

Amendment Sheet

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**5 22/2005/013**

Assessment:- Insert the following paragraph at the end of the first paragraph:- "The applicants also consider that the revised proposal, reducing the size and height of the extension, overcomes the previous reasons for refusal and now complies with local plan policies."

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**6 24/2005/037**

As amended by plan 003(D) received on 11th October 2005.

This plan deletes all of the windows in the roof of the barns but does not amend the height of the secondary barn or establish a suitable domestic curtilage.

Amended Recommendation:- Additional reason for refusal excessive domestic curtilage contrary to character of area and North Curry Ridge Landscape Character Area.

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**N/A 38/2002/114**

Amendments to conditions:- Condition 05 - Delete 'development brief' and replace with 'master plan'. After amenity areas add 'wildlife survey and mitigation', Replace 'approved brief' with 'approved master plan'. Condition 06 - delete 'between the extremities' and replace with 'across the site from east to west'. Condition 20 - change last sentence to read 'ground levels within such a strip of land shall not be altered without the prior written consent of the Local Planning Authority' Condition 22 - after 1 in 100 year add 'plus climate change'.

Amended Recommendation:- ... Section 106 Agreement relating to contributions towards transport, infrastructure, affordable housing, flood attenuation, provision of footway cycleway bridge, laying out of riverside walkway and education provision.

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**N/A 38/2004/493**

1.0 RECOMMENDATION:- In addition to the conditions proposed for 38/2002/114 the Inspector will be asked to consider an additional condition as follows:- No development of any phase shall commence until details of the dwellings and dedicated underground car parking to be provided in that phase have been submitted to and approved by the Local Planning Authority. Condition 23 to also refer to 'levels of car parking areas'. 3.0 PROPOSAL:- 2nd sentence on page 9 delete 'other than means of access'. 4.0 THE SITE:- The site area is 1.02 ha and not 1.4 ha. 7.0 RELEVANT GOVERNMENT GUIDANCE:- PPG 25 Development and Flood Risk. Paragraph 30:- The Government expects local planning authorities to apply a risk-based approach to the preparation of development plans and their decisions on development control through a sequential test. Developers seeking sites for housing and other development should also have regard to this test. Accordingly, in drawing up or revising policies in development plans and in considering applications for development in cases where plans do not yet reflect the following, local planning authorities should give priority in allocating or permitting sites for development, in descending order to the flood zones set out in Table 1, including the sub-divisions in Zone 3. When allocating land in development plans or deciding applications for development at any particular location, those responsible for the decision would be expected to demonstrate that there are no reasonable options available in a lower-risk category, consistent with other sustainable development objectives. It is important to note also that these zones cover only river, tidal and coastal flooding. Locally in all zones, an assessment may be needed of the risk of groundwater flooding or local flooding due to overland sheet flow or run-off exceeding the capacity of drainage systems during prolonged or intense rainfall. Flood-resistant construction may be required in all areas, depending on the results of that assessment. The run-off implications of development should also be assessed for all zones and controlled, where possible, through the use of sustainable drainage systems. 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. 8.0 CONSULTATIONS:- WESSEX WATER I confirm that our comments of 27th October, 2004 only, should be taken into consideration with one exception. The exception is with regard to Water Supply and aour revised comment on this aspect is as follows:- Water Supply - 204 properties may require 3 1/s extra flow at the end of this Control Zone, using older Cast Iron mains. I anticipate some head-losses,

and confirm that the Zone should be network modelled, to determine whether off-site mains reinforcements are required to provide adequate supply. There would be charge for this work. Please note that our earlier comments on water supply no longer apply. LANDSCAPE OFFICER further e-mail suggests following conditions:- standard 5 year landscape condition. Standard 5 year landscape condition; standard tree protection; standard play equipment provision; standard wildlife survey and mitigation; to provide details of the riverside (up to 10 m in) edge treatment; to provide details of the maintenance of the open space provision of the site and maintain upon implementation thereafter to an agreed standard; provide an access ramp to the river from within the site to a standard agreed by the Environment Agency; to provide riverside moorings, acceptable to the EA, for at least five 5 m length boats. NATURE CONSERVATION OFFICER I am very concerned that there appears to have been no consideration of wildlife issues for the application, on the former gas works site. The River Tone is a county Wildlife site and otters (European protected species) are known to use the Tone through Taunton. The key principles in PPS9 (Biodiversity and Geological Conservation), require that decisions not only avoid, mitigate or compensate for harm but also seek ways to enhance and restore biodiversity. I understand that you will be recommending that wildlife survey work should be undertaken as part of the Reserved Matters and before the detailed design is submitted. The wildlife survey must establish the presence or otherwise of protected species, reports on the extent to which any protected species may be affected by the development and propose mitigation/ compensation. It would be appropriate, regardless of the outcome of the survey for a consultant to also advise the applicant on measures that could encourage future potential use of the site by wildlife. PLANNING POLICY Memo dated 26th April, 2002 - 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." Subsequent views Memo dated 28th October, 2004. The application is in outline form but indicates a level of detail with the submission of a Design Statement and block plans indicating options with and without the inner relief road. Total number of units is not specified although 150 units are indicated. The site area covers 1.19 hectares.

