

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 31 August 2016 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 10 August 2016 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 38/15/0475 Outline planning application with some matters reserved for the redevelopment of the former cattle market site to provide up to 3500sqm of convenience retail development, up to 6000sqm of non-food development (Class A1), up to 4000sqm of office (B1) or hotel (C1) use, up to 2400sqm for a cinema (D2), up to 2600sqm of food and drink establishments (A3/A4/A5) and up to 200 residential units with redevelopment of the former Priory Bridge Road car park to provide up to 4014sqm of office (B1) and 4475sqm of office (B1) or hotel (C1) uses and a further 1300sqm of A3/A4/b1 (office) D2 uses with car parking, landscaping, public realm, access, highways, infrastructure works and relevant demolition at Firepool, Priory Bridge Road, Taunton
- 6 14/16/0031 Outline application with some matters reserved for the erection of 35 No dwellings on land to the south west of Creech Medical Centre, Hyde Lane, Creech St Michael
- 7 25/16/0011 Erection of single storey two classroom block to east of main school building at Norton Fitzwarren Primary School, Blackdown View, Norton Fitzwarren
- 8 49/16/0006 Change of use of land to allow the siting of storage containers in farm yard at Candletrees, Jews Lane, Wiveliscombe
- 9 Latest Appeals and Decisions received.

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

10 E/0154/24/12 Untidy site at 12 Town Close, North Curry (to follow)

Bruce Lang  
Assistant Chief Executive

04 October 2016

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

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## **Planning Committee Members:-**

Councillor R Bowrah, BEM (Chairman)  
Councillor M Hill (Vice-Chairman)  
Councillor M Adkins  
Councillor C Booth  
Councillor W Brown  
Councillor J Gage  
Councillor C Hill  
Councillor S Martin-Scott  
Councillor I Morrell  
Councillor S Nicholls  
Councillor J Reed  
Councillor N Townsend  
Councillor P Watson  
Councillor D Wedderkopp  
Councillor G Wren

## **Planning Committee – 10 August 2016**

Present: - Councillor Bowrah (Chairman)  
Councillor Mrs M Hill (Vice-Chairman)  
Councillor M Adkins, Booth, C Hill, Martin-Scott, Mrs Reed, Sully,  
Townsend, Watson, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal  
Planning Officer), Martin Evans (Solicitor) and Tracey Meadows  
(Democratic Services Officer)

Also present: Councillor Berry and Mrs A Elder, Chairman of the Standards Advisory  
Committee.

(The meeting commenced at 5.00 pm)

### **73. Apologies/Substitution**

Apologies: Councillors Brown, Gage and Morrell

Substitution: Councillor Sully for Councillor Gage

### **74. Minutes**

The minutes of the meeting of the Planning Committee held on the 13 July  
2016 were taken read and were signed.

### **75. Declarations of Interest**

Councillors M Adkins declared a personal interest as a Member of Somerset  
County Council. Councillor Martin-Scott declared personal interests as a  
trustee to the Home Service Furniture Trust, trustee to Bishop Fox's  
Educational Foundation and a trustee to Trull Memorial Hall. He also  
declared a disposable pecuniary interest in application No. 42/16/0019  
and left the room whilst the item was being discussed. Councillor Townsend  
declared personal interests as Vice-Chairman of Kingston St Mary Parish  
Council and Chairman of the Kingston St Mary Village Hall Association.  
Councillor Wren declared a personal interest as he was Clerk to Milverton  
Parish Council.

### **76. Applications for Planning Permission**

The Committee received the report of the Area Planning Manager on  
applications for planning permission and it was **resolved** that they be dealt  
with as follows:-

(1) That **planning permission be granted** for the under-mentioned development:-

**05/16/0031**

**Erection of single storey side and rear extension at 15 Waterfield Close, Bishop's Hull**

**Conditions**

(a) The development hereby permitted shall be begun within three years of the date of this permission;

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) A.01 Site location and Block Plan;
- (A3) A.03 As Proposed;

(c) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Framework the Council had worked in a positive and pro-active way and had granted planning permission; (2) Applicant was advised that whilst it would appear from the application that the proposed development was to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang would encroach on, under or over the adjoining property.)

**38/16/0248**

**Erection of single storey extension to side of 9 Westleigh Road, Taunton (amended scheme to 38/16/0151)**

**Conditions**

(a) The development hereby permitted shall be begun within three years of the date of this permission;

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo WCO 2007 Site and Location Plans;
- (A3) DrNo WCO 2007A Existing and Proposed Floor Plans;
- (A3) DrNo WCO 2007A Proposed Elevations;
- (A3) DrNo WCO 2007A Existing Elevations;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the

Council had worked in a positive and pro-active way and had granted planning permission.)

**42/16/0019**

**Variation of Condition No. 02 (approved plans) of planning permission 42/15/0020 for alterations to the approved design, including the provision of an internal garage on land to the side of The Old Rectory, Wild Oak Lane, Trull**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- SO\_186\_2016-201 rEV 04 – WIP;
  - and the following drawing permitted pursuant to planning permission 42/16/0019:
  - (A1) DrNo P03 Rev A Proposed Site Plan - except that the garage shown on the drawing is not permitted by this permission;
- (c) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Prior to its implementation, 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 each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition 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) Prior to the occupation of the dwelling hereby permitted, full details of the boundary treatment to Wild Oak Lane shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall be fully implemented prior to the occupation of the dwelling and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (f) Prior to the occupation of the dwelling hereby permitted, full details of the proposed hard landscaping shall be submitted to, and approved in writing

by, the Local Planning Authority. The details shall be fully implemented prior to the occupation of the dwelling and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (g) There shall be no obstruction to visibility above 900mm from the adjoining carriageway level within the splays indicated on drawing no. P03 Rev A. Such visibility splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such;

## **77. Appeals**

Reported that two new appeals had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 5.11pm)



## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors, D Wedderkopp and M Adkins
- Clerk to Milverton Parish Council – Councillor Wren
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Home Services Furniture Trust, Trustee to Bishop Foxes Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls
- Trustee of Hestercombe House and Gardens, Trustee of the Somerset Building Preservation Trust, Director of Apple FM – Councillor Marcia Hill

ST MODWEN DEVELOPMENTS LTD

**OUTLINE PLANNING APPLICATION WITH SOME MATTERS RESERVED FOR THE REDEVELOPMENT OF THE FORMER CATTLE MARKET SITE TO PROVIDE UP TO 3500sqm OF CONVENIENCE RETAIL DEVELOPMENT, UP TO 6000sqm OF NON-FOOD DEVELOPMENT (CLASS A1), UP TO 4000sqm OF OFFICE (B1) OR HOTEL (C1) USE, UP TO 2400sqm FOR A CINEMA (D2), UP TO 2600sqm OF FOOD AND DRINK ESTABLISHMENTS (A3/A4/A5) AND UP TO 200 RESIDENTIAL UNITS WITH REDEVELOPMENT OF THE FORMER PRIORY BRIDGE ROAD CAR PARK TO PROVIDE UP TO 4014sqm OF OFFICE (B1) AND 4475sqm OF OFFICE (B1) OR HOTEL (C1) USES AND A FURTHER 1300sqm OF A3/A4/B1 (OFFICE) D2 USES WITH CAR PARKING, LANDSCAPING, PUBLIC REALM, ACCESS, HIGHWAYS, INFRASTRUCTURE WORKS AND RELEVANT DEMOLITION AT FIREPOOL, PRIORY BRIDGE ROAD, TAUNTON**

Location: FIREPOOL, PRIORY BRIDGE ROAD, TAUNTON

Grid Reference: 322907.125214

Outline Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The development proposed is in direct conflict with Core Policies from the adopted development plan (the Taunton Deane Core Strategy (CS) Policies CP2, CP3, CP5, CP6 and CP8 and the Taunton Town Centre Area Action Plan (TCAAP) Policies FP1 and FP2). In particular, the proposed development fails to deliver the majority of the requirements of Policy FP1 of the TCAAP including:

The quantum of allocated office space

The quantum of housing

A multi storey car park screened where it adjoins public space

Primary health care facilities

A high quality pedestrian boulevard that links the Railway Station with both the River Tone and Priory Bridge Road

Active street frontages in accordance with the proposals map

The proposed development is also contrary to Policy DM4 of the CS and ED1 of the TCAAP as well as Policy D7 of the Taunton Deane Site Allocations and Development Plan as a result of parameter plans that would deliver a poor quality layout that fails to take the opportunities available for improving the character and quality of the area and the way it functions. The form and format of the core part of the development proposed will be dominated visually by a surface level car park giving an appearance akin to that of a retail park. This will risk it becoming primarily a retail destination in its own right, mainly serving car borne custom and therefore competing with rather than complementing the town's primary shopping area.

The economic benefits that arise from redevelopment of this vacant site do not in this instance outweigh the conflict with the development plan, nor the demonstrable harm that will result from the proposed form and layout. As a result the development does not constitute sustainable development as defined in para 14 of the National Planning Policy Framework.

## **Recommended Condition(s) (if applicable)**

### Notes to Applicant

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. During both the pre-application and applications stages, positive suggestions as to how to make amendments to the proposals that would overcome the Council's objections have been made. However in this case, the applicant was unable to satisfy the key policy test and as such the application has been refused.

## **Proposal**

This is an outline planning application for the redevelopment of the former livestock market, the eastern end of Canal Road, the former Great Western Railway depot and the undeveloped areas of the former Priory Bridge Road car park site. The site is more generally known as Firepool and is allocated in the Taunton Town Centre Area Action Plan as a strategic office/employment site which would include retail, residential, multi storey car park, public conveniences, hotel, healthcare facilities, boulevard in a high quality environment.

The application (as amended) proposes:

### On the former livestock market and GWR depot (northern site)

- Up to 3,500 m<sup>2</sup> of food retail,
- Up to 6,000 m<sup>2</sup> of non-food retail (class A1),
- Up to 4,000 m<sup>2</sup> of office (B1) or hotel (C1) use,
- Up to 2,400 m<sup>2</sup> for a cinema (D2),
- Up to 2,600 m<sup>2</sup> of food and drink establishments (A3/A4/A5)
- Up to 200 residential units
- Surface level car parking of up to 425 spaces (excluding residential parking)

### On Priory Bridge Car Park (southern site)

- Up to 4,014 m<sup>2</sup> of office (B1) and
- Up to 4,475 m<sup>2</sup> of office (B1) or hotel (C1) uses and

- Up to 1,300 m<sup>2</sup> of A3/A4/A5 (office) D2 uses
- Surface level car parking,

The main vehicle access to the northern site would be via a single point off the Northern Inner Distributor Road (NIDR). There would be a second service and emergency vehicle access off Canal Road. The southern site would be accessed from Priory Bridge road in the previously approved position. Combined footpath/cycleways as well as separate pedestrian routes would cross both sites

As the application is made in outline with only the detailed vehicle access from the NIDR to be determined at this stage, many of the plans are indicative and illustrative and not for formal approval. The application includes 3 parameter plans for which consent is sought. They are:

- Land Use and Massing, drawing ref. 11-032 P004 rev. I
- Public Realm and Green Infrastructure, drawing ref. 11-032 P006 rev. F
- Movement Plan, drawing ref. 11-032 P005 rev. E

### **The Land Use and Massing parameter plan**

The Land Use and Massing parameter plan shows a large central surface level car park on the northern site that would have up to 425 spaces. It covers an area of approximately 1 hectare and is surrounded by zones of development. Part of the car park is identified for up to 100 m<sup>2</sup> of retail pods.

Development Zone A faces Priory Bridge Road, Canal Road and the proposed boulevard. The uses are identified as a mix of non-food retail, cinema, food and drink uses and up to 28 residential units or up to 3,000 m<sup>2</sup> of office use. The maximum heights of buildings (to eaves), would be 9m along Canal Road and 12m along Priory Bridge Road. Finished floor levels would be raised to 16m to 16.75m Above Ordnance Datum (AOD).

Development Zone B is on the northern side of Canal Road on the site of Goddard Garage Services. The uses are identified as a mix of food and drink and up to 16 residential units or 3,000 m<sup>2</sup> of hotel or office. Zone B would face on to the proposed boulevard with finished floor levels between 16m to 16.75 m AOD at the lower ground level (fronting onto Canal Road) and 19m to 20m at the upper ground level (facing the NIDR).

Development Zone C is to the south of the NIDR and has a site area of 0.86 hectares. It is identified for a food and non-food retail store with and ancillary coffee shop. The maximum unit height would be 15 metres to eaves and the finished floor levels would be between 16m to 16.75m AOD.

Development Zone D faces onto Firepool Lock and Weir and extends upstream along the River Tone approximately 50 metres beyond the livestock market bridge. This is identified as the residential area that would accommodate 150 units and would be up to 15m (5 storey) to eaves. The finished floor levels of the residential blocks would be 15.75m to 20m AOD.

Development Zone E faces the river Tone from the end of Zone D and Priory Bridge

as well as the southern end of the proposed boulevard. The area is identified for a mix of uses including food and drink, up to 24 residential units or for 3,500 m<sup>2</sup> of hotel. The maximum heights of buildings (to eaves), would be 14m and finished floor levels would be raised to 16m to 16.75m AOD.

Development Zone F is on the southern site (Priory Bridge Road Car Park) and comprises all of the undeveloped land. The site area is 0.95 hectares and the mix of uses proposed include offices, hotel and ancillary food and drink/assembly and leisure. Maximum building heights would vary across the site with the development plot between Viridor and the apartments currently being developed by Acorn Blue being a maximum height of 24m (the same as Viridor). The plots fronting onto Priory Bridge Road would be up to 20m and the plot between Viridor and Priory Bridge (which is currently car park) would be up to 12m. Finished floor levels would be raised to be between 15.75m and 16.75m

### **Public Realm and Green Infrastructure parameter plan**

The Public Realm and Green Infrastructure plan shows the surface level car park in the centre of the northern site, surrounded by the development blocks that have areas of active frontage and focal points identified. These frontages face onto the river, part of the access road, parts of Priory Bridge Road and Canal Road, one side of the proposed boulevard and the retail store frontage would face onto the central car park.

The plan identifies a pedestrian boulevard that links the station to Priory Bridge with an active retail frontage on the western side. The eastern side of the boulevard would be the surface level car park with 2 retail pods and landscape strip. It is suggested that car park area would be kept clear of services for future development and could also be used for temporary retail stalls. Within the boulevard, the parameters plan identifies an 'urban square' with the potential for the food store café and food and drink uses to spill out on to. At the bottom of the boulevard, the plan identifies 'Priory Bridge Plaza' which could provide external seating for any food and drink uses.

The river frontage is shown as green infrastructure with the potential for pontoons/landing areas. A play area for the residential units is shown to overlook Firepool Weir and river entrance to the lock. This would serve the residential development as well as wider public use. An East/West link between the 'urban square' and play area is identified for both pedestrian and cycle use and this would have a 'central link' running south from the retail store, through the centre of the car park and towards the river. This is described in the application as a "well landscaped pedestrian link... with space for interpretation boards or occasional street furniture.

The NIDR and site access frontage is shown to have a landscaped screen to shield the foodstore service yard. It is suggested that the fence can be used as a vertical hedgerow to create a 'green wall' to wrap the northern edge of the site.

### **Movement parameter plan.**

The Movement parameter plan shows the same development zones A to F with the main access into the northern part of the site from the NIDR. That road would then provide vehicle access to the retail store servicing area in Zone C, the main surface level car park for retail/leisure and the residential development on Zone D. In addition to this, the Movement parameter plan shows:

- Canal Road/Priory Bridge Road junction revised to left out only.
- Residents parking to be incorporated into Canal Road design.
- Canal Road turning head to highways approval. Emergency vehicle access only.
- Stepped pedestrian link from Firepool Lock Bridge to site access road with cycle slot. Access at lower end for maintenance/servicing vehicles.
- Space for future maintenance of Firepool Lock.
- Pedestrian 'Boulevard' to form strategic link from Station to Town Centre.
- Tree lined pedestrian link through parking area.
- Shared surface for pedestrian and vehicles.
- Riverside towpath upgraded to a shared pedestrian/cycle route.
- Ramped access to allow access onto and under Priory Bridge.

The southern site would retain the newly constructed access to Viridor and the Acorn Blue development as well as a new access into the site in the same position as the previously approved access.

### **Other parts of the development**

The proposals involve ground raising above the level of a flood with an annual probability of 1 in 100 (with allowance for climate change). The land would be raised to 15.75m AOD at Priory Bridge Road and 15.25m AOD at Firepool Lock. This would represent an increase of the existing ground level of approximately 1m at the Priory Bridge Road end of the northern site and 250mm at the Firepool Lock end. Roads would be raised 150mm above the new ground levels and the finished floor levels of buildings would be 300mm above the new ground level.

The demolition of existing buildings on the site would be required to accommodate the development and these include the livestock market auction house, the Market Building and Nos. 9 and 12 Canal Road on the northern site and Nos. 84-88. Priory Bridge Road and canoe club on the southern site.

During the processing of the application, objections from the Environment Agency were received which resulted in the submission of an addendum to the flood risk assessment. This included a proposal to erect temporary flood defences along Clarence Street, the back of the BT telephone exchange and around the Town Bridge area in order to address issues that result from the raising of the site.

The proposals are an Urban Development Project as defined in part 10 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the application is accompanied by an Environmental Statement.

## **Site Description**

Firepool lies in the centre of Taunton, between the railway station and County Cricket Ground. The River Tone runs through the middle of the application site and effectively splits it in to two large developed parcels, known as north and south.

The northern site comprises the former livestock market and railway siding and sheds between Canal Road and the NIDR. Many of the former buildings on both parts of the site have been removed, but the Auction House remains. The northern part of the livestock market is currently used as car park as part of the development agreement to retain 200 public car parking spaces available at all times (to account for the loss of public parking at Priory Bridge Road car park). The former GWR railway sheds have been removed from the land fronting onto the NIDR. There is a significant change in levels of approximately 5 metres from the higher former railway land and the lower livestock market site.

The southern site comprises the former Priory Bridge Road Car Park that has been partially redeveloped through the implementation of public realm and flood defence works along the River Tone, the erection of the Viridor building and the residential development that is currently under construction.

## **Relevant Planning History**

Outline planning permission was granted in December 2010 on Priory Bridge Car Park for a mixed use development of offices and residential, with an option for hotel accommodation in lieu of office space. All matters were reserved other than access into the site which would be derived from Priory Bridge Road. The maximum total amount of floorspace for the commercial development was be 11,200 sq m (gross external) with 112 car parking spaces and 65 cycle parking spaces. It also included a maximum of 49 residential units with associated parking

Reserved matters consent was subsequently issued for the erection of the Viridor office building and 49 dwellings that are under construction by Acorn Blue. The Outline planning permission has now expired and no further reserved matters applications can be submitted under that permission.

Full planning permission was granted for riverside public realm works along the river to the corridor in January 2011 and these have been implemented on the southern side of the river, resulting in the creation of 'Pip's Park' .

There is no relevant planning history on the northern part of the application site. However outline planning permission and a subsequent reserved matters consent were granted in April 2015 and March 2016 for residential development on areas of H and I of Firepool Lock. The reserved matters consent includes 45 retirement apartments for McCarthy and Stone and 10 open market apartments that are immediately adjacent to the northern site, between the proposed access to the NIDR and listed pump house.

