 5 Ford Road. One of the three kitchen windows in No. 5 faces the rear of the proposal. The window is sited approximately 3 m from the existing stone retaining wall and fence, the wall being 600mm wide, with the fence on the site of the wall, and the proposed garage wall are shown to be a further 1m from the centre line of the wall. The roof eaves are shown to be on The Paddock's side of the wall. The proposed new building would have a 2 car open garage with studio, kitchenette and shower room on the upper floor within the roof space. Windows are shown facing the drive and on the side facing towards The Paddocks with rooflights on the front and rear roof slopes. There is a significantly high line of conifer trees alongside the boundary between No. 5 and the drive of The Paddock and a change of level of approximately 700 m with No. 5 being lower. A previous application for a similar development was withdrawn earlier this year pending submission of full details showing the relationship between the proposed garage studio and No. 5 Ford Road.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL objects to the new garage only and not to the proposed alterations to the dwelling. Objects suggests a light impact assessment required for No. 5 Ford Road; concerns about accuracy of the plans; surface water drainage details to be sorted so any water run off does not exacerbate flooding problems in Ford Road. Objected to previous proposal on grounds that the demolished garage may have been in a different position to that shown on the plans, and that the studio garage may becomes a residence at a later date without the need for further consents, suggest a S.106 Agreement; additional residential use would cause an intensity in the use of the existing access.

ONE LETTER OF OBJECTION has been received raising the following issues:- no objection to the extensions to the dwelling; objects to the garage/studio on basis of the boundary being incorrect; the 2 foot wide stone wall is owned by No. 5 Ford Road, the

red line is incorrect by 2 foot; the fence has been erected to give privacy to No. 5; no space for wall maintenance; footings would damage boundary wall; eaves would overhang boundary; permission will not be given; the garage/studio will fill the only part of the boundary not overhung by large conifers; the building will be less than 4 m from the only kitchen window on that side of house and cause loss of light to kitchen and back garden; the proposed 2 storey building will rise at least 6.5m above ground level of No. 5 and be 4.5 m above the top of the kitchen window.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 General Requirements, S2 Design, H17 Extensions to dwellings, will be permitted provided they do not harm the residential amenity of other dwellings, the future amenities of the dwelling to be extended and the form and character of the dwelling are subservient to it in scale and design.

ASSESSMENT

The extensions to the dwelling are in character with it and would not cause harm to the amenities of residents. These extensions are considered to conform with Taunton Deane Local Plan Policies. The proposed garage/studio would be located in a position approximately 4.5 m away from the side wall and one kitchen window of No. 5 Ford Road. There are two other kitchen windows which face west into the rear garden. It is considered that there would not be a significant loss of amenity to the occupier of No. 5 by the erection of the garage/studio. The roof runs away from the boundary and, whilst the roof could be seen from the north facing kitchen, it is not considered there would be loss of light to this room as a result of the proposal. The amended plans show the proposed garage/studio on the northern side of the retaining wall such that the eaves would not be overhanging the wall. The exact position of the boundary is a private matter. Any building on the site would be ancillary to the existing domestic use. Permission would, therefore, be required to form a separate dwelling. Drainage details are to be conditional. It is considered that as this is the widest part of the drive to the property, this position for the garage/studio is acceptable and the building itself would not cause loss of amenity to the occupier of No. 5.

RECOMMENDATION

That permission be GRANTED subject to conditions of time, materials as form, garage use only, single family dwelling, no additional windows, no increase in site level, drainage details. Note: no surface water to highway, encroachment.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to accord with Taunton Deane Local Plan Policies S1, S2 and H17 as it does not give rise to loss of amenity to local residents.

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

CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)

NOTES:

PLANNING COMMITTEE – 12 OCTOBER 2005

Report of the Chief Solicitor

Enforcement Item

Enforcement issues at Creech Paper Mills, Creech St Michael.

Background

There have in the past been various enforcement issues in relation to the complex at Creech Paper Mills. In particular Members may recall the item considered at the meeting of the Committee on the 26 January 2005 when Members considered an enforcement notice served in respect of an alleged unauthorised use of the site for a crane hire business. Members were advised that on detailed consideration the actual use was not in fact a breach of planning permission and that the enforcement notice should be withdrawn.

It was however identified at that stage that there were other enforcement issues at the site, including possible breaches of condition and an unauthorised vent on the building occupied by County Hardwoods.

The Development Control Manager has delegated authority to serve Breach of Condition notices, and these are currently being dealt with.

In respect of the unauthorised vent, Environmental Health have also been involved as there have been related noise complaints. The owner initially indicated that he would submit an application for the vent but has subsequently advised that the vent would be removed. To date this has not occurred.

RECOMMENDATION

It is therefore **RECOMMENDED** that unless the vent is removed within four weeks from the date of the meeting, the Solicitor to the Council be authorised to serve an enforcement notice and commence prosecution action, subject to satisfactory evidence, should the notice not be complied with.

Chief Solicitor

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