The site falls within the Tangier development area as set out in the emerging Taunton Deane Local Plan (policy T2). The Tangier site is allocated for a mixed use development. Policy S4 also supports mixed use developments. The supporting text and plan of Tangier shows the application site for mixed use also, including leisure', which would be consistent with the emerging Third Way cultural quarter south of the river. The application is for a single use (residential) and is thus contrary to Local Plan policy.

In order to achieve compatibility with the Local Plan it is therefore recommended that the application be amended to indicate a mixed use proposal. The prominent riverside location would be suitable for a ground floor restaurant use as is frequently included within similar schemes elsewhere in the country and would at least achieve a nominal mixed use development.

Although only an indicative block plan accompanying the outline application, it should be noted that if the Third Way proposal is implemented the road alignment will pass more towards the eastern end of the site than currently indicated. Block E would therefore not exist in the position shown.

The Local Plan specifies an indicative target of 25% affordable housing units on this site. This should be secured through a legal agreement. As the total of units are not yet known education contributions would need to be covered through S106 at the detailed submission stage.

As part of the current submission the developers have submitted a Planning Statement. Section 5 suggests part funding of a new pedestrian bridge linking to Clarence Street, which should be considered as a contribution towards public open space provision. This is unacceptable. The pedestrian bridge and recreational facilities are both separate requirements. Under policy C4, playing-field provision is required from all dwellings and childrens play space from all family dwellings. With the indicative total and 'makeup' of units on this proposal as set out in the Design Statement, this would equate to over 7700 sq m . However in some instances a commuted sum may be acceptable rather than on site provision. In compliance with the urban design philosophy for higher density living in town centres a commuted sum would be acceptable in this instance. This has the benefit for the developer of enhancing additional development value on site through enabling higher site coverage.

In part due to lack of provision on site and the need to conveniently and safely access the nearest usable open space (French Weir Park), 'a new footbridge is required over the river Tone from this site. The footbridge would also assist permeability in general from the site to the surrounding area. A commuted sum based on policy C4 for the recreational space requirements and the bridge itself should both be required from this proposal. This would also be consistent with the Taunton Vision which shows a footbridge crossing serving this part of the Tangier development.

The proposed site also appears to lie within a floodplain as identified by the Environment Agency although presumably the EA will comment on this aspect. Finally, from the indicative block plan submitted with the outline application, the proposed riverside walk at the western end does not adequately connect with the section already in place at the eastern end of the adjoining Riverside Chambers. The form of surfacing, width, bank treatment and landscaping would need to be conditioned to be covered under the detailed submission.

Finally and again although only submitted in outline form, the indicative block layout does not propose an appropriate urban form in this location. Setting the units back from the river and separated from the riverside walk by private garden reduces natural surveillance and creates the potential for creating 'cle~d areas' during certain hours. The blocks should be sited closer to the riverside walk, providing more of a sense of enclosure and a public frontage onto the river frontage.

Subsequent views Memo dated 28th September, 2005" 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 PPG1, 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."

10.0 PRINCIPAL ISSUES FOR CONSIDERATION:- B. Taunton Vision - Final sentence of 2nd paragraph replace development brief with 'master plan'. D. S106 Contributions - Flood attenuation:- A meeting was held on 10th October, 2005. The applicants consultant is revising the Flood Risk Assessment in accordance with latest advice from the Environment Agency to see whether on-site attenuation can be achieved which would not give undue risk to property and would also provide a safe exit route. Sport and Recreation:- Whilst the Leisure Development Officer would accept part of the play contribuiton going towards the bridge, this does not apply to sports requirements. However, the provision of the cycle/footbridge is deemed as a prirority in terms of delivery of the Taunton Vision. It is therefore recommended that the applicants proposal be accepted.

11.0 Second paragraph replace 'development brief' with 'master plan'. Page 44 penultimate sentence to read 'I therefore conclude that planning permssion should not be granted until the figure is available, or alternatively the applicant has satisfactorily demonstrated that on-site flood mitigation will achieve the Council's required level of protection. Page 45 first sentence to read "It is considered that in the absence of a satisfactory on-site solution, the proposal is failing to meet this requirement.' Final paragraph (ii) delete 'off-site'. Delete (iii)

As also amended by drawing No. 6705:02C received on 26th September, 2005.

PARISH COUNCIL observations on amended plan - reiterate earlier comments. Strong view that the garage will impact on 5 Ford Road, hence object in the strongest terms. This is a local matter and trust that more weight will be given to the views of the Parish Council.

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Copies to:

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