The site was allocated for redevelopment in the adopted Taunton Deane Local Plan, has formed a key part in the Taunton Vision and forms part of a larger riverside allocation in the Taunton Town Centre Area Action Plan (TTCAAP). The riverside allocation includes the Priory Bridge Road car park, the former livestock market and

railway siding sheds between Canal Road and the Station. Policies FP1 and FP2 of the TTCAAP state:

### Policy FP1

#### Riverside - Development Content

The Riverside development will provide:

- a. at least 47,000 sq m (net) office space
- b. approximately 8,000 sq m gross of additional retail and leisure floorspace, of which 4,000 sq m gross should be convenience retailing
- c. approximately 400 dwellings, including 25% affordable housing
- d. a 500 space multi-storey car park (screened with single aspect development where it adjoins public space)
- e. a 3- or 4-star hotel with at least 100 bedroom
- f. primary healthcare facilities
- g. the relocation of the Produce Market within the town centre
- h. a 'boulevard' linking the railway station with the River Tone and Priory Bridge Road
- i. public conveniences close to public parking and the River Tone, to replace the existing facilities at Canal Road and Priory Bridge Road
- j. potential for active street level uses at locations shown on the Proposals Map
- k. high quality riverside promenades
- l. a contribution towards public art at 0.3% of construction costs

### Policy FP2

#### Riverside - Transport Measures

The Riverside development will provide the following transport measures:

- a. travel plans on the basis identified in Policy Tr4 and agreed with the County Council
- b. car and cycle parking within developments in accordance with the Somerset Parking Strategy
- c. a minimum of 200 public parking spaces during construction and on completion of the development
- d. a priority bus and cycle route from the railway station via the boulevard to Priory Bridge Road, including high-quality provision for waiting passengers
- e. initiatives to encourage rail and bus use by employees and visitors
- f. high-quality pedestrian and segregated cycle routes along each bank of the River Tone
- g. shared pedestrian and cycle bridges across the River Tone
- h. an internal layout that facilitates improved pedestrian and cycle links to North Taunton and Taunton East

## **Consultation Responses**



## SCC - TRANSPORT DEVELOPMENT GROUP –

I refer to the above mentioned planning application received on 1st December 2015 and following a site visit the Highway Authority has the following observations on the highway and transportation aspects of this proposal.

The proposal relates to an outline application with all matters reserved for the redevelopment of the former cattle market for a mixed use development.

### Summary

The Highway Authority has reviewed the submission and considered the overall benefits and dis-benefits of this proposal. On balance the Highway Authority has no objections to this proposal subject to the proposed signalised junction being secured by legal agreement.

### Traffic Impact

The applicant has prepared a Transport Assessment (TA) as part of their submission which has been assessed by the Highway Authority and our comments are set out below.

In terms of the trip generation the TRICS outputs differ from the ones that are stated in the TA. However, the rates and figures stated in the TA have been previously agreed with the Highway Authority at pre application scoping stage. But for consistency the correct output should be provided although it is unlikely to affect the conclusions. Table 6-2 contains an error as it provides the same trip generation for Food and Drink/leisure as for the Cinema. A similar error occurs for townhouses and apartments. Table 6-3, which relies on 6-2, appears to have sensible results but cannot be confirmed as correct. The applicant has undertaken office calculations based on 'per employee' but the number of employees is not stated so accuracy cannot be verified; however again the numbers do seem sensible. As such the modelling results should not be affected.

Paragraph 6.2.4 indicates deductions for trips associated with food retail: it is assumed that 30% will be 'pass-by' (i.e. already on the Northern Inner Distributor Road (NIDR)) with a further 60% being 'diverted' from other supermarkets. This was agreed in a 2014 technical note. Whilst research published since that agreement would suggest a different methodology be applied. The process agreed at the time is considered reasonable for the current application. In addition it has also been agreed at the time a 60% deduction for diverted trips. This is reasonable, in that this traffic is already on the surrounding network as it represents trips already occurring to other supermarkets. It should be noted that this does slightly increase the level of uncertainty in junction modelling but no action is required at this stage. Finally the 20% of linked trips is considered reasonable. Regarding the distribution the Taunton Strategic Traffic Model 3 has been used to distribute the development trips which has been agreed with the Highway Authority.

Turning to traffic impacts as agreed with the Highway Authority only weekday peaks have been considered although the lower Saturday flows, in comparison with the PM peaks are noted. Junction capacity assessments have been undertaken for eight junctions. Three of the junctions have been modelled using Junctions 9

(ARCADY/PICADY) and five with the LinSig model. The site access (NIDR) is modelled to operate within capacity as are the NIDR/Station Access Signals, although modelling has been verified by the Signals Team who has indicated the following points:

No Saturn flows have been supplied; therefore the Highway Authority are unable to determine the accuracy of flows entered into the LinSig model.

No pedestrian movements have been modelled within the submitted LinSig. It is vital that this information is included to give a true reflection of future pedestrian usage and its impact on the junction.

Lane J1: 1/1 and J2: 1/1 have been entered incorrectly, both have been entered as default. As the lanes are situated between the two junctions you will not be able to fit 60pcus.

With reference to Junctions 1 and 2, the flows have been entered correctly the right turn into the development is particularly high.

It has been assumed the pedestrian crossing located across 'station out' on Junction 1 is uncontrolled.

Within TA1 it is unclear which tables refer to which LinSig model results.

The Priory Bridge Road/Station Road Signals are modelled to operate within capacity. It has not been possible to match the flows from the supplied data for this junction, but the difference is not large and is unlikely to affect the results. Given existing issues at this junction the Traffic Control Team are satisfied as to the reasonableness of the modelling. The NIDR/Priory Bridge Road Roundabout is modelled to operate with a maximum Ratio of Flow to Capacity (RFC) of 81% in the AM Base (2028). With development this increases to 85% and several approaches reach 80% in the PM Peak. The modelling of this junction is considered reasonable. The Toneway/Chritchard Way Roundabout is modelled to operate over or close to capacity in both 2028 peaks, with AM RFCs of 107% on Chritchard Way and 99% on Toneway increasing to 103% and 111% with development. In the PM RFCs ranging from 88% to 95% on three approaches increase to 98%-109%. The TA (7.3.13) argues that the problems are likely to be exaggerated by the modelling, and this may be true to an extent, congestion is already known to occur at this location. There is a slight query in regard to the modelling of the left-turn slip from Toneway: the geometry of the slip has (reasonably) been excluded but flows have been included. This would serve to overstate capacity problems.

The Rowbarton Gyratory is modelled to operate under capacity in both 2028 peaks without development. Inclusion of Firepool has a particular impact on the Railway Station approach, and reserve capacity becomes negative (-1.8%) in the AM Peak. It is important to note that proposals for rail station improvements mean that buses will use this particular approach to leave the area, so any capacity issues will adversely impact on public transport. The NIDR/Staplegrave Road Roundabout (Junction 8) operates within capacity in both 2028 scenarios as a consequence the modelling is considered to be reasonable.

The TA in paragraph 7.4.2 considers the modelling to represent a worst case because of the use of 2028, which would be 8 years after completion and because

no consideration has been given for the former use of the site. Somerset County Council generally requests assessments for 5 years after completion rather than application, and the difference between 2025 and 2028 is likely to be relatively small, especially as the use of SATURN modelling means that peak hour flows tend to be constrained because of congestion in the network. Somerset County Council only accepts consideration of extant/former uses where continued use in that form is realistic. This is not considered to be the case here. For these reasons it is not accepted that the modelling represents a worst case, but rather a reasonable case subject to the usual level of uncertainty.

It is noted that in terms of the wider context it is noted that Taunton Deane policy wishes to provide a rapid bus link between Taunton and Wellington, which this includes utilising a route through this site. However it is apparent from the submission that this approach has not been put forward as the final design provides no through route to Priory Bridge Road. It is likely that without this through route would result in buses having to utilise Station Road rather than Priory Bridge Road. As a consequence this would likely result in a delay to buses. However it is unlikely that the delay would be significant enough to be considered severe in terms of Section 4 of the National Planning Policy Framework (NPPF).

The Highway Authority has assessed the traffic impact of this proposal on the surrounding junctions and found that it is generally acceptable even in the growth years. Therefore it is the opinion of the Highway Authority that this is a policy matter for Taunton Deane to take into account of as part of their deliberations of this proposal.

Therefore to conclude the modelling for the roundabout capacity assessments is generally acceptable and any irregularities in the inputs are unlikely to make a material difference to the outputs. In terms of the junctions the majority are considered to be acceptable although the 'Wickes' Roundabout and the combined Rowbarton Gyratory/Station Approach signals are a cause of concern. However it is not clear as to whether the impact on this junction can be contributed to this proposal. It is apparent from the information set out above that there is a number of minor points that the applicant would need to address in terms of the TA however it is apparent that in traffic impact terms the proposal is not considered to be severe in terms of Section 4 of the National Planning Policy Framework (NPPF). As a consequence an objection on traffic impact grounds cannot be substantiated.

### **Travel Plan**

The applicant has also provided a Framework Travel Plan for the whole of the Firepool development site. The Highway Authority has assessed this document and has the following comments to make.

The document itself provides a great deal of detail within the site audit whilst also providing various measures. However it is apparent that these measures are not in accordance with Somerset County Council's Travel Plan Guidance and as such this will need amending. The applicant would also need to include additional measures such as electronic vehicle charging points as an example. Other areas which need to be included are:

- FTP Fee of £7,000 plus VAT;
- Safeguarding Sum of £372,862;
- FTP Management Fund for events;
- Census data to form baseline (Excel spread sheets included to pass to consultant, which shows SOV (Singular Occupancy Vehicle) and Car Share data for both residential and employment areas);
- How the FTP will be secured i.e. S106;
- Thresholds are stated as DfT and not SCC;
- Parking provision falls short of the recommended SCC Parking Strategy; and
- Motorcycle parking provision is missing from the FTP.

A copy of the audit report has been passed to the applicant to review. Please note that the Travel Plan would need to be secured as part of a S106 agreement.

### **Drainage**

The applicant has provided a Flood Risk Assessment (FR)

which has been passed to our Drainage Engineer for comment. At present Somerset County Council specification for Estate Road construction doesn't incorporate permeable paving and therefore any road constructed as permeable will need to remain private.

Permeable paved areas should be designed generally with falls away from the public highway such that any failure in future performance doesn't result in surface water discharge onto the highway. This design approach will also encourage the owners to ensure such areas are adequately maintained.

The Designer will need to consider in detail the interface between permeable paved areas and standard highway construction to ensure that the ingress of surface water doesn't have a detrimental effect on the stability of the road formation. Somerset County Council standard requirement is the provision of a suitable buffer of traditional construction between permeable paving and prospective public highways.

In terms of the observations relating to the introduction of a culvert to mitigate the flood risk associated with the Mill Lease Stream is noted. Where such feature/structure is pass beneath areas of public highway, consultation with Somerset County Council, as the Highway Authority, at an early stage would be recommended to discuss its detailed design.

### **External Works**

This proposal has been subject to a Safety and Technical Audit in terms of feasibility of the proposed points of access and amendments to the existing adopted highway. From reviewing the completed audit report the Highway Authority is satisfied that in principle the proposed layouts can be achieved within the confines of the adopted and what will be adopted highway. However there are some points that the applicant

should be aware of prior to the submission of any formal technical submission.

Firstly in terms of signalised junction that will serve the site from the NIDR. It is understood that these works are to be provided as part of the construction of the NIDR but will be funded by the developer. As a consequence it is the opinion of the Highway Authority that these works would need to be captured in a S106 agreement to allow their delivery.

Any submission would need to be accompanied by a set of swept path drawings to show that the largest FTA Design Vehicle can utilise the proposed junctions. Secondly the applicant should be made aware that any of the proposed road marking and signing would need to be in line with TSR&GD 2002 and the Highway Authority's requirements. Inappropriate sign sizes or obstructed forward visibility to sign faces may result in inadequate warning for road users which would result in late decision making.

It is noted from the Transport Assessment paragraph 5.4.3 that connections to bus services and bus stops/shelters will be heard at the Reserve Matters stages. The applicant should give careful consideration to such infrastructure at an early stage and ensure that sufficient land has been secured.

In terms of Canal Road it is noted that the Transport Assessment indicates that there is a proposal to ban right turns out of Canal Road onto Priory Bridge Road. It is understood that this scheme was never approved by Highways Authority and is unlikely to be pursued as a scheme. The Highway Authority is concerned that if such a ban was imposed, it is unlikely that it would be adhered to or easily enforceable by the Police increasing the potential for side impact collisions at the junction. If vehicles were to turn left out of Canal Road there is no safe means of making a U-turn in order to go back in to town again increasing the potential for both side impact collisions and shunt type accidents. Drivers cannot reasonably be expected to travel all the way up Priory Bridge Road to the roundabout in order to turn around and come back down again in to town.

### **Internal Layout**

The Highway Authority accepts that the proposal is for outline permission as a consequence the majority of the internal layout will be finalised at Reserve Matters stage. However there is one point that needs to be raised that the applicant will need to note of as it relates to the cycle link along Canal Road. This proposal is intended to stop up a section of carriageway which forms part of Canal Road. It is understood that the existing bridleway will be diverted along an upgraded section of cycleway. It is noted that this can also form part of the cycle link from the existing residential areas off the NIDR into the town centre. Although the detail around both the canal lock and also Priory Bridge Road have not been submitted the applicant is required to take into account this requirement when preparing a detailed design submission.

### **Conclusion and Recommendation**

To conclude the proposed development is unlikely to have a detrimental impact on the surrounding highway network. There are some minor points that need to be clarified but the Highway Authority does not believe that this would be sufficient enough to warrant an objection on traffic impact grounds. Having reviewed the

Travel Plan there are a number of points that need to be addressed. This information has been passed to be applicant for action and can be secured through a S106 agreement if the Local Planning Authority were minded to grant permission.

In regards to the off-site works the proposal will be accessed via a signalised junction onto the Northern Inner Distributor Road (NIDR). Although the Highway Authority is currently constructing the highway the applicant will need to fund the delivery of the signalised junction. This can be secured via a legal agreement. The applicant will also need to review their proposal for the junction of Canal Road with Priory Bridge Road as the Highway Authority the scheme which has been put forward to ban right turning vehicles is of the opinion that is unlikely to be enforceable and has the potential to raise highway safety concerns.

Finally in terms of the internal layout it is accepted that this will be provided at a reserve matters stage but the applicant will need to be aware of the need to re-route the existing bridleway. This should have also been picked up from any observations raised by Somerset County Council's Rights of Way Team.

Therefore taking into account the above information the Highway Authority raises no objection to this proposal and if the Local Planning Authority were minded to grant permission then the following conditions would need to be attached.

- S106 to secure the signalised junction onto the NIDR and also the Travel Plan.
- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of construction and thereafter maintained until the use of the site discontinues.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - i. Construction vehicle movements;
  - ii. Construction operation hours;
  - iii. Construction vehicular routes to and from site;
  - iv. Construction delivery hours;
  - v. Expected number of construction vehicles per day;
  - vi. Car parking for contractors;
  - vii. Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - viii. A scheme to encourage the use of Public Transport amongst contractors; and

ix. Measures to avoid traffic congestion impacting upon the Strategic Road Network.

- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- Prior to commencement of development hereby permitted a plan shall be submitted identifying the strategic pedestrian and cycle routes for the site. This plan shall be submitted to and approved in writing by the Local Planning Authority.

*Further comments following submission of additional information*

I refer to the above mentioned planning application and the Highway Authority's previous comments dated 17th February.

As you are aware the Highway Authority was broadly satisfied with the submission but required clarification on a couple of minor points within the Transport Assessment whilst there was a number of points that needed to be addressed in the Travel Plan.

Since the Highway Authority's initial response the applicant's highway's consultant has submitted additional information to address the points raised.

Firstly in terms of the Transport Assessment the applicant has provided details to address the minor points raised by the Highway Authority. Consequently the Highway authority the Highway Authority is now satisfied that the outstanding points have now been addressed.

Turning to the Travel Plan the applicant has accepted the points raised in the Highway Authority's audit report. However the applicant has proposed a different approach to the requirement for Highway Authority failsafe measures and the mode split targets. Therefore the applicant has put forward a revised approach which after further discussions the Highway Authority is satisfied with. I would also like to reiterate that the Travel Plan would need to be secured via a S106 agreement.

In conclusion the Highway Authority is satisfied that the previous points have now been addressed and our previous recommendation and proposed conditions would still apply. If you require any further information please do not hesitate to contact me.

*LOCAL LEAD FLOOD AUTHORITY (LLFA) –*

The surface water drainage for the site is included within the strategic flood alleviation scheme at Longrun Meadow; and attenuation volumes for the site have been included within this scheme. The LLFA and EA have agreed the approach to

the surface water drainage and the runoff rates at pre application stage. However, it was requested that the applicant provide appropriate pollution prevention within the drainage strategy for the development to ensure that the discharge into the River Tone meets required levels.

The applicant has included a drainage strategy for the site which the LLFA supports but this does not give detailed information with regards to the removal of pollutants from the surface water runoff. It will be necessary to ensure that this information is provided and approved in writing by the LPA.

The LLFA has no objections to the proposed development provided the following condition is applied should the application be approved for construction.

Condition: No development shall be commenced until surface water drainage details together indicating the methods of pollution control and removal, along with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

#### *WESSEX WATER –*

I refer to your recent letter inviting comments on the above proposed development and advise the following on behalf of Wessex Water as sewerage and water supply undertaker for the area in question:

Please find attached an extract from our records showing the approximate location of our apparatus within the vicinity of the site.

The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's S104 adoption of new sewer guidance DEV011G for further guidance.

It is noted that development proposals will directly affect critical sewers serving significant upstream catchments. Wessex Water acting as the sewerage undertaker has a duty to repair and maintain these sewers in a serviceable condition.

As acknowledged in the submitted planning documents there are a number of existing critical Wessex Water assets crossing the site, appraisal is currently in progress to assess the impact of the proposed diversions to ensure satisfactory hydraulic and structural conditions.

As arrangements have yet to be agreed please consider the use of a planning condition, should the application be approved, as follows:

Condition for the protection of public sewerage assets



The development shall not be commenced until

- a scheme of works for the diversion and/or protection of foul and surface water infrastructure is submitted and approved in writing by the local Planning Authority and Wessex Water.
- a drainage scheme shall include appropriate arrangements for any temporary works needed to accommodate live flows and works to seal off any redundant connections.
- the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that the development does not increase the risk of sewer flooding to property and reduce the impact of maintenance access upon residents amenity.

The local sewer network has current adequate spare capacity to accommodate the predicted foul flows only from the proposals; point(s) of connection subject to application and agreement.

The applicant proposes to drain surface water from the site direct to the River Tone which will require the approval of the EA and LLFA.

The local water supply network has current adequate spare capacity to accommodate the predicted supply demand from the proposals; point(s) of connection subject to application and agreement. Buildings above two storeys will require on site boosted storage.

I trust that you will find the above comments of use, however, please do not hesitate to contact me if you require further information or clarification.

#### *HOUSING ENABLING –*

25% of the new housing should be in the form of affordable homes. The required tenure split is 60% social rented and 40% shared ownership. 10% of the total affordable housing provision should be in the form of fully adapted disabled units.

As the application is in outline, no details have yet been provided regarding the size and tenures of the affordable homes. The affordable housing scheme should include a broad mix of homes to meet the current housing need and must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. The affordable housing should be an integral part of the development and should not be visually distinguishable from the market housing on site. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site.

Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance.

It is noted that Code for Sustainable Homes Level 3 is being wound up and we would therefore seek for the properties to be constructed to the relevant standards that supersede this at the date of approval of the planning application.

The developer should seek to provide the Housing Association tied units from

Taunton Deane's preferred affordable housing development partners list.

## **BIODIVERSITY –**

Numerous surveys have been carried out on this site from 2006 to 2015.

The latest surveys were carried out by Cotswold Wildlife Surveys in May 2014 (Updated Nocturnal Bat survey report) and July 2015 (Ecological Survey addendum as an update to their Protected Species Report dated September 2009).

Halcrow also carried out an Ecological Appraisal of the site in May 2010.

Previous surveys revealed no signs of reptiles or amphibians, no roosting bats, low levels of bats foraging around the site, no breeding birds, no evidence of water vole and limited use of the adjoining river by otters.

The site lies adjacent to the River Tone which is an important wildlife corridor and is designated as a Local Wildlife Site

**Bats** - The surveys revealed 3-4 common pipistrelle and one long brown eared bat flying around the site, mostly on Canal Road and under the livestock buildings. The surveyor thought that most of the bats had emerged from the woodland area along the River Tone and the canal. No structures were identified on site as bat roosts or hibernation sites.

The auction house was inaccessible to bats. I am not clear reading the reports if the end terrace property located to the NW of the site was inspected for bats

I support enhancement of the site for bats in the form of integral bat bricks, bat tiles, bat boxes and access to roof voids. Lighting of the development should be sensitively designed to minimise impact on bats.

**Reptiles** - No signs of reptiles were found, but refugia used for the surveys were used by field voles. Reptiles are still considered to be absent from the site, especially as surrounding areas have now been developed.

**Otters** - Several old spraints of otter were found under the Priory car park footbridge.

**Birds** - The site has potential for nesting birds (as well as small mammals) in the scrub areas on site. This vegetation should be carefully removed outside of the bird nesting season

During all visits no nesting birds were found in any of the buildings or trees.

**Badgers** - There were no signs of any badger activity on site.

I agree with the conclusion and recommendations made in the latest report as well as recommendations made in Halcrow's Ecological appraisal dated May 2010

The detail design of the bank profiles associated with the public realms works should seek to create as natural a channel as possible with sufficient width provided at the top of the bank to minimise human disturbance to marginal habitats and provide a safe and accessible corridor for wildlife

I suggest the following condition

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Cotswold Wildlife Surveys' Protected species Report dated September 2009, Cotswold Wildlife Surveys Ecological Survey Addendum dated July 2015, Halcrow's Ecological Appraisal dated May 2010 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for birds and bats
4. Details of lighting

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented

Reason: To plan the protection of wildlife throughout the development and the protection of the River Tone and to enhance the site for biodiversity

#### Informative Note

The condition relating to wildlife requires the submission of information to protect species and the River Tone. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

#### *HERITAGE –*

The methodology and the results of the Heritage Assessment submitted with this application appear sound.

In line with this report, I recommend that if permission is granted a condition is included for the building recording of the heritage assets to be demolished (9 Canal Reach and the GWR Goods Report). These reports should be submitted and approved prior to demolition taking place. Given the proposed total loss, a report to Level 3 (as outlined in Historic England guidance, Understanding Historic Buildings 2006) would not be disproportionate. The condition should also specify that copies

of the final reports should be deposited with the Somerset Historic Environment Record.

### *LEISURE DEVELOPMENT –*

Open Spaces should be asked to comment on the Illustrative Landscaping Master Plan and Parameters Public Realm & Green Infrastructure.

I note from the Design and Access Statement that play areas are proposed and would welcome further details on the design and equipment for the area. Open Spaces should also be asked to comment on play area design and the expected timetable for delivery.

The inclusion of public art within the development is to be welcomed.

### *PLANNING POLICY –*

The following notes are to identify the planning policy issues associated with this application particularly those relating to its conformity or otherwise to the development plan. The comments are not set out in any order of priority other than they identify more general/strategic issues first and work down to the more localised/specific.

#### **General**

- Although the Taunton Town Centre Area Action Plan (TTCAAP) pre-dates the publication of the National Planning Policy Framework (NPPF), its Vision (p.28) is consistent with the provisions of paras. 23 – 27 of the latter document.
- The area affected by the planning application falls within the area identified as forming part of the town centre as identified in the 2010 Retail and Leisure Study and the 2013 Retail Study Update. It is not affected, therefore by the requirements of para. 26 of the NPPF – out-of-centre retailing.
- TTCAAP adopted in 2008 following extensive public examination by an independent planning professional.
- Prior to the production of TTCAAP the potential for the regeneration of the land and sites within it was subject to extensive consultation and urban design assessment processes including the original Taunton Vision (c.2003) and Taunton Urban Design Framework (2004).
- A key component of TTCAAP was linking of Railway Station area through Firepool and Morrison's site to centre of town close to Deller's Wharf with clear pedestrian-friendly route. Current application fails to acknowledge and/or reflect this.
- TTCAAP forms part of the Development Plan for Taunton and provides the preferred land-use and policy framework for development proposals within it. It is the starting point against which any development proposals should be judged.
- Any variation from the requirements/expectations of the TTCAAP would need to be justified and relevant economic, viability and other relevant planning

evidence to support such a change, provided.

- Taunton Rethink (2014) is a theoretical exercise only with no substantive status in development plan and planning policy terms. It has not been subject to independent scrutiny and, therefore, has very limited status as a 'material consideration' in the determination of any planning application.
- National planning policy advocates a plan-led system as set out in the Planning and Compulsory Purchase Act 2004 (as amended). TTCAAP is a product of that process and provides the starting point for the future land-use and policy context for development proposals within it.
- Little reference in the accompanying Retail Statement and Planning Statement, to the Core Strategy (CS) which re-affirms and endorses the strategy and, policies of the TTCAAP and was adopted in 2011.
- Four of the CS policies are particularly relevant to the development of the Firepool site, in particular;
  - CP3: Town and Other Centres, parts;
    - a.) i.) which specifically refers to the TTCAAP and its role in the future development of the town.
    - c.) regarding development on the edge of the town centre area – which the northern part of the site could be interpreted as representing
    - d.) impact of development on the vitality and viability of the existing centre.
  - CP5: Inclusive communities, which re-affirms the need for sustainable development patterns which are accessible to all.
  - CP6: Transport and Accessibility, which requires proposals to be both accessible to the local and wider communities and ensure that this is achieved in a sustainable and environmentally beneficial to all users.
  - CP8: Environment, which highlights the importance of ensuring that proposals in locations liable to flood are developed/re-developed so as not to exacerbate existing flood risks within the site and in surrounding locations.
- The proposal dismisses the status of the policies within the emerging Site Allocations and Development Management Plan (SADMP) as of minor significance. The SADMP has reached the 'examination' stage in its evolution which, accords it significant status as a 'material consideration' in the determination of any relevant planning applications.
- Three SADMP policies are particularly relevant to the proposal;
  - TC1: Activities within Primary Retail Frontages, the proposal could result in the extent of the primary retail area (PRA) identified in both the CS and TTCAAP being compromised if significant 'high-street' non-food operators were to re-locate their activities to such a peripheral location. Given the distance between the existing PRA and the proposal site, this is unlikely to encourage sustainable (i.e.

pedestrian) movement between the two. This has happened in Weston-super-Mare where a number of such operators have relocated to unrestricted retail units in the retail parks immediately outside of the town centre. This has hampered attempts to both grow and regenerate the latter.

- TC2: Activities within Secondary Retail Frontages, there is a danger that the proposal could over-extend the area covered by such activities and result in the rapid decline of some of the older, more peripheral locations (e.g. East Reach, High Street) – Taunton's commercial-core/town-centre has evolved over the decades and is not as compact as other towns of a similar size and catchment (e.g. Lichfield, St. Albans, Burnley,).
  - TC5: Out-of-Centre Proposals, given the distance between the existing PRA and the proposal site, this is unlikely to encourage sustainable (i.e. pedestrian) movement between the two. No indication as to potential cumulative impact of the development on the PRA.
- 
- The proposal does not integrate development with existing adjoining activities. It is more self-contained and inward looking.
  - Distribution of activities is primarily focused on a central surface-level car park which fails to create a sense-of-place in itself or for the surrounding buildings.
  - The layout does not encourage longer-term phased development of the site if this is necessary due to prevailing and changing national and local economic and market conditions.
  - Distribution of built structures inhibits the opportunity to create a clear, alternative, pedestrian-friendly means of traversing the site between the railway station to the north and the PRA of the town to the south.
  - Location of structures and road related uses prevents the creation of a high quality boulevard means of access and public realm through the site. This emphasises the dominance of private, commercial use over public accessibility.
  - Emphasis on vehicular accessibility into and within the site results in pedestrian activity being pushed to the periphery, making it un-necessarily long and difficult to navigate from one part to another (e.g. Hankridge/Herons Gate)
  - The proposal does not permit phased development of parts of the site at density levels reflecting that in the existing town centre and already being achieved on land east of the River Tone.
  - The proposal represents a low-density, space-extensive development, in a potentially high value location and compromises the future potential of the area. In terms of activities the quantum of floor-space for all uses represents only just over 50% of that indicated as being possible in the TTCAAP and less

than 71% of that indicated in the Taunton Rethink (see table below).

Table showing composition of devt. proposals

<b>Use Class</b>	<b>TTCAAP (Firepool only)</b>	<b>Taunton Rethink (Firepool only)</b>	<b>Planning Application</b>
<b>B.1</b>	47,000 sq.m.	23,700 sq.m.	8,475 sq.m.*
<b>A.1 – A.5 and D.2</b>	8,000 sq.m.	16,100 sq.m.	15,700 sq.m.
<b>A.1 conv.</b>	<i>4,000 sq.m.</i>	<i>2,800 sq.m.</i>	<i>3,500 sq.m.</i>
<b>D.2</b>	-	<i>6,300 sq.m.</i>	<i>2,400 sq.m.</i>
<b>C.3</b>	400 units	70 – 170 units	150 units
<b>Aff. Hsing.</b>	<i>100 units</i>	<i>30 – 50 units</i>	<i>? units</i>
<b>C.1</b>	(2,800 sq.m.)	2,800 sq.m.	8,475 sq.m.*
<b>Parking</b>	700 spaces (multi-storey)	500 – 700 spaces (multi-storey)	425 + ? spaces (surface only)
<b>Total</b>	57,800 sq.m.	42,600 sq.m.	30,075 sq.m
<b>(f/space)</b>			
<b>% of the TTCAAP</b>	100	73.70	52.03

\* P/App. Does not make clear the breakdown between the two uses, therefore included twice but counted only once in the total.

- Absence of clear justification or, provision of relevant supporting evidence in the accompanying Planning Statement and Retail Statement, to justify such a significant departure from the adopted development plan (TTCAAP) expectations/ requirements.

- Reduction in proportion of residential units compared to that envisaged in the TTCAAP must reduce the sustainability credentials of the development itself and, in the context of the development plan expectations for the area.
- Absence of provision of parking for residential aspect of development or, justification as to why it is not required.

### **Specific**

Planning application affects areas covered by Policies Fp1 and Fp2 specifically in TTCAAP. Details of the proposals relationship to these policies and the associated supporting text are given below.

#### **Policy Fp1**

- Proposes an overall total floorspace of around 100,000 sq m. The scheme as submitted proposes only around 40,000 sq m, and thus represents a significant under-development of what is one of the most strategically located sites in the South West Region (next to a main line railway station with direct links to London, Bristol, the Midlands, South Wales and Exeter/Plymouth).
- The policy makes clear that parking to serve the development should be in multi-storey form.
- The policy requires a 'boulevard' linking the railway station with both the River Tone and Priory Bridge Road. The proposal does not provide a boulevard, which is a form of public street, within the development and nor does it provide any connection with Priory Bridge Road.

#### **Paragraph 4.3**

- This states that the development should be connected from Priory Bridge Road and the River Tone via other sites to the existing town centre. The proposed development does not provide a connection via Priory Bridge Road to the existing town centre. Specifically, such a link is shown on the TCAAP Proposals Map crossing the Morrison's site when this is ultimately redeveloped.

#### **Paragraph 4.4**

- This makes clear that an appropriate development is likely to involve buildings averaging 4-5 storeys (which is what has been delivered to date on the land east of the River Tone). It also states that buildings should be adaptable to future changes of use and should contain active ground level frontages on main streets (the locations of which are indicated on the Proposals Map).

#### **Paragraph 4.5**

- This makes clear that, while retail use is essential to create activity at street level, large retail units with surface parking and servicing would not be acceptable. Retail uses were envisaged in the TCAAP as an ancillary part of a town centre, mixed-use scheme – comprising only some 8% of the total floorspace – and not a stand-alone activity.



### Policy Fp2

- Requires a priority bus and cycle route from the railway station to Priory Bridge Road
- A minimum of 200 public parking spaces should be available during construction and provided on completion of the development.

### Paragraphs 4.20 and 4.21

- These refer to the need for bus priority measures linking the station area with the core of the town centre, using a route through the Firepool site and ultimately across the Morrison's site when it is redeveloped.

### Policy Tr1

- Proposes a 500 space multi-storey car park at Firepool, which is not being provided in the current development.

### Policy Tr2

- Parking standards listed in Appendix 3 of the TCAAP should be applied.

### Policy Tr3

- 'Smarter choices' measures will be required for this site.

### Policy Tr4

- Travel planning measures will be required for this site.

### Policy Tr5

- Car sharing measures will be expected to be applied.

### Policy Tr6

- The development should include an upgrade of the riverside path to a standard suitable for shared use by pedestrian and cyclists (as referred to in Policy Tr10).

### Policy Tr9

- This policy makes clear that developments should make provision for bus priority measures between The Bridge, Taunton railway station and Kingston Road. The proposed development makes no provision for a bus route at all.

### Paragraph 9.20

- This makes specific reference to a bus priority route through the Firepool site and across the Morrisons site in any future redevelopment of that area. The aim is to achieve near-continuous bus priority between the railway station and the town centre retail core, where bus/pedestrian priority is proposed under Policy Tr8.

### **Conclusion:**

In conclusion, officers have a number of fundamental concerns with the planning application as submitted and particularly how the proposal relates to the Taunton

Town Centre Area Action Plan.

*Further Comments on amended plans*

I have had a quick look at the revised proposals for the application (38/15/0475) and, apart from a few tweaks to matters of detail, my comments of 18th January 2016 (attached) still stand. I note that the following items have changed significantly;

- The quantum of residential units has increased from 150 to 200 units but no indication is provided as to how much of this will be affordable. If it is assumed that the preferred Local Plan proportion is required of 25%, this would mean that c.50 of them should be affordable unless evidence can be provided that this level of provision would affect viability.
- The overall amount of commercial floor-space, of all types, has reduced slightly to 28,289 sq.m. which is less than half the proposed floor-space in the TTCAAP
- The amount of Office and/or hotel floor-space has increased by 47% from 8,475 sq.m. to 12,489 sq.m. but it is unclear if this is new-build, conversion or, both
- The amount of retail and retail-related floor-space has increased marginally but now accounts for over 55% of the total commercial floor-space.

The above comments are based on the revised floor-space schedule submitted to TDBC on 10th March 2016 and can be found on the web-site at;  
<http://www1.tauntondeane.gov.uk/TDBCSites/Workflow/ViewImage/ViewImage.aspx?SRBarcode=Ty1DGDCnLrGDg3CB0T&ExtID=PDF>

The distribution and massing of buildings and the transport arrangements to serve them have not changed fundamentally from the previous version. The concerns regarding accessibility to and through the area by various modes remain and the linkages to other parts of the town remain unresolved, particularly the issue of the perceived environmental conditions that pedestrian users of the 'boulevard' could be subject to.

*ECONOMIC DEVELOPMENT –*

I should be grateful if you would record the following observations from the Economic Development Team on the application for planning permission submitted on land at Firepool, Taunton.

The redevelopment of Firepool is an opportunity to fundamentally transform this derelict part of Taunton and to create a flagship scheme not just for the town but for the whole of Somerset. It is a once in a lifetime opportunity to create an urban environment that stimulates investment and enables public enjoyment of a high quality, attractive place. Long awaited, the proposed scheme has been subject to recent public consultation in September 2015 (where it was overwhelmingly supported) and has been adapted in the context of many years' liaison with partner agencies, potential occupants and investors.

The team is strongly supportive of the development now proposed for the following

reasons:

1. The development is comprehensive and will bring this currently vacant and redundant brownfield site back in to full economic use, improving its appearance and significantly enhancing one of the key gateway locations to the town centre from areas to the north (including the Railway station) and along Priory Bridge Road. It is noted that the largely office-led scheme that was previously proposed for this site, whilst reflecting policy established in the 2008 Town Centre Area Action Plan, has not been delivered and is no longer considered commercially viable in current market conditions.
1. The scheme now proposed will enable the creation of approximately 1800 new jobs in numerous businesses of different types and sectors. The location of the site offers a unique opportunity to create jobs in a sustainable, town centre location, drawing advantages from the enhanced transport and infrastructure in that location. The mixed use approach proposed will create a solid, sustainable foundation on the site to support the economic growth agenda for the Taunton and wider area that is shared by the Council and key delivery partners.
2. The proposed scheme at Firepool is consistent with the wider Taunton Rethink approved by the Council and endorsed by the Taunton Economic Advisory Board (TEAB) of key partner agencies in 2014. The Rethink looked at key Town Centre sites and advised on a high quality mix of uses that would be deliverable in current commercial conditions and help Taunton to fully deliver its potential to become a regional centre for retail, business, leisure and culture. The proposed scheme itself has also been supported by TEAB as well as the Council's own Community Scrutiny Committee and Executive.
3. The proposed new public car park at Firepool, located off the new NIDR will provide improved access to the Town Centre for visitors from the north and east of Taunton. It is noted that the car park will serve not just Firepool but will have a wider strategic purpose, providing for linked trips throughout the Town Centre. It will enable the anticipated reduction in car parking at Coal Orchard (to deliver the regeneration of that site) and will also unlock the economic benefits envisaged from the new NIDR.
4. The scheme will play a critical role in redefining the Town Centre to make the most of its river frontage, providing strong connections to adjacent development opportunities and existing Town Centre sites, stimulating new investment and accommodating current and future predicted retail and business demand.
5. The scheme will enable the creation of a new urban space with a high quality environment suitable for public enjoyment and recreation and space. The high quality public realm - including the boulevard, and 'urban squares', improved river frontage and play areas - will provide welcome opportunities to further enhance Taunton's vibrancy, eg events/fairs/exhibitions, market stalls, street entertainment and river activity
6. The scheme will create an attractive, direct pedestrian link between the Railway station (which is itself subject to a major enhancement scheme) and

the existing town centre, presenting Taunton as an attractive, successful place for businesses and visitors. This link will also stimulate the regeneration and economic improvement of town centre property in the vicinity of Somerset Square and Coal Orchard car park. It is noted that the Council has recently approved a delivery strategy for the Coal Orchard site, which also formed an important aspect of the Taunton Rethink and complements the Firepool scheme now proposed.

7. The addition of a cinema to the town centre would significantly enhance the leisure opportunities for residents and visitors, and would have knock-on economic benefits to other 'evening economy' businesses elsewhere in the town centre such as pubs, bars and restaurants.
8. Complementing the Brewhouse Theatre and the adjacent international standard County Cricket Ground, the scheme will further enhance visitors' experience and the reputation of Taunton as a regional destination for leisure and culture.
9. The scheme will further develop Taunton's Town Centre offer as a distinctive alternative shopping & leisure destination to Exeter and Bristol, and will encourage visitors to spend longer in town and support multi-purpose visits. As noted in the Taunton Rethink, successive attempts to bring forward the necessary significant additional retail floorspace elsewhere in the Town Centre have failed, largely due to reasons of commercial viability.
10. The scheme will bring forward much needed additional high-quality housing on the site and in adjacent developments.
11. There is a strong synergy between the offices (mainly on the south site) and leisure offer (bars & restaurants) on the north site – thus attracting / retaining more businesses to the town, providing a strong demand from office workers for the leisure & retail businesses on the site and in the town centre (during the day and into the evening)
12. The inclusion of options for hotel developments within the scheme is strongly supported, offering accommodation not just to serve leisure visitors the town centre, but also a wider catchment, including visits for business purposes throughout Taunton Deane. Given the site's proximity to the railway station, these facilities will enhance opportunities for sustainable travel options. Additional hotel accommodation would also complement the ambitions for the Cricket Club (eg international matches, events etc) and further increase Taunton's profile
13. The outline approach taken will enable the development of individual sites within the scheme to remain flexible and responsive to changing market demand.
14. It is noted that a recent independent economic 'peer challenge' exercise, carried out during the Summer of 2015, was also strongly supportive of the scheme proposed. The team commented that the proposals represented a 'game changing' economic opportunity for Taunton.
15. It is noted that the Devon and Somerset Design Review Panel (a planning

advisory body) are not supportive of the scheme, due mainly to concerns about the presence of a large surface car park within the scheme. It is also noted that the Panel provided further detailed feedback on how the scheme might be designed, in the event that the Council felt that there were other strategic and policy considerations that outweighed their concerns about the surface car park. An analysis of the application now submitted shows that the applicant has responded to this detailed feedback, for example through the provision of dedicated spaces for retail/market 'pods' along the boulevard (opposite the retail units), landscaping and use of distinctive surfacing to create a 'plaza' feel at key locations. We strongly feel that the wider merits of the proposal as listed in 1 – 15 above do outweigh the design concerns of the Panel in respect of the car park.

On specific aspects of the scheme we would also make the following observations:

- The site was previously planned to accommodate significantly greater office floor space. Whilst the market has changed in the decade since that plan was produced it is important that high quality office jobs are provided in the town centre and we would wish to restrict any proposals to further reduce the quantum of jobs proposed beyond what is proposed in the application.
- We would prefer to see a minimum unit size put on the terrace of retail units facing The Boulevard. This would encourage key new comparison retailers into the town.
- Uses eligible within the terrace of retail units facing The Boulevard should be restricted to comparison goods, thereby complementing other units that will accommodate convenience goods and catering facilities.
- It is essential that the design of built infrastructure and the public realm is as high a standard as possible, creating a welcoming environment for the public, and an engaging opportunity for business investors. It is noted that this is an outline application only at this stage.
- The restaurant units facing the river, have dual aspects. As part of detailed design we need to ensure that the frontage facing the car park is well screened and does not become littered by waste and other unattractive catering externalities
- We would like to see an attractive frontage on to Priory Bridge Road. This is an important gateway to the town centre and will need to be considered at detailed design stage.
- On the South site we would prefer to see a commercial use on the site at the apex of Priory Bridge Road and the river (currently an informal car park).
- Although not part of this application, we would wish to see attention paid to the area of Priory Bridge Road, where the proposed new Boulevard will join. This is likely to be a busy area and consideration should be given to pedestrians wishing to cross the road at this point and continue towards Coal Orchard along the River. It is noted that the Boulevard also continues under Bridge and consideration should be given by the Council to the treatment of the Riverside path between Firepool and Coal Orchard, to strengthen the

sense of connection and continuity between these areas and the wider Town Centre.

- Similarly, we would wish the applicant to work closely with Somerset County Council as Highway Authority as well as Network Rail and Great Western Railway, to ensure that the connections between the Firepool scheme and forthcoming Rail Station enhancement, are treated in a complementary fashion to ensure a sense of continuity from the proposed Firepool boulevard, across the Northern Inner Distributor Road and into the Station site. This is a crucial pedestrian link.

*THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS) –*

After due consideration of the application details, the Canal & River Trust has no comments to make.

*LANDSCAPE –*

I share several comments made by the Design Review Panel with regards to this outline proposal

My main concerns are

- The large area proposed for parking in the centre of the development. I am not convinced that the scale can be successfully reduced with hard and soft landscaping.
- The north south boulevard is an important feature and so should be as attractive as possible. I consider that it could be contained, in parts to the east and west.
- I agree that the western elevation of the food store should be carefully designed
- Could the plaza square be more contained to the north?
- There are real opportunities to maximise the river frontage for biodiversity. I would like to see the naturalistic part of the landscape area increased in depth and width
- Design of external lighting is important to create an interesting urban space without compromising the wildlife potential of the river

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION – no comments received.*

*ENVIRONMENT AGENCY – initially objected to the proposals (dated 30th December 2015)*

Thank you for referring the above application, which was received on 27 November 2015.

The Environment Agency OBJECTS to the proposed development, in the absence of an acceptable Flood Risk Assessment (FRA), until further information is supplied/clarified by the applicant/agent.

On the basis of an acceptable response to this letter, we would hope to withdraw this objection in favour of advised conditions and informative notes to cover our interests. However, if the Local Planning Authority (LPA) is minded to approve the current application at this stage, contrary to our objection, we would ask to be re-consulted prior to determination in order to suggest an appropriate fallback position.

Specific flood risk comments:

The FRA submitted with this application fails to fully take account of flood risk advice offered during pre-application enquiry discussions, and does not adequately specify the necessary flood risk mitigation measures required, and/or demonstrate their viability for delivery at this stage.

Previously, via correspondence dated 27 October 2015, we agreed with the applicant's agent that the site should be raised above peak flood water levels in the adjacent River Tone.

In addition to raising the site and providing satisfactory surface water drainage arrangements, the only long term flood risk mitigation work required from the developer was clarified by us as the provision of a flood flow route through the site to cater for any excess waters approaching from the Mill Lease stream catchment direction. This requirement being in accordance with the phase 1 strategic flood risk management options study report commissioned by Taunton Deane Borough Council (TDBC) in 2014.

The reason for this being the only physical flood risk mitigation works required was:

- Flood plain compensation storage replacement for lifting the site above River Tone flood levels has already been included within the Longrun Meadows flood storage scheme upstream, and
- We are anticipating a further strategic flood risk mitigation scheme for the River Tone through Taunton to come forward in the near future, through partnership working between TDBC and ourselves, which would further reduce flood risk to the Firepool site.

However, as the applicant is applying for planning permission now, and potentially constructing the Firepool site well ahead of delivery of any off-site strategic flood mitigation scheme on the River Tone, we would still wish the FRA to assess and quantify any flood risk impacts/changes resulting from overland flood waters routing from the River Tone direction towards the site in the interim period.

And in addition, the same assessment should also be carried out for any flood waters routing from the Mill Lease stream catchment direction, but with on-site mitigation works then designed to convey these flows back into the River Tone, rather than sized to also convey any Tone flood waters mentioned above.

In addition, we have the following specific comments on the FRA:

- Why does the FRA also include the site boundary of Firepool South? These sites have been extensively redeveloped and were subject to other FRAs/planning applications several months/years ago. Does this FRA need to consider this area of the Firepool site?
- In 4.1.1, figure 4-1 and 4-2 are representations of the baseline situation, but the flood risk represented on the map is different. It is not clear what is being shown for the River Tone baseline flooding scenario.
- 4.1.2: we agree that a culvert is required to carry any overland flood waters approaching from the Mill Lease stream direction. This is to mitigate the impact of the development on North Town caused by overland flooding from the Mill Lease stream direction. However we would ask that the FRA explores laying the culvert along the main access road through the site as it would give more fall and storage to the culvert and will ease flow conveyance. Further engineering details of the culvert are required to assess its functionality for the purpose required.
- The benefit of the culvert once the site is raised is not specified. In 4.1.3, the FRA states that the flood risk increases by 40 mm (where precisely?) compared to the baseline once the site is raised and no mitigation is provided. What is the impact of adding the culvert on the flood levels? Figures 4.3 to 4.6 are not particularly clear.
- 4.1.4 is confusing. It is not possible for the FRA to 'be monitored, reviewed and re-submitted for approval so that appropriate account is taken of the flood risk conditions along the River Tone and at North Town'. The FRA must be a final assessment of the flood risk to the site now. We are not able to accept a preliminary FRA that would require updating and resubmitting, although any new planning applications on the site would need to be supported by their own FRA at that time.
- 4.1.5 Describes other offsite works required. It is suggested that for the flood culvert to work efficiently, roads need to be re-profiled as shown in figure 4.7. If this work requires planning permission, it should be included within the red line boundary and dealt with as part of the same application. Is this work viable, and acceptable to Somerset County Council Highways? This concern is material to assessing whether the flood culvert would work efficiently, and must be clarified prior to any permission being granted for the site?
- Finished floor levels need to be clarified. In 5, the FRA states that the flood level varies across the site from 15.25m to 15.75mAOD. We would expect the FRA to provide a drawing clearly showing how the flood level variations across the site relate to how the finished floor and road levels will be set.
- Who will own and maintain the flood culvert? What would be the proposed maintenance regime of the culvert? This should be covered in the FRA and/or drainage strategy docs.

Providing the above objection can be overcome, we would request conditions which meet the following requirements.

**CONDITION:** No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved,



in writing, by the LPA:

1) A preliminary risk assessment which has identified:

-all previous uses,

-potential contaminants associated with those uses,

-a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the LPA. The scheme shall be implemented as approved.

REASON: To prevent pollution of the water environment.

NOTE: We note the recommendation for “further investigation particularly of the former canal will be required to enable risk assessment and design of remedial works, if required. Sampling and chemical testing of groundwater and the River Tone will be required to enable further risk assessment.”

We also note a number of potential contaminant sources were identified. Please show where these potential sources of contamination are on a simple site plan. Mark on the site where the exploratory holes are done in the site investigation and annotate where there is any evidence of contamination (e.g. visual, lab test results) so that it's easy to see where the concerns are.

It doesn't need to be a CAD drawing cluttered with trees and proposed buildings - they're not relevant. The plan needs to show the site boundary, existing/previous infrastructure (i.e. the canal), a north arrow and a scale bar.

CONDITION: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

REASON: To prevent pollution of the water environment.

The following informatives and recommendations should be included in the Decision Notice.

A marginal strip of land approximately 10 metres wide should be provided between the development and the River Tone as part of the river corridor, to permit conservation, access, and recreation uses, and to preserve visual amenity.

This project provides a fantastic opportunity for Taunton to enhance the centre of the town by creating a community green space alongside the river corridor that can deliver ecosystem services through the provision of green infrastructure, recreation and public open space.

Otters are known to be present within the River Tone. We would welcome plans to further biodiversity gain within the development through the provision of reed beds, tree planting, bird and bat boxes and otter ledges. This would help to maintain the continuity of the river corridor habitat.

There are opportunities to create shared use pedestrian and cycle pathways alongside the river, linking up key areas of the town for access by sustainable travel. The riverfront area could include fishing platforms and access for canoes and boats.

Further comments dated 23rd March 2016

Thank you for forwarding the additional Flood Risk Assessment (FRA) short report, received on the 19 February 2016.

Further to our review of this information, the Environment Agency wishes to maintain its holding objection letter dated 30 December 2015 to your Council. We would advise that the additional information has not clarified all of our queries related to flood risk impact to the site and adjoining third parties.

Whilst figure 1 of the report illustrates the likely impact on the flood extents resulting from development of the Firepool Site, we wish to see the report quantify the information in terms of flood levels/depths changes at various locations in the study area. A tabulation of results from the modelling would help clarify the figure, and also suggest if hazard ratings for any impacted third parties have changed as a result of the development.

Additionally, if the FRA is suggesting that the re-profiling of the road is necessary to direct any flood flows into the new culvert more effectively, then we would expect these works to be included within the red line application boundary and with an indication that Somerset County Council Highways have been consulted and are satisfied in principle with the particular works prior to any approval of the application

We are satisfied with the explanation provided regarding the choice of location for the culvert through the site and for the future maintenance arrangements.

Further comments dated 3rd May 2016

Thank you for forwarding the applicant's response to our letter of 23 March 2016, received on the 21 April 2016.

Further to our review of this information, the Environment Agency wishes to maintain its holding objection letter dated 30 December 2015 to your Council. We would advise that the additional information has not clarified all of our queries related to

flood risk impact to the site and adjoining third parties.

Figure 1 of the short report dated 5 January clearly showed in yellow the increased land that would become at risk of flooding as a result of raising the Cattle Market despite the mitigation culvert on the site. The text accompanying Figure 1 says that the flood risk decreases at the site but there is an increase flood risk to the peripheral areas. From that, we were expecting to see an increase in flood level / depth in north town and ask the applicant to quantify the increased flood depth and frequency and risk of flooding.

In response, the applicant's letter dated 4 April provides a Map showing the extent of flooding and a table. Fig FRA sup 1.1 does not show as clearly as Figure 1 the additional area that is affected by flooding, and the data in the table shows a decrease in flood level which seems to go against the previous short report.

What we would like the applicant/JBA to clarify is for the area shown in yellow in Figure 1, what is the depth of flooding and for the area in green, what is the flood depth increase. Is the area likely to be subject to more frequent flooding or more likely to flood for a low return period event?

Further comments dated 1st August 2016

Thank you for referring the additional supporting information concerning the above application, which was received on 18 July 2016.

The Environment Agency would refer your Council back to our original letter of objection dated 30 December 2015, and interim correspondence between us, which effectively led to the provision of this additional Environment Statement (FRA) addendum submitted by the applicant.

The additional details have now provided satisfactory answers to the issues raised under our earlier correspondence, by clearly clarifying any flood risk changes to third parties as a result of raising the ground at the Firepool site, and proposing a viable off site mitigation solution to deal with this issue.

The precise details of any temporary flood mitigation measures and their implementation remain to be agreed between all of the risk management authorities (RMA) that have a role in dealing with major flood incidents in Taunton. We believe that this obligation could be secured by way of a section 106 agreement between the Council and developer, with our input as necessary.

It is important to note that whilst land raising at the Firepool site impacts on the River Tone's overland flood route through North Town, it does not alter the probability or frequency of flooding in this part of the Town, which is already at risk of flooding should the current defences fail or overtop. A longer term permanent solution to reducing the existing flood risks in Taunton are being jointly developed by EA/TDBC at present, but it is probable that any delivery of strategic flood reduction measures will not be in place before development of the Firepool site is completed.

In light of this uncertainty in the interim period, the developer has demonstrated that temporary flood defences deployed in three key locations along the River Tone frontage would mitigate against any flood risk impacts of the development.

Having reviewed this information, we now wish to WITHDRAW our objection to this

application, SUBJECT TO THE FOLLOWING CONDITIONS AND A REQUEST FOR A SUITABLY WORDED SECTION 106 LEGAL AGREEMENT to ensure that the temporary flood risk mitigation measures are secured from the applicant:

CONDITION: The development hereby permitted shall not be commenced until such time as external ground and internal finished floor levels have been submitted to and approved in writing by the LPA.

REASON: To reduce the risk of flooding to the proposed development and future users.

NOTE: We recommend that the external ground levels across the site must be raised above the 1 in 100 year plus climate change flood level, with the finished floor levels at least 300 mm above the proposed external ground levels.

CONDITION: The development hereby permitted shall provide a strip of land at least 8.0 metres wide, unless otherwise agreed with the LPA, adjacent to the top of the watercourse, with this bank side strip left clear of buildings, structures, fences and trees to facilitate access, essential maintenance and possible future improvements to the river channel and Firepool weir. Ground levels should not be raised within this riverside area unless otherwise agreed in writing by the LPA.

REASON: To allow repair and on-going maintenance of the river bank and weir.

NOTE: Please note the under correspondence dated 30 December 2016 we previously recommended a 10 metre buffer strip for biodiversity and recreation reasons alongside the River Tone. We would still recommend this buffer strip remains as it would improve connectivity along the river.

CONDITION: No development shall commence until the design of the flood relief culvert and ancillary work has been submitted to and approved in writing by the LPA. The culvert scheme shall subsequently be fully implemented in accordance with the approved details before the development is occupied.

REASON: To prevent the increased risk of flooding to the proposed development and future users from overland surface water flooding.

Additionally, provision of the off-site temporary flood barrier mitigation features described in the FRA addendum will need to be agreed within a section 106 agreement. Any agreement should place an obligation on the applicant to fund procurement of the necessary equipment, and require the RMAs to subsequently agree details over ownership, storage, deployment and maintenance of the temporary defences.

Please note that conditions and informatives requested under correspondence dated 30 December 2016 remain relevant.

#### *SOUTH WEST HERITAGE TRUST –*

The applicant has submitted a Desk-based assessment in support of the application that states the industrial archaeology present on site (the canal lift) does not fulfil the criteria of a heritage asset. I disagree with this statement as there are designated canal lifts in the south-west and simply because this example is likely to have been impacted does not mean any remains of the lift are not a heritage asset.

For this reason I recommend that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

"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."

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

#### *POLICE ARCHITECTURAL LIAISON OFFICER – comment*

**1 Crime & ASB Statistics** - reported crime for the area of the proposed development during the period 01/12/2014-30/11/2015 (within 500 metre radius of the grid reference) is as follows:

Arson - 7 Offences

Burglary - 52 Offences (incl. 20 dwelling burglaries & 19 commercial burglaries)

Criminal Damage - 76 Offences (incl. 39 criminal damage to vehicles)

Drugs - 15 Offences

Fraud/Forgery - 4 Offences

Other Offences - 16

Robbery - 7 Offences

Sexual Offences - 20

Theft & Handling Stolen Goods - 250 Offences (incl. 121 shoplifting, 31 theft of pedal cycles, 5 unauthorised taking /theft of motor vehicles & 12 theft from motor vehicles) |

Violence Against the Person - 219 Offences (incl. 4 assault causing GBH, 74 assault causing ABH, 71 common assault and battery & 2 assault police)

Total - 666 Offences

This averages just over 55 offences per month, approximately 14 offences per week which are quite high crime levels, probably related to the fact that, although the site is undeveloped land at present, it is quite close to the town centre. Anti-Social Behaviour reports for the same period and area immediately around the former cattle market total 31, which are classed as 'average' levels.

**2. Design & Access Statement** — bearing in mind Sections 58 & 69 of the NPPF, the DAS should demonstrate how crime prevention measures have been considered in the design of the proposal but it does not appear to do so. At this outline stage, it is difficult to provide specific advice, however, I would make the following initial

observations:

**3 Layout of Routes** — for both commercial and residential units appear to be visually open and direct and are likely to be well used. The proposed surface changes in colour, texture etc referred to in the 'Paving Strategy' can assist to define private and public space. As far as is possible, routes for pedestrians, cyclists and vehicles should run alongside one another and not be segregated, which generally speaking appears to be the case.

**4. Communal Areas** - such as playgrounds and seating areas have the potential to generate crime, the fear of crime and ASB. They should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. Boundaries between public and private space must be clearly defined and open spaces must have features which prevent unauthorised vehicular access. In this regard, the proposed LAP appears to be quite well overlooked from adjacent residential townhouses and apartments, as is the footpath alongside the River Tone.

**5. Layout & Orientation of Buildings** — dwellings should be positioned facing each other to allow neighbours to easily view their surroundings and make the potential offender feel vulnerable to detection. In general, this appears to be the case although a proportion of units face the River Tone and commercial units.

**6. Perimeter Security** — at the front of buildings of all types, low fencing, walls, landscaping and other boundary treatments can help define defensible space and also assist surveillance of public spaces. More vulnerable side and rear of buildings require more robust defensive barriers in the form of walls, fencing or similar to a minimum height of 1.8 metres. Commercial units may require additional measures.

**7. Landscaping** — plant growth above 1 metre and tree foliage below 2 metres should be avoided to assist natural surveillance of public areas. Open branched and columnar trees should be used in a landscaping scheme where natural or formal surveillance is required. Care should also be taken to avoid any potential hiding places. This would appear to be particularly relevant in the car park and along the River Tone.

**8. Building Design** — building lines appear to be straight with clear sight lines and few deep recesses allowing opportunities for crime and ASB. Blank building elevations, both commercial and residential, should be avoided so providing a sense of natural surveillance to the development. Any potential climbing aids should be designed out and the potential vulnerability of roofs taken into account in respect of the commercial units.

**9. Security Bollards/Street Furniture** — any commercial premises where there is a possibility of a vehicle borne attack should be protected by secure bollards, either 'natural', fixed or rising bollards. Hard landscaping, e.g. planters or similar street furniture could be used. Public Art and similar features should be of substantial

construction and vandal- resistant.

**10. Lighting** — street lighting for adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS 5489- 1:2013. Lighting should be set at a uniform level ensuring that there are no over lit areas causing light pollution nor poorly lit areas where crime or ASB could flourish.

**11 Vehicle Parking** — the design of the car park should follow the principles laid down in the police owned 'Park Marks Safer Parking scheme, which considers boundaries & perimeters; lighting; management practice; layout of parking areas/decks; vehicular and pedestrian access; signage; surveillance and cctv; landscaping and staff presence/patrols. Full details are available at — [www.britishparking.co.uk](http://www.britishparking.co.uk) With regard to residential parking, the recommended option is in-curtilage garages or parking spaces. Where communal parking areas are essential, they should be in small groups, close and adjacent to homes they serve and within view of active rooms in those homes. Judging by the Illustrative Masterplan, the majority of the residential parking appears to fall into the latter category.

**12. Secured by Design (SBD)** — the applicant is encouraged to refer to the additional comprehensive advice contained within the 'SBD Commercial 2015' and 'New Homes 2014' design guides, together with the interactive CAD 3D design guides, available on the police approved SBD website — [www.securedbydesign.com](http://www.securedbydesign.com).

*CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE – no comments received*

*SCC - CHIEF EDUCATION OFFICER – no comments received*

*DESIGN REVIEW PANEL – the proposals were put to the Devon and Somerset Design Review Panel prior to the submission of the application. Their full comments are available online and the summary of key recommendations are:*

- Generally the Panel is not supportive of the proposals presented
- Concerns in regard to the level of detailed design information that may be included within a purely outline application
- Significant concern in regards to the large area of proposed surface level car parking being provided within the centre of the site resulting in a the lack of sense of place & lack of local distinctiveness
- Provision of decked parking on the proposed supermarket would allow for a reduction in the amount of surface level parking & a greater density of proposed mixed use development on the site
- The quantum of proposed parking provision is considered appropriate for the large amount of proposed retail use
- Proposals are considered to result in a good level of connectivity to the surrounding area
- Nodal points proposed across the site are supported by the Panel
- The north south boulevard would work better as a two sided street
- Proposed use of different surface treatment for the area adjacent to the boulevard, to allow for pop up markets supported — further information detail required
- Boulevard could accommodate the provision of small scale retail PODS, may

help to create a more active street scene & smaller scale local commercial activity may help to create a sense of local identity

- Any parking area should feel more like a piazza/shared surface
  - Incorporation of SUDs proposals should be investigated, & form an integral part of the proposal
  - Proposal that tree and ground planting will be large mature specimens is welcomed
  - Proposed public art should be locally sourced & be reflective of Taunton
  - Positive in regard to the river frontage proposals & supported the aspiration to introduce activity on the river
  - Provision of external play areas adjacent to the residential blocks is welcomed by the Panel
  - A 'play/activity route' to be provided along the river
  - Transparency between the external nodal spaces & the internal spaces within the proposed buildings suggested
  - The proposals horizontality and verticality should be explored through the use of sections
  - In their currently proposed form it is considered that the retail units feel too large, & are likened to big sheds
  - Explore the mix of uses within the proposed units, not just across the site
  - Concerns exist in regard to the western wall of the proposed food retail store
  - Concern exists in regard to the low height of the proposed food retail store
  - If applicable, the structural, elements of the proposals including utilities siting should be such so as to enable, & not prohibit, future long term infill development of the proposed car park area
  - Materials for use across the development remain considered to be extremely important to the success of the proposals
  - A detailed lighting design should be produced so as to ensure 24hour accessibility of the site & help to prevent the creation of any anti social spaces
- 
- The conditions of any outline consent should include the submission & approval of an integrated Landscape & Ecological Management Plan (LEMP)
  - Landscape scheme should aim to contribute to an& enhance local biodiversity & Include creation of Priority Habitats
  - Opportunities should also be sought for habitat creation within locations beyond the river corridor; including new buildings & for planting of native trees, shrubs & wildflower margins in suitable locations throughout the site.

## **Representations Received**

Cllr Libby Lisgo comments:

“Whilst not against this development per se, it is regrettable that there seems to be little or no provision to link the development to the existing retail area in Station Road. Could something of this nature be incorporated to not only strengthen the reach of what is being developed but also to make strongest use of existing retail offers in the adjoining area? To fail to do this would, I believe, constitute undue short sightedness and unnecessary hardship for some of those operating in the Station Road area.”



10 Letters of OBJECTION have been received in response to the initial submission, which raise the following issues:

- The Firepool site is the most important development site in Taunton to be considered since World War II and is the most significant real estate opportunity being considered between Exeter and Bristol.
- The submitted application is a lost opportunity that displays a disappointing lack of ambition and imagination.
- The Design Review Panel is right to oppose its approval and criticise its content.
- The site would be dominated by a supermarket and car parking (a mistake already made on the Morrisons site)
- Question the need for a cinema complex when a concert hall/venue is needed.
- Suggests that the Council should refer the design to the Design Council/CABE because of its national significance.
- This should be an opportunity to produce a scheme capable of competing for the Stirling Prize, not the Carbuncle Cup.
- The site should have a multi-level car park rather than waste a large portion for surface level car parking.
- Taunton has enough supermarkets and does not need another one.
- Percussion piling should not be used.
- It should be a requirement of the development to repair Firepool Weir
- Height of development would overpower residential streets facing the southern site.
- St Augustine Street and Winchester Street should be closed to vehicular traffic where they join Priory Avenue as this would be safer.
- Increase in traffic around the site and in particular the residential streets to the south.
- (mistaken) belief that a bus gate is proposed at the junction of Priory Bridge Road and Station road.
- The proposals do not show vehicle access to the listed pumphouse.
- The raising of levels around the adjoining site at Firepool Lock should be shown.
- Zone C (food retail store) is shown to be up to 15 m high and is considered to be excessive compared to smaller surrounding developments
- The service yard for the food retail store will have an adverse impact on the adjoining residential in terms of noise, light and air quality.
- The service yard would be a poor quality environment when viewed from the NIDR
- Where would residents on Canal Road park?
- Loss of light to neighbouring residential properties due to the height of the proposals.
- Noise and light pollution from the 'vibrant/active space'
- Noise and pollution to resident of Canal Road due to service yard.
- The plans do not show some of the houses that have been built in Canal Road – how do the proposals take these properties into consideration?
- Instead of more shops, restaurants and offices in the old market area we consider creating a linear park stretching from at least Tangier to Firepool on either side of the river.
- No need for more shops.
- Potential for flooding.

- The non-food retail uses will significantly adversely effect the vitality and viability of Taunton and the proposal do not accord with planning policy.
- The proposals as submitted are a fundamental, and unjustified, departure from the Taunton Vision.
- The development is dominated by a large retail store with ground level parking - it is little more than an out-of-centre retail park, dressed up a bit.
- A car based food store will have adverse traffic impact as can be seen at Morrisons and would result in a poor quality public realm.
- Poor quality environment for those arriving in Taunton by train who would have to walk through a retail park.
- Good built environments have been closely linked to economic performance - and as a key gateway to the town, the impression of Taunton that will be given to visitors would be poor.
- The Taunton Vision concept of creating a new urban street (like Exeter's Queen Street or Chester's City Road) has been diluted in the current proposals to the status of a pedestrian walkway through a retail park. It is not a proper public street.
- Provision should therefore be made for an alternative parallel route for buses (if not for any other traffic) extending from Priory Bridge Road to the NIDR across the Firepool site.
- The proposals do not appear to make adequate provision for cyclists.
- A second vehicular access should be considered.
- The Taunton Rethink is not adopted, nor does it comprise draft planning policy – it carries no weight in the decision making process.
- The retail floorspace proposed is in excess of the allocation in the Town Centre Area Action Plan.
- The applicants have not taken into account the capacity for expansion at the Orchard Shopping Centre. The sequential test has not been passed.
- The site is a significant distance from the primary shopping area and the calculated 5% reduction in turnover of existing stores in the town centre could result in a significant adverse impact.

3 Letters of COMMENT/CONCERN have been received in response to the initial submission, which raise the following issues:

- A bus drop off point in the site from the park and ride should be provided for both the development and the cricket ground.
- A pedestrian crossing for Priory Bridge Road should be provided to allow pedestrians to access the cricket ground.
- A car parking/pricing strategy that would allow spaces to be used by cricket spectators should be included.
- Market stalls should be provided.
- The footpath on the northern side of the river should be kept open during construction
- The impact of the development on the A38/A358/A3038 roundabout has not been mitigated within the application
- The parking provision currently being proposed is not appropriate for its location - Providing this level of onsite parking will lead to users travelling short distances by car, and distancing the development from the town centre, rather than creating an integrated and expanded Taunton.

## **Further comments on amendments to application**

5 Letters of OBJECTION have been received in response to the amended submission, which raise the following additional issues

- TDBC consultation on Coal Orchard shows further loss of town centre parking which will result in greater loss of coach waiting bays in the town. Spaces for coaches should be provided as part of the application.
- Previous objections have not been addressed by the amendments.
- Permission has now been granted for retirement apartments on the adjoining site and the food-store service yard is considered to create a bad –neighbour situation.
- The provision of a through-route would be far more preferable than the single vehicular ingress / egress design as adopted for the majority of the site.

## **Response to Flood Risk Assessment Addendum July 2016**

32 letters/e-mails and two petitions with a total of 41 signatures have been received in response to this document making the following comments:

- By erecting temporary barriers flood risk is transferred to the residents of North Town
- The Firepool development should not go ahead until a permanent solution is provided
- The Firepool development should be solving flood risk problems, not creating them
- These proposals will have home insurance implications for residents and businesses as well as loss of value to properties
- Concern that the proposed solution will not be effective in preventing flooding of properties
- The answer is to raise the riverbank rather than erecting temporary barriers
- Protection of homes and businesses should be more important to the authorities than the building of yet more shops and cafes which will have a negative impact upon existing businesses
- Concern that in times of flood there will not be enough resource available or time to erect the temporary barriers
- Firepool should be considered within the context of the longer term Strategic Flood Project and other potential development sites eg. The Old Lidl
- What happens in the event that the Strategic Flood project is not delivered?
- To leave the arrangements for erecting the barriers to a s106 agreement is not satisfactory
- It is not acceptable to increase the depth of flooding to the area around Debenhams
- Development should not be allowed unless assurances can be given that a scheme is in place that will prevent flooding to any property in Taunton
- Why is it necessary to raise ground levels?

In addition the representations also include the following comments that are not directly related to the Flood Risk Assessment Addendum:

- The site has been an eyesore and it is good that it is being redeveloped at last
- Do we need more restaurants or a large cinema rather than good housing and necessary infrastructure such as a new primary school?
- The scheme should seek to accommodate independent traders
- We do not need more shops when there are so many vacant in the town
- Drainage systems can't even cope with existing demands

A letter of support has been received from the Chair of the Taunton Economic Advisory Board support the proposals

“As you know the Taunton Economic Advisory Board have been following the re-development of the Firepool site with keen interest over the decade since it was vacated by Taunton Market. I understand that the planning application is finally coming to committee on 31 August 2016.

It became increasingly clear that the original vision for the Firepool site, whilst possibly valid at the time it was produced over a decade ago, was not viable and could not be realised. Also, various schemes to develop the area either side of the High Street to increase retail capacity in that part of town have come to nothing. As Taunton continues to grow, with three urban extensions planned or under way, it is crucial that its Town Centre also moves with the times and develops in a way that is attractive and relevant to the town's growing population and encourages them to shop in Taunton rather than to drift off to Exeter and elsewhere. At last, we now have a scheme for Firepool which helps meet this objective and is commercially viable and deliverable.

The Advisory Board was very clear that it was necessary to review the original Taunton Vision concept in the light of substantial changes both in economic conditions and in social trends such as shopping habits, eating out and entertainment. It strongly supported the subsequent Taunton rethink process, which delivered the "Rethink" proposals which were endorsed by the Council's own members in early 2014.

The current application for Firepool is a vital link in a chain which breathes new life into the town from the Station to Bridge Street. With separate proposals for the Railway Station and Coal Orchard coming forward, we at last can see the dream of bringing the centre of town to life all the way along its river frontage being realised.

As you know, the TEAB has taken a very close interest in long term plans to improve the town's flood defences. I note that the Environment Agency does not object to the current application as it does not increase the risk of overtopping of the existing defences. I hope that you will be able to reassure the committee on the facts of the case. The TEAB will continue to press for the delivery of a major alleviation scheme which would properly address the entirely legitimate concerns of residents as soon as possible.

I trust you will accept and report my wholehearted support of this planning application,”

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

#### Taunton Deane Core Strategy (2012)

- SD1 - Presumption in favour of sustainable development
- CP2 - Economy
- CP3 - Town centre and other uses
- CP4 - Housing
- CP5 - Inclusive communities
- CP6 - Transport and accessibility
- CP7 - Infrastructure
- CP8 - Environment
- SP1 - Sustainable development locations
- SP2 - Realising the vision for Taunton
- DM1 - General requirements
- DM2 - Development in the countryside
- DM4 - Design
- DM5 - Use of resources and sustainable design

#### Taunton Town Centre Area Action Plan (2008)

- FP1 - Riverside content
- FP2 - Riverside transport
- TR1 - New car parks
- TR2 - Parking standards
- TR3 - Accessibility
- TR4 - Travel plans
- TR5 - Car sharing
- TR6 - Transport contributions
- F1 - Flooding
- F2 - River corridor enhancements
- ED1 - Design
- ED2 - Public art
- ED3 - Mixed use
- ED4 - Density
- ED5 - Climate change
- ED6 - Off-site public realm enhancements
- TS1 - Training and skills

#### Taunton Town Centre Design Code (2008)

Coding Area CO7 - Firepool

Taunton Deane Site Allocations and Development Plan Submission Draft (2015) -  
Inspectors final report awaited

TC4 - Primary Shopping Areas (PSA)  
TC5 - Out-of-centre proposals  
C2 - Provision of recreational open space  
C6 - Accessible facilities  
A1 - Parking requirements  
A2 - Travel Planning  
A3 - Cycle network  
A5 - Accessibility of development  
I4 - Water infrastructure  
ENV2 - Tree planting within residential areas  
ENV5 - Development in the vicinity of rivers and canals  
D1 - Taunton's skyline  
D7 - Design quality  
D8 - Safety  
D9 - A co-ordinated approach to development and highway planning  
D10 - Dwelling sizes  
D12 - Amenity space  
D13 - Public art

NPPF - National Planning Policy Framework,

## **Local finance considerations**

### **Community Infrastructure Levy**

The application is for residential development in Taunton Town Centre where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

The application also includes the potential for retail development outside of Taunton and Wellington town centres where the Community Infrastructure Levy (CIL) is £140 per square metre. Based on current rates, and assuming that any retail development is over 100m<sup>2</sup> the CIL receipt for this development could be up to £182,000

### **New Homes Bonus**

The development of this site would result in payment to the Council of the New Homes Bonus.

#### *1 Year Payment*

Taunton Deane Borough	£229,814
Somerset County Council	£57,453

#### *6 Year Payment*

Taunton Deane Borough	£1,378,882
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## Determining issues and considerations

### Principle of Development and Planning Policy

The site is allocated in the Taunton Town Centre Area Action Plan 2008 (TCAAP) under Policy FP1 as a strategic office site that would provide the main focus for future office development in Taunton. It is identified as being the key factor changing market perceptions of Taunton as a place to live and work. It is seen as a unique opportunity, providing a major regeneration site next to the railway station. Policy FP1 states:

#### Policy FP1

##### Riverside - Development Content

The Riverside development will provide:

- a. at least 47,000 sq m (net) office space
- b. approximately 8,000 sq m gross of additional retail and leisure floorspace, of which 4,000 sq m gross should be convenience retailing
- c. approximately 400 dwellings, including 25% affordable housing
- d. a 500 space multi-storey car park (screened with single aspect development where it adjoins public space)
- e. a 3- or 4-star hotel with at least 100 bedroom
- f. primary healthcare facilities
- g. the relocation of the Produce Market within the town centre
- h. a 'boulevard' linking the railway station with the River Tone and Priory Bridge Road
- i. public conveniences close to public parking and the River Tone, to replace the existing facilities at Canal Road and Priory Bridge Road
- j. potential for active street level uses at locations shown on the Proposals Map
- k. high quality riverside promenades
- l. a contribution towards public art at 0.3% of construction costs

The mixed use scheme proposed in this application is in effect a retail/leisure led scheme that would provide up to 9,500 sq m retail and a further 5,000 sq m of leisure (cinema, food and drink). This combined 13,500 sq m is much larger than the 8,000 sq m set out in Policy FP1. The Area Action Plan envisages a larger food store, with the remaining retail being there primarily to accommodate the needs of Firepool's office workers and to ensure active frontages along the station boulevard and riverside.

Policy FP1 proposes an overall total floorspace of around 100,000 sq m. The scheme as submitted proposes only around 40,000 sq m, and thus represents a significant reduction in density of development on what is one of the most strategically located sites in the South West Region (next to a main line railway station with direct links to much of the country, including London, Bristol, the Midlands, South Wales and Exeter/Plymouth).

It is accepted that changes in economic conditions since the site was allocated may mean that development that would be fully compliant with policy FP1 is unlikely to be delivered, particularly with regard to providing at least 47,000 sq m of office space. However, this does not mean that other important considerations in relation to FP1 can be disregarded.

Paragraph 14 of the National Planning Policy Framework covers the presumption in favour of sustainable development and states that:

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted

Notwithstanding that it is accepted that it is unlikely that the mix of and quantum of uses identified in Policy FP1 may be difficult to deliver in the current market, it is not the case that the Area Action Plan and policies within it are out-of date. However, it would be prudent when determining an application that is not fully in accordance with the development plan to consider whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

The incorporation of a greater element of leisure and food and drink alongside a different format of retail than was expected in FP1 could act as a destination in its own right which would compete with rather than complement the existing town centre. It is therefore essential that the proposals are laid out in such a way that they act as an integral component of the town centre in order to minimise any adverse impact upon the existing retail core of the town. This is discussed further in the sections below.

The NPPF places positive weight to supporting sustainable economic growth and states that policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

The Council commissioned consultants to produce the Taunton Rethink (2014). This document was subject to some stakeholder engagement but not full scale consultation and has not been adopted as a Supplementary Planning Document (SPD). Therefore, whilst it is a material consideration, it can only be given limited weight in decision making, particularly where it is in conflict with the Adopted Development Plan.

The conflict with policies in the TCAAP does not necessarily mean that the application must be refused. As set out in Section 38(6) of the Planning and



Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this report generally and in particular in the Planning Policy response, a number of conflicts with the development plan have been identified. In weighing up the planning balance later in this report, the overall conclusion is that there is substantial harm arising from the proposal, which is not outweighed by the benefit of granting planning permission. The conclusion in terms of the planning balance set out later is based not only upon an assessment of the scheme in terms of section 38(6), but also the presumption in favour of sustainable development set out in paragraph 14 of the NPPF.

## **Quality of Development and Design Review Panel Response**

Although the application is made in outline, the application includes 3 parameter plans for which consent is sought. They include the Land Use and Massing Plan, the Public Realm and Green Infrastructure Plan and the Movement Plan. Although these do not include detailed design for the appearance of the buildings and public realm, they do set the overall layout of the development in terms of a large surface level car park, surrounded by retail units, with the primary residential area located to the north and east of the car park. In effect the heart of the development would have an appearance akin to a retail park. There are significant concerns regarding the design quality of the urban environment that would result from this approach.

The National Planning Policy Framework attaches great weight to the design of the built environment and stresses the importance of planning positively for the achievement of high quality and inclusive design for all development. It states that “planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF also encourages local authorities to have local design review arrangements in place to provide assessment and support to ensure high standards of design. It also states that in assessing applications, local planning authorities should have regard to the recommendations from the design review panel.

Prior to the submission of the planning application, the proposals were presented to the Devon and Somerset Design Review Panel in series of four sessions between

November 2014 and September 2015. Although some positive amendments were made as a result of the Design Review Panel's initial assessment, the Panel's ultimate conclusion was that they did not support the proposal raising particular concern in regards to the car park being proposed at the centre of the site and its detrimental impact on the character and sense of place within the development.

The panel concluded that "the proposal lack sufficient justification that they are the most appropriate form of development and therefore the Panel is not supportive of the proposals as presented."

In addition to the central car parking area which results in a in the lack of sense of place and local distinctiveness, the panel expressed concerns that the north/south boulevard was one sided and would work better as a two sided street. Although St Modwen have made some amendments to the proposal to include retail pods on the eastern side of 'the boulevard' this would still result in the appearance of a 10 metre wide apron at the front of the retail units and facing onto the large surface level car park. It has to be concluded that the design proposals fail to create the high quality pedestrian street that was envisaged and overall the proposals lack a sense of place and are poor in urban design terms.

It has been made clear to the applicant and their advisors on a number of occasions that this aspect of the development is unacceptable and that the creation of a truly two sided shopping street (boulevard) - with car parking provided, but in less visually dominant manner - would address this fundamental concern to an extent that would gain officer support.

St Modwen have responded to this request by say "we consider that this approach is unreasonable based upon the contents of the development plan and other material planning policy considerations. Nowhere in the development plan is there a requirement for a two-sided shopping street as part of the development". They declined to make any further amendments to this fundamental objection which has been consistently highlighted since the proposal were first put to the design review panel.

The Taunton Town Centre Area Action plan required a boulevard to be provided between the station and Priory Bridge Road, and stated that a high quality public realm will be key to a successful development. It supports retail use to be created at street level, but states that "large retail units with surface parking and servicing would not be compatible with the type of urban environment is sought". This is precisely what is now being proposed.

The NPPF states in paragraph 64 that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." Positive solutions have been suggested to improve the quality of the development, but the developer has failed to provide these. As such there is a substantial conflict with both national guidance and adopted local policy such as to justify planning permission being refused.

## **Retail Impact on Town Centre**

Paragraphs 24 and 25 of the NPPF set out that in cases where planning applications propose retail development (or other main town centre uses) outside an existing centre or not in accordance with an up to date local plan, a sequential test should be applied. This test should follow a hierarchy of in town centres, then edge of centre locations. Only if suitable sites are not available should out of centre sites be considered. In the latter two locations, preference should be given to accessible sites that are well connected to town centres

Furthermore, paragraph 26 states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up to date local plan, local authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. In cases where no such threshold exists, a default of 2,500 sq m is set.

As the proposal includes a retail assessment, the council has commissioned expert advisors (Savills) to provide an independent review of the submitted documentation and to give specific advice on the retail impacts of the proposals. This advice has been received and subsequently updated to respond to further comments from the applicants and any impacts that might arise from the recent Planning Committee decision to grant planning permission for the Aldi store at Bathpool.

### Sequential test

The application site is located around 310 metres, at its closest point, from the boundary of the primary shopping area defined by the Core Strategy Proposals Map. In terms of national guidance this would indicate that the site should be considered an out of centre site. However, taking into account the allocation of the site within the TCAAP, as well it being within the Core Strategy's defined Town Centre Boundary, Savills agree with the Retail Assessment's conclusion that the site should be considered an edge of centre site, for the purposes of the sequential assessment.

Taking into account areas of flexibility in the format, Savills agree that a benchmark figure of 3.27 hectares as the minimum threshold for assessing alternative sites within the sequential test. A ranges of different sites within the central area of Taunton have been assessed, including the allocations for retail development at High Street East and West.

Savills consider the applicant to have appropriately considered the suitability of all other potential sites within the TCAAP area, as agreed prior to submission of the application, with none offering realistic potential to deliver the scale and mix of town centre uses as an alternative to the application site. As such, the sequential test has been adequately addressed and passed.

### Impact test

The NPPF requires that when assessing applications for retail, leisure and office development outside of town centres which are not in accordance with an up to date development plan, local authorities should require an impact assessment if the development is over a threshold of 2,500 sq m or in accordance with a locally set threshold. As such, Core Strategy Policy CP3 sets a lower main town centre use threshold of 500 sq m gross floorspace to undertake an impact assessment.

In terms of the impact of convenience floorspace (food, drink and non-durable household goods), the submitted retail assessment predicts that the proposed convenience floorspace would result in a turnover of £26.2 million in 2018 (in 2015 prices). This turnover will have the greatest effect on stores within Taunton with trade diversions of £10.7 million from town centre stores. The assessment identifies that Morrisons, Marks and Spencer and Sainsbury's (Billet Street) would all experience impacts on turnover in excess of 10%. Furthermore, the assessment identifies that these three stores are already trading below company average benchmarks levels, but concludes that the proposed food store would on its own be "unlikely" to threaten their future viability.

Savills consider that taking into account the predicted levels of impact, they do not agree with the applicant's conclusion that the proposed floorspace would be "unlikely" to threaten the future viability of existing stores. In a worst case scenario, the proposals could result in the closure and exit from the Town Centre of underperforming convenience stores, which would have a much more significant negative impact on the viability and vitality of Taunton Town Centre, particularly if there is an overall reduction in pedestrian flows. There would be significant impact on other out of centre stores Sainsbury's at Hankridge and Asda, but being out of centre, these do not benefit from policy protection.

Overall, Savills conclude that weight must be given to the acceptability of up to 4,000 sq m of convenience goods floorspace at the application site due to the site's allocation within the development plan (the TCAAP). Whilst there are significant levels of impact predicted upon individual stores that result in them being likely to trade at below benchmark levels, particularly Marks and Spencer, Morrisons and Sainsbury's, the overall impact on convenience retailing in the Town Centre is considered to be acceptable, particularly taking into account the overall increase with a foodstore trading at Firepool. In these circumstances, Town Centre convenience turnover, including the proposed foodstore, would increase from its predicted level in 2018 of £109.2 million to £124 million. While this involves a degree of cannibalisation of the existing convenience trade within the Town Centre, amounting to around £10.7 million (9.8%), the overall increase of £15 million is clearly beneficial to town trade as a whole.

With regard to the impact of comparison floorspace (all other goods including clothing, household appliances, books, toys and personal effects), the submitted retail assessment predicts that the proposals will divert around £24.5 million from the existing town centre comparison turnover in 2018 which amounts to an impact of 5.1% (with Town Centre turnover decreasing to £456.2 million from £480.7 million). However, by including the application proposals the overall Town Centre turnover would increase by £6.5m (or 1.4%) to £487.2 million.

Savills consider these figures to be reasonable, although they note that it is a little disappointing that the impact of a scheme of this size will primarily generate its turnover from the cannibalisation of existing Town Centre comparison turnover, rather than attracting significant levels of new turnover from outside of the Town Centre area.

The proposed comparison units, capped between 250 to 1,000 sq m of ground floor floorspace would be attractive to a range of comparison retailers that already have a

presence within Taunton Town Centre, due to the attraction of easy access, plentiful surface level car parking as well as easy servicing and lower maintenance costs in more modern retail units.

Accordingly, if key existing Town Centre retailers were to relocate from the primary shopping area to the site, this could have a negative impact on the general vitality and viability of Taunton's primary shopping areas, if similar retailers do not occupy vacated units. However, as no proposed occupants are named it is not possible to be any more specific on the potential effect of relocations from the existing Town Centre and the potential impact. There are, however, measures that could limit such relocations if Councillors were minded to grant planning permission.

Other non-retail uses in the proposal including the cinema, A3/A4/A5 uses, the hotel and office floorspace have some benefits by adding to the overall vitality of Taunton – especially as there is no town centre cinema currently operating.. However, due to the degree of separation between Firepool and the primary shopping areas, the cumulative benefits for the vitality of Taunton Town Centre as a whole may be less significant, and could even divert some trade away from established A3, A4 and A5 uses elsewhere in the Town Centre. A strong connection between the site and the Town Centre and careful management of the parking regime will be key to the scheme having an overall beneficial effect on the Town Centre as a whole.

Savills overall conclusion on the impact test is that they do not consider that the retail uses are likely to result in significant adverse impacts on comparison and convenience retailing in Taunton Town Centre. Indeed their location at Firepool, whilst cannibalising Town Centre trade to some degree, will have the overall effect of increasing Town Centre trade in both convenience and comparison retailing. However, the success of that effect depends on the strength of the linkages between Firepool and the Town Centre.

#### Linkages to the town centre, format and shopper behaviour

Looking beyond sequential and impact assessment, Savills consider that that the success of any proposals on this site as a Town Centre, rather than an edge of centre or an out of centre scheme will largely be dictated by the way they facilitate interaction and movement to and from the primary shopping areas in the heart of Taunton Town Centre. Therefore, if the format of the scheme will lead a high proportion of shoppers to treat the development like they would an out of town retail park, which they drive to, use the retail and leisure facilities and leave without going further afield, then the scheme would not effectively function as part of Taunton Town Centre and would therefore not meet the aspirations of the Taunton Town Centre Area Action Plan or the Taunton Town Centre Rethink.

#### Review of Retail Assessment Recommendations

In concluding their advice to the council, Savills recommend:

- 6.25. In order for the Town Centre to benefit from the trade attracted by the proposed development at Firepool the quality of the pedestrian linkage between Firepool and the Town Centre will be very important. More information on the car parking regime will also be important to allow customers sufficient time to visit the Town Centre from Firepool without

incurring punitive charges.

- 6.26. While second stores may be acceptable, the proposed size (ranging from a ground floor floorspace of between 250 sq m and 1,000 sq m) of the non-food retail units create the high likelihood that there will be some loss of existing Town Centre retailers to Firepool. This must also be prevented so far as possible. The most appropriate mechanism for this would be a non-competition / relocation agreement between the applicants and TDBC. This is most effective in a development agreement but, if that is not possible, it can be incorporated into a section 106 agreement.
- 6.27. Similarly, the format of the proposals will be important. They could be relatively large units, particularly if a mezzanine floor is constructed over and above the ground floor floorspace cap of 1,000 sq m. Further consideration should be given to format restrictions in order to prevent easy access to large store formats by car without sufficient attraction / connection to the Town Centre. If TDBC are minded to approve the application, we recommend consideration is given to further limitations on the size of the units and the car parking that is available within the scheme to prevent Firepool having a significant trading advantage over the existing Town Centre retailers in terms of the size of the units and their accessibility by car.
- 6.28. In terms of the layout of the proposals we consider that although amendments have recently been made to the scheme these have not gone sufficiently far to lead us to conclude that the scheme has the Town Centre characteristics that the Council has been seeking. The format of the scheme remains predominantly out of centre in its characteristics having particular regard to the emphasis on large retail units with adjoining surface car parking with direct access to and visibility from the car park.

The Council as local planning authority fully accept Savills overall conclusion that it would not be appropriate to refuse planning permission based solely upon the quantum of retail and leisure floor space provided, but that the success of the scheme in terms of avoiding significant harm to the existing town centre will be determined by the way it encourages or otherwise linked trips with the primary retail area. As stated elsewhere in this report the format proposed in the parameter plans is akin to that one would expect to find at an out of town retail park and as a result there is a significant risk that this development will compete with rather than complement the existing retail core of the town.

## **Highway Access**

Although the application has been made in outline, detailed consent is sought for the for the main vehicle access to the northern site. This access point would be off the Northern Inner Distributor Road (NIDR) which forms the northern boundary to the site. It would comprise a signal controlled junction with one lane to enter the site and two exit lanes.

A Transport Assessment has been submitted as part of the application and this assumes that 60% of the trips to the supermarket element of the proposal, being diverted from other supermarkets. The trips to the proposal have been modelled as

have 8 of the surrounding junctions, including:

- NIDR/Firepool Primary Access/Station
- NIDR/Station Access;
- Station Road/Station Approach
- Station Road/Priory Bridge Road
- NIDR/Priory Bridge Road
- Wickes Roundabout (A38/A358/A3038)
- Rowbarton Gyrotory
- NIDR/Staplegrave Road.

With regard to the modelling, the Highways Authority state that in terms of the junctions, the majority are considered to be acceptable although the 'Wickes' Roundabout and the combined Rowbarton Gyrotory/Station Approach signals are a cause of concern. However it is not clear as to whether the impact on this junction can be contributed to this proposal. They consider that in terms of Section 4 of the National Planning Policy Framework (NPPF). As a consequence an objection on traffic impact grounds cannot be substantiated.

The Highways Authority have raised a concern that the Transport Assessment indicates that there is a proposal to ban right turns out of Canal Road onto Priory Bridge Road. Their concern is that if such a ban was imposed, it is unlikely that it would be adhered to or easily enforceable by the Police increasing the potential for side impact collisions at the junction. If vehicles were to turn left out of Canal Road there is no safe means of making a U-turn in order to go back in to town again increasing the potential for both side impact collisions and shunt type accidents. Drivers cannot reasonably be expected to travel all the way up Priory Bridge Road to the roundabout in order to turn around and come back down again in to town.

It is considered that as Canal Road will only provide additional access to some small residential parcels and servicing for the non-food retail and cinema, that if the Highways Authority consider that banning right hand turns would cause further highway problems, then it should not be a requirement for the development to proceed.

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The Highway Authority has reviewed the submission and considered the overall

benefits and dis-benefits of this proposal and on balance have not raised objections to this proposal subject to the proposed signalised junction being secured by legal agreement.

The proposals do not include any through route for the site which are a requirement of Policy FP2 of the Town Centre Area Action Plan. This was intended to provide a priority bus route as part of rapid bus link between Monkton Heathfield, Taunton and Wellington (via the station). Without this through route, buses would have to utilise Station Road rather than Priory Bridge Road. As a consequence this would likely result in a delay to buses. However, they consider that it is unlikely that the delay would be significant enough to be considered severe in terms of Section 4 of the National Planning Policy Framework (NPPF). The Highway Authority has assessed the traffic impact of this proposal on the surrounding junctions and found that it is generally acceptable even in the growth years. Whilst the Borough Council as local planning authority does not consider that this conflict with the requirements of policy FP2 would justify refusal of the application in the event that the proposal were to have met all other policy tests, the lack of a through route that would enhance the attractiveness of modes of transport other than the private car for journeys to the town centre has to be weighed against the proposal in the overall planning balance.

## **Flooding and Drainage**

The site lies immediately adjacent to the River Tone and includes areas within flood zones, 1, 2 and 3a (low to high risk of flooding from rivers and the seas)

In line with Environment Agency advice, it is proposed to raise the site above peak flood water levels. The increase of existing site levels would result in the finished ground being above the flood level as predicted by the modelling of the 1% annual probability event including an allowance for climate change effects. This has always been envisaged in the Town Centre Area Action Plan and the Longrun Meadow flood storage scheme was specifically designed to provide flood plain compensation storage for this and other town centre sites.

However, compensatory storage would not fully address the risks of flooding to other properties in the vicinity, especially as the ground raising of the site could actually trap flood waters by acting as a barrage. If this were not to be addressed, it is possible that the development would result in a greater risk of offsite flooding in the North Town area of Taunton. However, it is also important to note that whilst land raising at the Firepool site impacts on the River Tone's overland flood route through North Town, it does not alter the probability or frequency of flooding in this part of the Town, which is already at risk of flooding should the current defences fail or overtop.

The Environment Agency initially objected to the proposal due to a lack of detail having been submitted and asked the developer to provide answers to a number of questions. In essence, they were asked to demonstrate that an acceptable temporary solution to mitigate against any impacts caused by the development could be achieved in principle.

The longer term, permanent solution to reducing the existing flood risks in Taunton is currently being developed jointly by Environment Agency and Taunton Deane



Borough Council, but it is probable that any delivery of strategic flood reduction measures will not be in place before further development of the Firepool site is commenced.

The applicant's flood risk advisor submitted a Flood Risk Assessment (FRA) addendum along with an Addendum to the Environmental Statement in July. This has demonstrated that it is possible to erect temporary flood defences along Clarence Street, the back of the BT telephone exchange and around the Town Bridge area. These temporary defences would ensure that flood risk in the North Town area is not increased despite any raising of the application site. However, the proposal would marginally increase the flood risk to Goodlands Gardens and the area around Debenhams, which would need further consideration during detailed design, should the principle of temporary barriers be accepted.

On the basis that the FRA addendum has demonstrated that there is a solution in principle to mitigate against flood risk increase as a result of raising the former cattle market site, the Environment Agency has withdrawn their objection.

The precise details of all temporary flood mitigation measures and their implementation remain to be agreed between all of the risk management authorities (RMA) that have a role in dealing with major flood incidents in Taunton. The Environment Agency suggests that this obligation could be secured by way of a section 106 agreement.

In light of the withdrawal of the Environment Agency's objection to the proposal your officers are now satisfied that refusal of permission on flood risk grounds could no longer be justified, subject to the details of the s106 Planning Obligation to secure delivery of the temporary flood mitigation measures being agreed prior to the granting of outline permission.

## **The Planning Balance and Conclusion**

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal does not accord with a number of the provisions of Policies FP1 and FP2 of the Taunton Town Centre Area Action Plan and therefore it is necessary to consider whether there are other material considerations which would justify the granting of planning permission in the face of a strong policy objection.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of this application. In paragraph 14 it states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive

economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

With regard to the economic role, the proposal will clearly have significant benefits in bringing a vacant site back into use that will create jobs and, when considered as part of the town centre as a whole, would increase retail turnover by over £21 million. However, this needs to be tempered somewhat by the potential diversion of trade from the primary shopping area and the risk of the development acting in competition as a separate retail destination that does not encourage linked trips between the site and existing retail areas. The provision of additional office, housing and cinema uses all add to the economic benefits and overall, it is considered that there would be an economic benefit resulting from the proposal. Officers strongly believe that changes to the layout of the development could be made that would give development the appearance more of a town centre regeneration with a focus closer to the existing retail town centre and less that of a self contained retail park aimed at car borne customers, would have greater economic benefits and reduce the risk of the retail areas acting in isolation.

The social role is partly addressed by the provision of housing (up to 200 units) but officers are firmly of the view that the proposal would not result in a high quality built environment. The proposals have been before the Design Review Panel who have not supported the proposal as submitted and have concluded that the central car parking area results in a lack of sense of place and local distinctiveness. It is possible from the assessing the parameters plan, that a quality riverside environment could be created, but overall the design is poor and the developer has failed to address this or amend the application in line with the urban design advice provided. Therefore the development does not meet the social role of sustainable development.

The environmental role, in terms of protecting the natural and historic environment, has been adequately addressed through the submission of the Environmental Statement and recommendations contained therein. The issues relating to both on-site and off-site flooding have been addressed by the proposed mitigation and the Environment Agency have agreed to withdraw their objection. It is clear that there would be an enhancement of the built environment compared to its current state as a vacant site, but as identified above, the built environment would not be of the high quality that an important and high profile site such as this deserves..

The NPPF states that to achieve sustainable development, economic, social and

environmental gains should be sought jointly and simultaneously through the planning system. These proposals, as submitted, do not do this and therefore overall, it is not considered that the development represents sustainable development as set out in national guidance.

Therefore the application is recommended for refusal.

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

**Contact Officer: Mr B Kitching and Mr T Burton**

WEST OF ENGLAND DEVELOPMENTS (TAUNTON) NO2 LTD

**Outline application with some matters reserved for the erection of 35 No dwellings on land to the south west of Creech Medical Centre, Hyde Lane, Creech St Michael**

Location: LAND SOUTH WEST OF CREECH MEDICAL CENTRE, HYDE  
LANE, CREECH ST MICHAEL, TAUNTON TA3 5FA

Grid Reference: 326626.125794 Outline Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The proposed development lies outside settlement limits of Creech St Michael and would add to the existing housing already granted impacting on the scale and character of the village while adversely impacting on landscape views from the canal. The development is considered to be contrary to policies SP1, CP8 and DM2 of the Taunton Deane Core Strategy 2011- 2028 and policy SB1 of the draft Site Allocations and Development Management Plan.
- 2 The proposal does not provide a suitable means for securing the appropriate affordable housing and maintenance of on site leisure facilities, including any Sustainable Urban Drainage scheme for the site and Travel Plan and therefore would be contrary to policies CP4, CP5 and CP6 of the Taunton Deane Core Strategy, and retained policy C4 of the Taunton Deane Local Plan.

### **Recommended Condition(s) (if applicable)**

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

## **Proposal**

The proposal seeks outline permission for the erection of 35 residential properties on agricultural land of 2.64ha with access through the western boundary hedgerow of land to the east which has permission for 44 units.

The application includes a Design & Access statement, a Flood Risk Assessment, an Ecological Survey and an Affordable Housing Statement as well as a draft

unilateral undertaking offering land for a footway.

## Site Description

The site is an agricultural field surrounded by hedgerows, other than with the canal to the south, and lies outside the settlement limit of Creech St Michael.

## Relevant Planning History

The land to the east was put forward as a possible site under the Site Allocations and Development Management Plan and an outline application for the site for 44 units was submitted in December 2012 ref 14/12/0043 and permission was granted with a legal agreement on 2 December 2013. A detailed reserved matters approval 14/15/0013 was subsequently submitted and approved on 15 June 2015.

An outline application for the current site was submitted in November 2015 and was refused on 18 March 2016.

## Consultation Responses

*WEST MONKTON PARISH COUNCIL* - As the development site will be clearly visible from the canal, the amenity of the canal will be negatively affected. The proposed site is outside the village envelope. The 35 extra houses would create extra car movements along Hyde Lane which is already dangerous and probably beyond capacity.

*CREECH ST MICHAEL PARISH COUNCIL* - I would advise that Creech St Michael Parish Council considered this planning application at its meeting held on 4th July 2016 and decided to OBJECT to the application.

The PC appreciated that this was a resubmission of application 14/15/0034 that was refused by TDBC BUT with a difference in that the application now offers SCC the land for the "safe route to school footway/cycleway) to West Monkton" in return for Permission being granted.

Despite this the PC remains of the view that Creech St Michael has more than shouldered its fair share of development and that this and further applications won't be supported. The PC feels that SCC should be providing a lit footpath/cycleway along Hyde Lane without the village having to accept more development. It also noted that the site was outside of the Village building boundary and that Hyde Lane is insufficient for the volume and use it has at present let along additional building.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposal relates to an outline application for 35 dwellings in Creech St Michael.

## Traffic Impact

The applicant has provided a Transport Assessment to accompany the planning application. The Highway Authority has assessed the document and has the following comments to make.

In terms of the vehicle trip rates the applicant has envisaged that it will be similar to the previous residential developments along Hyde Lane. The applicant has indicated that there would be 25 two way movements in both the AM and PM peaks. The Highway Authority has assessed this information and it's of the opinion that it is highly unlikely that the AM & PM Peak flows would be mirrored. However from our interpretation of the submitted document it is apparent that this trip rate had been previously agreed with the Highway Authority as part of the previous proposals.

Regarding actual traffic impact it is likely that the proposal will result in an increase in vehicle movements although it is unlikely that the proposal would be considered to be severe in terms of Section 4 of the National Planning Policy Framework (NPPF). As a consequence it would be unreasonable to object to this proposal on traffic impact grounds.

It is noted that the applicant goes onto state that in terms of the trip distribution there will be a 50/50 split along Hyde Lane. The Highway Authority believes that although at the time when the previous proposals were decided this may have been a realistic representation of the distribution. However since then the Monkton Heathfield development has seen the vehicular link from Hyde Lane to A38 via Brittons Ash has been severed as such this route cannot be seen as an attractive route. Therefore it is the Highway Authority's opinion that it is more likely that this split will be 60/40 or 70/30 with the majority of the traffic turning right into Creech St Michael.

In conclusion in terms of traffic the proposal will result in an increase in traffic however it is unlikely to be considered severe in the terms of the NPPF. However the Highway Authority believes it is unlikely that the proposed trip rates in the AM and PM peak will be mirrored whilst in terms of the trip distribution the applicant has set this as a 50/50 split. However the Highway Authority believes that is not necessarily would be the case with a 70/30 or 60/40 split being more accurate.

### **Travel Plan & Highways Contribution**

It is noted whilst reviewing the TA that the applicant makes reference to the submission of a Travel Plan. As yet the Travel Plan has not been submitted for consideration. The Highway Authority would ask that this occurs as soon as possible. Please note that this document would need to be secured via a S106 agreement.

As part of the previous submission the Highway Authority required the applicant to provide a contribution in terms of delivering the off-site works for Creech St Michael. As part of this submission the applicant has proposed to provide a strip of land for dedication to link the Motorway Bridge and Hyde Lane Cottages for a pedestrian route. This is considered to be acceptable to the Highway Authority although this would need to be secured via a legal agreement.

### **Internal Layout**

Turning to the internal layout the Highway Authority has reviewed the submitted information and has the following observations to make.

Firstly the Design and Access Statement indicates that the proposal will derive access onto the adopted highway network via the adjoining development site to the east. The road within the adjoining development which this proposal will connect to is proposed to be a shared surface road. However a shared surface road will no longer be appropriate due to the proposed connection with the proposed development site. Consequently a type 4 bitmac carriageway with footways will now be required. As a consequence the applicant will need to contact the adjoining developer to discuss this matter further.

Where the proposal will tie into the existing carriageway allowances shall be made to resurface the full width of the carriageway where it is disturbed by the extended construction and to overlap each construction layer of the carriageway to a minimum of 300mm. Cores will need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers. The applicant should also be made aware that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980 it will be subject to the Advance Payments Code (APC).

The applicant should be made aware of the fact that the adjoining development site to the east of the application site is currently not a publicly maintained highway. Therefore the application site at present will not have a direct access to the public highway.

The following comments relate points that need to be addressed prior to any further detailed submission.

Adoptable 2.0m wide footways will be required along the length of the access road in lieu of the 1.8m wide footways proposed. Adoptable 1.0m wide hardened margins will be required at the ends of all turning arms within shared surface roads. The shared surface roads should be constructed in block pavements. Bitumen macadam shared surface roads will not be acceptable. The longitudinal gradients of block paved carriageways should be no slacker than 1:80 to aid surface water drainage.

The applicant will need to confirm whether the length of carriageway serving bays 19-23 to remain within private ownership or will be offered for adoption. If it is to remain private then a suitable cut off point will need to be agreed.

Where private access paths crossover the prospective public highway margins they should be constructed as per typical Somerset County Council specification. Paving slabs will not be permitted. Grass margins should not be laid up to vertical faces. The last 200mm should be of a hardened surface (mowing strip). Grass margins should not taper off into nothing with the last being bitmac.

Somerset County Council as the Highway Authority has a policy whereby only two dwellings can be served via a private drive. Therefore, can the applicant please look at extending the limits of adoption up to and including plots 5, 9 and 29 with appropriately dimensioned turning heads provided.

If the parking bays serving plots 19-23 are to but up against any form of structure, including plants or any other type of street furniture they should provide a minimum length of 5.5m.

Turning to drainage where works have to be undertaken within or adjoining the public highway a Section 50 licence will be required. These are available from the Streetworks Team on 01823 357521. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy of the consent forwarded to the Highway Authority. Please note that surface water from all private areas, including drives and parking bays, will not be permitted to discharge out onto the prospective public highway. Private interceptor drainage systems must be provided to prevent this from happening.

From reviewing drawing 2156/500 it is noted that it states that an attenuation basin will be maintained by a private management company. Somerset County Council the full details of this company for our records.

Finally, the Design and Access Statement indicates that permeable surfaces will be used as part of the overall surface water drainage strategy. Permeable paved areas should be constructed to fall away from the prospective public highway areas such that if they should fail to perform in the future then this will not result in discharge onto the highway. There should also be a form of suitable buffer between such areas and the highway to ensure that the infiltration doesn't have any detrimental effect upon the structural integrity of the carriageways and footways.

## **Drainage**

The applicant has submitted, as part of the proposal, a drainage strategy which broadly consists of all highway and rooftop being discharged into the Bridgwater and Taunton Canal with a discharge rate restricted to a maximum of 3.0l/s. As this proposal will look to discharge into the canal the acceptability of this drainage proposal will need to be agreed with the organisation that maintains this water way.

## **Conclusion and Recommendation**

Therefore to conclude in traffic impact terms it is unlikely that the proposal will result in a significant increase in traffic on Hyde Lane although the Highway Authority is of the opinion that it is unlikely that the proposal will result in a mirroring of traffic movements in the AM & PM peak periods. In addition we are also of the opinion that the previous understanding of an even 50/50 split is now unlikely with the closure of Hyde Lane instead it is likely to be either a 60/40 or 70/30 split. At present no Travel Plan has been submitted as part of the application although the applicant has indicated that one will be provided.

Turning to the internal layout it is appreciated that this application is for outline permission but the applicant is urged to take account of the above information prior to any further detailed submission if permission were to be granted. Finally in terms of drainage the applicant will need to speak to gain permission from the organisation that manages the water way which they have proposed to discharge into.



Taking into account the above information the Highway Authority raises no objection to this proposal and if permission were to be granted then the following conditions would need to be attached.

- S106 to include a Travel Plan and secure the dedication for land for the pedestrian link.
- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development and thereafter maintained until the use of the site discontinues.
- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the plans and sections, indicating as appropriate, the design, layout, levels, gradient, materials and method of construction shall be submitted to the Local Planning Authority.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in

accordance with the approved plans.

- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections have been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing with the Local Planning Authority.

NOTE:

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Traffic and Transport Development Group, County Hall, Taunton TA1 4DY or by telephoning 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specification supplied. The works will be also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

*SCC - RIGHTS OF WAY* - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the site at the present time (footpath T 10/26). I have attached a plan for your information. We would request improved surfacing of the existing right of way through the access to the development. Associated infrastructure (eg. fencing) may be required. Authorisation for such works must be obtained from SCC Rights of Way Group. I have attached a form that should be completed and returned to Sally Vickery (Rights of Way Officer).

We have no objections to the proposal, but the following should be noted:

The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver

has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

A PROW being made less convenient for continued public use.

- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

*HOUSING ENABLING* - 25% of the new housing should be in the form of affordable homes. The required tenure split is 60% social rented and 40% shared ownership.

The proposed scheme incorporates:

Social Rented - Plots 15, 16, 21, 22, 23 (2 x 1 b flats, 2 x 2b bungalow and 1 x 2b house)

Shared Ownership - Plots 17, 18, 19, 20 (2 x 2b bungalows, 1 x 2b house, 1 x 3b house)

*(NB – This is taken from Drg No 15.37.01D. The affordable housing statement refers to plot 12 instead of plot 21, which does not tie up with the Site Layout Plan. I have taken this to be an error and used the details set out on the Site Layout Plan.)*

This scheme was considered as part of the previous planning application (14/15/0034) and is considered broadly acceptable but I would flag up the following points. Potential concerns regarding the service charge of the shared surface areas that serve the bungalows and the parking court arrangement not being ideal owing to this being remote from the properties it serves, particularly the southernmost terraced properties (plots 21, 22 and 23).

It is noted that Code for Sustainable Homes Level 3 is being wound up and we would therefore seek for the properties to be constructed to the relevant standards that supersede this at the date of approval of the planning application.

Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance.

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

*WESSEX WATER* - The site will be served by separate systems of drainage constructed to current adoptable standards please see Wessex Water's S104 adoption of new sewer guidance DEV011G for further guidance.

The applicant has indicated that foul water sewers and public water supply mains will connect via the recently approved neighbouring development at Land to South of Hyde Lane Creech St Michael; this is acceptable in principle to Wessex Water.

The applicant has indicated that surface water will be disposed of from site via an on site pond to the neighbouring development pond before discharge to a small length of existing public surface water sewer which outfalls to the canal. The canal trust in their response advise;

“Drainage - We note that the applicant intends to send surface water drainage from this site into attenuation basin for the land adjoining. Surface water then appears to run into the canal via the Wessex Water storm water drain. Wessex Water will need to satisfy themselves that this discharge rate and water quality will not have an adverse impact on the canal.”

Wessex Water are conveying surface water from site to canal; the developer will have sized attenuation storage and sewers to replicate greenfield run off rates. The run off quality will alter depending upon the current land use in relation to the proposed.

We believe, however, that a new outfall from the proposed attenuation pond on this site direct to the canal will help mitigate potential impact of discharging into the canal all at just one single position and simplify proposed arrangements.

The applicant should discuss these matters further with our development engineer and the canal trust if approval is gained and prior to reserved matters.

*LEISURE DEVELOPMENT* - In accordance with Local Plan Policy C4. Provision for play and active recreation should be made for the residents of these dwellings.

The development proposal comprises 35 dwellings, 32 of which are family sized 2 bed+ dwellings. Both equipped and non-equipped on-site children's play should be provided of 20 square metres per the family sized dwelling at total of 640 square metres. The equipped play area should be a LEAP of a minimum of 400 sq metres suitable for use for children aged up to 8 years. The LEAP should contain at least 5 pieces of play equipment, seating, signage and bin. Play spaces should be centrally located, overlooked to promote natural surveillance and sited away from the main access road. TDBC Open Spaces should be asked to comment on the design and content of the equipped play area.

*BIODIVERSITY* - See comment made in connection with 14/15/0034

## **Habitats**

The proposal would result in the loss of approximately 1.8 ha of improved grassland and a small section of species poor hedgerow for access. The proposal includes a buffer area of meadow grass and tree planting to the canal, as well as a new

attenuation pond. I agree that, during construction, measures should be put in place to avoid potential pollution of the canal.

### **Bats**

There are no trees with bat roosting potential on site. Bats are likely to forage around the hedgerows, trees and canal. I support the recommendation for sensitive lighting to avoid light spill.

### **Birds**

Birds are likely to nest within the hedgerows on site so vegetation should only be removed outside of the bird nesting season

### **Dormice**

Dormice may be present in the hedgerows so clearance of the short section of hedgerow should be undertaken in a precautionary manner. If any dormice or active nests are found then works must stop and the applicant will need to apply to Natural England for a licence. Alternatively a two stage clearance can be undertaken

### **Water Vole and otter**

The canal adjoining the site may be used by water vole and otters. The proposed buffer adjacent to the canal will give increased cover for these animals. The attenuation pond may provide additional habitat for water vole.

### **Reptiles**

If the site is left unmanaged it could be colonised by reptiles. To prevent this the grass should be cut

### **Suggested Condition for protected species:**

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice Richard Green Ecology's Ecological Appraisal dated October 2015 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
- Measures for the retention and replacement and enhancement of places of rest for the species
- Details of lighting
- A Landscape and Ecological Management Plan (LEMP) for the site

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

### **Informative Note**

1. The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

*ENVIRONMENT AGENCY* - The Environment Agency has no objections to the proposed development, but wishes to make the following comments:

The site is located partly within Flood Zones 1 and 2, being at low and medium risk of flooding. The Environment Agency would normally object to applications which do not include a Flood Risk Assessment but are within Flood Zone 2. However, we have considered whether the proposed development would be exposed to an unacceptable flood risk or would increase the risk or extent of flooding to other properties/uses. There is only a small portion of the site that is located within Flood Zone 2, and provided there is an 8m easement from the top of the bank of the canal to the edge of the development, then the development will be located outside of the flood zone. Therefore, it has been concluded that there would be no material exacerbation of flood risk as a consequence of this development.

The Local Planning Authority (LPA) must be satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met.

*SCC - FLOOD RISK MANAGER* - The development indicates an increase in impermeable areas that will generate an increase in surface water run-off. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has indicated within the submitted drainage strategy plan, ref:2156/500 dated November 2015, an intention to attenuate surface water run off within a detention basin located in the public open space area to the south of the site, this includes a flow control unit to maintain discharge rates at 5l/s. It is intended that this discharge will flow to the existing attenuation pond located within the adjacent previously developed site. However, the applicant has not provided detailed drainage calculations to support the proposed attenuation basin or to evidence that the existing attenuation pond on the adjacent site has spare capacity to accommodate these additional flows.

The LLFA has no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

Condition: No development shall be commenced until details of the surface water

drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include:

Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.

Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6m minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.

Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 year (plus 30% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Resident's Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the NPPF, paragraph 103 of the NPPF and the Technical Guidance to the NPPF (March 2015).

*PLANNING POLICY* - The application site lies beyond existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Taunton Deane Core Strategy policies CP8, SP1 and DM2). Despite being in the open countryside, the application site is located on the edge of the settlement of Creech St Michael and has good levels of access to a range of services and facilities in the village. The site is also well-related to transport infrastructure, which includes an hourly service to Taunton with a journey time of approx. 30 minutes.

Creech St Michael is identified as a Minor Rural Centre in the adopted Taunton

Deane Core Strategy. The Policy SP1 identifies requirements for at least 250 dwellings to be shared between the villages of Cotford St. Luke, Creech St Michael, Milverton, North Curry and Churchinford. Creech St Michael is therefore identified as a sustainable settlement to accommodate further growth. In line with the adopted TDBC Core Strategy, new housing development at these locations will include an appropriate balance of market and affordable housing together with some live-work units.

Following the adoption of the Taunton Deane Core Strategy in September 2012, the Council prepared a draft Site Allocations and Development Management Policies Plan (SADMP). The SADMP reflects the overall approach established in the adopted Core Strategy, allocating land to meet the housing requirements in the identified settlement hierarchy. The SADMP also includes detailed development management policies against which planning applications will be considered. It is anticipated that through the SADMP each minor rural centre will accommodate a scale of development commensurate with role and function and the capacity of local infrastructure, services and facilities as well as the availability of suitable and achievable development sites.

The SADMP has undergone a number of stages of preparation, starting with an Issues and Options consultation in January/February 2013, a Preferred Options consultation in October/November 2013 and a Draft Plan consultation in January-March 2015. The SADMP was submitted to the Secretary of State for independent examination on July 13<sup>th</sup> 2015. An initial hearing sessions were held on 1<sup>st</sup> and 2<sup>nd</sup> of December 2015 to discuss the proposed urban extensions at Staplegrove and Comeytrowe. Further hearing sessions concerning the soundness of the rest of the SADMP were held between 30<sup>th</sup> of March 2016 and 5<sup>th</sup> of April 2016. A hearing session to discuss the proposed allocations in the minor rural centres was held on 31<sup>st</sup> of March 2016.

The Planning Inspector in his post hearing letter to the Council dated 13<sup>th</sup> of May 2016 stated that he had reached a preliminary view that the Main Modifications discussed at the preliminary and main hearings into the Plan are all that are necessary to make the Plan sound. The Inspector's proposed main modifications to the Plan did not include alterations to the proposed allocations in the minor rural centres. Consultation on the proposed Modifications to the Plan document was submitted for 6 weeks public consultation on 3<sup>rd</sup> of June 2016. The Inspector in his letter to the Council indicated that once the consultation process is complete, he will consider any further representations before reaching his final conclusions and completing his final report to the Council. With this in mind, significant weight can be put on the Draft Plan Document.

The SADMP is proposing to allocate three sites in Creech St Michael; Land at Hyde Lane for around 40 dwellings, Land north of the school for around 55 dwellings and land off Hyde Lane for around 44 dwellings. The land at Hyde Lane already benefits from full planning consent for 35 dwellings with an amendment for a further 6 units. The site north of school already benefits from a full planning consent for 55 dwellings. The site off Hyde Lane also already benefits from full planning consent for 44 dwellings. All three sites will deliver 25% affordable housing in line with adopted Core Strategy policy CP4.



The proposal is contrary to the emerging Site Allocations and Development Management Policies Plan. The draft SADMP has already identified enough land in Creech St Michael (around 139 dwellings in total through the three allocations) to meet a significant proportion (over 50%) of the adopted Core Strategy housing requirement for Minor Rural Centres. This would equate to over 12% of growth over the current settlement size.

Although the adopted Core Strategy does not set a ceiling for the number of dwellings to be accommodated within each Minor Rural Centre, the Council anticipated through the SADMP that growth in the Minor Rural Centres should be in the region of 10% without comprising the role and function and the capacity of local infrastructure, services and facilities as well as taking into account the availability of suitable and achievable development sites.

As the Council's housing trajectory demonstrates, even without any allowance for further allocations in the Major and Minor Rural Centres it appears likely that the Core Strategy requirement for 1,500 dwellings in the rural areas would be met. On this basis the Council proposed that only a minimum number of new units for allocation through the SADMP, this will help to ensure that the Core Strategy and the Council's approach to focusing development in Taunton in the first instance is not undermined. As the three allocated sites already benefit from full planning consents there is certainty regarding the likelihood of these sites coming forward.

The latest Strategic Housing Land Availability Assessment (SHLAA) 2015 currently identifies a five year deliverable supply of 6.11 years when planning for a five percent buffer of housing land and 5.34 years when planning for a twenty percent buffer. This figure assumes that the historic shortfall is spread evenly over the remaining years of the Plan period. A further calculation has been incorporated in line with the National Planning Practise Guidance where the shortfall is met upfront. This calculation identified 5.73 years of housing land with five per cent buffer and 5.01 years supply with a twenty per cent buffer. In all scenarios the Council is able to demonstrate a five year land supply.

Although the SADMP has not yet been adopted, the draft Plan has reached an advanced stage and the Plan has been subject to extensive community engagement prior to being submitted for examination. Therefore, from a planning policy point of view it would not seem preferable to see development come forward on this site as it has not been identified through the Plan making process.

*LANDSCAPE* - The site is elevated sloping down to the canal. It will be prominent in the landscape when viewed from the canal and railway line to the south. The existing hedge to the east forms a logical boundary to the former development. The new development appears to be jutting out into the open landscape to the west and so appears less well contained.

*OPEN SPACES MANAGER* - No comment.

*THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS)* - After due consideration of the application details, the Canal & River Trust has **no objections**

to the proposed development, subject to the imposition of suitably worded conditions.

## **Drainage**

We note that the applicant intends to send surface water drainage from this site into attenuation basin for the land adjoining. Surface water then appears to run into the canal via the Wessex Water storm water drain. Wessex Water will need to satisfy themselves that this discharge rate and water quality will not have an adverse impact on the canal.

## **Landscaping**

Landscaping adjacent to the Canal can affect how a development is perceived from the waterspace and towpath and needs to be designed and located to ensure it has no structural impact on the waterway and that the species are suitable for a waterside location. We note that the proposal includes additional specimen tree planting in close proximity to the canal. We suggest that further details of the landscaping adjacent to the Canal is provided and that the Canal & River Trust is given the opportunity to comment on its suitability due to the possibility of tree roots impacting on the structural integrity of the canal bank. This may be overcome by moving the trees further from the edge, or providing a root barrier. Whilst the canal bank is the responsibility of the applicant, any failure of the bank, or overhanging of the canal by tree branches may impact on the navigation of the canal. We would request that the existing canalside hedge is retained to provide habitat and screening.

We request that further information is provided prior to determination in order to avoid the need for a condition and to ensure any retained planting is protected during construction work if necessary.

## **Pollution**

During the construction phase of the development there is the possibility of pollutants entering the waterway, either through spillage, surface water run off or wind blow. This will be covered by our third party works process which controls works adjacent to a waterway.

Contamination from car parking areas can also cause pollution and so suitable Oil interceptor traps should be provided to prevent pollution entering into ground or surface water.

## **Lighting**

In order to protect the appearance of the canal and reduce the impact of the development on habitat no lighting should be provided adjacent to the waterway.

## **Conditions**

Details of the proposed lighting for the development including details of foundations shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: To comply with paragraph 125 of the National Planning Policy Framework as the lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

In addition, if further information is not provided prior to determination we request that the following condition is also imposed.

Notwithstanding the plans submitted prior to the commencement of development, further details of additional or retained landscape screening and tree planting shall be submitted to and agreed in writing by the Local Planning Authority, in conjunction with the Canal & River Trust, and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: Landscaping should enhance the biodiversity of an area and provide screening. The type and location of landscaping also has the potential to impact on the integrity of the waterway and navigational safety.

If the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:

“The applicant/developer is advised to contact the Principal Waterway Engineer on 03030 404040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

## **Representations Received**

Cllr Cavill – I write in support of the above application. I believe that the future safety of the local school children outweighs the impact of this development as it adjoins new development on the edge of Creech St. Michael. A very sustainable site having local school, shop and pharmacy in close proximity.

It is worth noting that the CSM Parish Council was split over its views on this site and that it was only by the Chairman’s casting vote that the council objected to the development.

11 objections on the grounds of

- too many houses,
- outside of settlement limits,
- site access is on a bend and is inadequate,
- increase danger to children,
- Hyde Lane is dangerous,
- safe footpath is a sop to gain approval and should be provided anyway,
- will increase traffic in proximity of school and medical centre,
- detrimental impact on scale and character of the village,

- impact on quality of life,
- should refuse as before and not accept "bribe" of footpath,
- it does not satisfy Local Plan requirements,
- unless amenities and transport links are improved no further applications should be considered for approval,
- unnecessary extension to the village,
- contrary to policies SP1, CP8 and DM2 of Core Strategy and SB1 of Draft SADM plan, and CP4, CP5, CP6 and CP7 of the Core Strategy and C4 of the TDLP.
- School and health centre will not cope with increase,
- increase noise and disturbance,
- increase in pollution from traffic,
- impact on wildlife,
- ground unsuitable.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

NPPF - National Planning Policy Framework,  
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP8 - TD CORE STRATEGY- ENVIRONMENT,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM2 - TD CORE STRATEGY - DEV,  
 C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
 M4 - TDBCLP - Residential Parking Provision,

## **Local finance considerations**

### **Community Infrastructure Levy**

Using house sizes given on drawing no. 15.37.01D this development measures approx. 3730m<sup>2</sup>.

The application is for residential development outside the settlement limits of

Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £466,000.00. With index linking this increases to approximately £550,000.00.

## **New Homes Bonus**

The development of this site would result in payment to the Council of the New Homes Bonus.

### *1 Year Payment*

Taunton Deane Borough Council (Lower Tier Authority)	£37,767
Somerset County Council (Upper Tier Authority)	£9,442

### *6 Year Payment*

Taunton Deane Borough Council (Lower Tier Authority)	£226,604
Somerset County Council (Upper Tier Authority)	£56,651

## **Determining issues and considerations**

The main considerations with the proposal are the policy issues, sustainable location, landscape and biodiversity impact, community issues, affordable housing, drainage, access and highway safety.

## **Policy**

The Planning Policy team have commented that the application site lies beyond existing settlement limits in open countryside. Hence the proposal is counter to policies in the adopted Core Strategy (policies CP8, SP1, DM2). While the application site is close to the settlement boundary of Creech St Michael, a Minor Rural Centre which has good access to a reasonable level of services and facilities, it is in the countryside and beyond the housing allocations identified in the Site Allocations and Development Management Plan. It is not a site identified in the SHLAA and the 3 sites identified for housing extension of Creech St Michael in the draft plan have now all had planning permission in detailed form and the increase in housing for Creech St Michael totals 140 dwellings. This would equate to over 12% of growth of the current settlement size.

A plan-led route would be most appropriate way for this site to be assessed, however the application has been submitted and must be considered now and on its own merits in light of its location and policy guidance.

The application should be considered against the National Planning Policy Framework (NPPF) and the development plan unless material considerations indicate otherwise. The NPPF states there is a presumption in favour of sustainable development and that for the purpose of decision taking (where the development plan is absent, silent or relevant policies are out of date) local planning authorities should grant planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

In this instance it is considered that the development plan is not silent as it recognises Creech St Michael as a sustainable location for development. The Site Allocations and Development Management Plan (SADMP) is also well advanced and is awaiting the Inspector's report and all the identified sites to be allocated for residential development in the village have received planning permission. The site lies outside of that identified in policy SB1 of the SADMP. There is a five year land supply and the Core Strategy policy SP1 indicates allocation of small scale sites and ideally on sites within the development boundary. However the site lies outside of existing and proposed settlement limits and so is contrary to the development plan and draft Site Allocations and Development Management Plan which must be accorded significant weight.

The following sections consider the impacts of the proposed development.

### **Sustainable Development and Accessibility**

The settlement of Creech St Michael is identified in the Core Strategy as a sustainable location for development under policy SP1 and this states that at least 250 dwellings should be provided over 5 settlements. The proposal is for 35 units and would add to the 140 dwellings already granted which meets over 50% of the adopted Core Strategy housing requirement for Minor Rural Centres. There are existing local facilities within the village and the school and doctors are within easy walking distance within 400m and there is a regular bus service to Taunton. In addition there are local footpath links and access to the cycle route along the canal. Access to the secondary school is possible via Hyde Lane but is considered dangerous in its current state and the Highway Authority is seeking a contribution to secure improvements in light of other contributions received from the other sites developed. Other than this the site is generally considered accessible and sustainable.

### **Landscape and Biodiversity Impact**

The site is a sloping pasture field bounded by hedgerows to the west, east and north and lies between an approved residential development and doctor's surgery to the east and fields to the west. The site will be visible from the residential properties to the east and north and it will be prominent in the landscape when viewed from the canal and the railway line to the south. The existing hedge to the east forms a logical boundary to the former development. This new development appears to be jutting out into the open landscape to the west and so appears less contained particularly from views from the south across the canal. The land falls away to the south and while the development of the site has been designed to restrict development to the northern part of the field it would be visible in short and in long distance views. There is scope to enhance the existing planting to the west and south however this would have limited impact in screening new housing. Planting would also be required to

landscape the attenuation pond and the Canal and Rivers Trust consider there needs to be control over any planting close canal as well as control over lighting in proximity to the canal. A condition to address this could be imposed and is considered appropriate.

There are no protected species identified as using the site and its agricultural use has limited the biodiversity benefits. Habitat improvements will be sought through condition which would include the provision of tree and shrub planting to the western boundary and a condition to protect and preserve wildlife could also be proposed if other matters were acceptable.

## **Community Issues**

The Community Leisure Officer requires provision for adequate play and recreation provision in line with retained policy C4 of the Taunton Deane Local Plan. In light of assessing the illustrative layout it is considered that such facilities should partly be provided on site and this could be conditioned as part of any approval. A play area can be provided on site and the provision for outdoor active recreation will need to be sought through CIL towards facilities off site. The maintenance of any on site play area will need to be secured through a Section 106 agreement.

## **Affordable Housing**

Under Core Strategy policy CP4 there is a requirement for 25% affordable housing on site which the applicant has agreed to. This will equate to 9 dwellings which will need to be secured through a legal agreement with a local connection clause and ensure priority is given to local people in housing need.

## **Drainage**

A Flood Risk Assessment has been submitted with this application which is located in flood zone 1 which is an area of least risk. Proposals are set out for the disposal of foul and surface water drainage. The foul drainage will link to the existing sewer system directly via the site to the east. Wessex Water has confirmed the existing treatment works has capacity and a condition to ensure an appropriate drainage strategy is recommended by Wessex Water and the Lead Flood Authority.

With regard to surface water drainage a Sustainable Urban Drainage scheme is proposed. This utilises an attenuation pond which will feed into the attenuation pond previously approved and then links to Wessex Water storm sewers but with additional on site infiltration and storage capacity. The Lead Flood Authority and Environment Agency has raised no objection to this scheme and the former recommends a condition to ensure an adequate strategy is provided on site.

## **Access and Highway Safety**

The access to the site lies off an existing adopted highway where there is adequate visibility in both directions given the road speed limit. The applicant is proposing a

footpath link from the site to the existing residential development on Hyde Lane. The Highway Authority is satisfied with access and capacity of the road to take the additional traffic generated.

A previous concern and potential objection was in terms of pedestrian safety over the stretch of road between the M5 bridge and the junction with Hyde Lane Cottages to the west where the road will be closed and a footpath cycle link to the school provided. Highway safety concerns have also been raised by the Parish Council and a number of objectors. The applicant is proposing a unilateral undertaking to provide land to allow for the highway improvements. The Highway Authority recommend contributions from this site to address the highway safety concerns or the unilateral undertaking offered. Previously contributions have been sought under Section 106 agreements to secure the recommended highway improvements in terms of a footway for Hyde Lane towards the secondary school. Such provision was provided for prior to the implementation of the Community Infrastructure Levy via the three allocated sites in the draft plan. The footway is considered to be a piece of strategic infrastructure and therefore should be delivered from the CIL. It is, therefore, unlawful in terms of the CIL Regulations for the Local Planning Authority to seek to secure such a contribution via Section 106.

The contribution previously sought for improvements was £1000 per dwelling and so over £100,000 would be collected through existing legal agreements to contribute the Highway Authority's request. This would provide potential improvements to safety along the road to the west. As part of the current proposal the applicant is attempting to offset the policy objection to the development by offering land for the necessary highway improvement works previously sought by the Highway Authority. While the offer of land would be beneficial and is not objected to by the Highway Authority it would not seem to be reasonable or necessary to make this development acceptable in planning terms in relation to the other developments granted and could be viewed as an unjustifiable obligation for a development that is considered contrary to policy and otherwise unacceptable.

A Travel Plan is also a requirement of the Highway Authority and one has yet to be submitted and agreed and this would need to be agreed by the Highway Authority and also need to be secured through the legal agreement if the development was otherwise acceptable.

The Highway Authority recommend conditions, however it is considered that a number of these are either unnecessary or unenforceable and consequently if the proposal is considered acceptable, conditions could be imposed in respect of visibility, highway details, parking, turning, drainage and footpath/cycle links.

### **Other Issues**

The receipt of the New Homes Bonus is noted, as is the likely CIL contribution, however it is considered that this matter carries limited weight in this instance.

### **Conclusion**

The proposal has been considered against the relevant development plan policies in



the Core Strategy as well as the principles identified in the NPPF. The application is not genuinely plan led in that it is contrary to the well advanced Site Allocations and Development Management Plan and the adopted Core Strategy and there is an identified 5 year housing supply. While it would deliver 35 additional homes and provide community benefits in terms of affordable homes and land for highway works, the latter is considered unreasonable in relation to the development and the development would have an adverse landscape impact beyond an existing clearly defined hedgeline. It is considered that the landscape impact of the new housing here in a village which has already taken a considerable increase in housing as part of the Local Plan proposal would not be warranted given local housing need in this rural location and therefore planning permission is recommended for refusal.

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

**Contact Officer: Mr G Clifford**

NORTON FITZWARREN PRIMARY SCHOOL

**Erection of single storey two classroom block to east of main school building at Norton Fitzwarren Primary School, Blackdown View, Norton Fitzwarren**

Location: NORTON FITZWARREN PRIMARY SCHOOL, BLACKDOWN VIEW,  
NORTON FITZWARREN, TAUNTON, TA2 6RW

Grid Reference: 319723.126035 Full Planning Permission

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## **Recommendation**

### **Recommended decision: Conditional Approval**

#### **Recommended Conditions (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo H7330/200 Site & Location Plans  
(A3) DrNo H7330/202 Block Plan as Proposed  
(A3) DrNo H7330/203 Proposed Floor Plan, Elevations & Roof Plan  
(A3) DrNo H7330/204 Elevations as Proposed  
(A3) DrNo H7330/206 Car Parking as Proposed

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

3. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Core Strategy Policy DM1. In this instance a

pre development condition is justified to secure the protection of the natural vegetation during the construction phase.

4. With the exception of the trees shown to be removed on the approved plan, no tree shall be felled, lopped, topped, lifted, pruned or disturbed in any way without the prior written consent of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Core Strategy Policy DM1

5. Within three months of the occupation of the building hereby permitted the temporary classrooms E433 and E626 shall be removed from the site and the land restored and reinstated to its former condition.

Reason: To ensure adequate protection is afforded to the amenity of residential properties within the locality, in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6.
  - (i) Replacement planting shall be carried out at the site, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include details of the species, siting and numbers to be planted.
  - (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 each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition 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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the building(s) hereby permitted is first occupied and shall not be used other than for the parking of vehicles in connection with the school site.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with retained Policy M4 of the Taunton Deane Local Plan.

## Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

## Proposal

The application seeks planning permission for the construction of a single storey classroom block. The building will have a pitched roof with facing brick walls and roof tiles to match the existing school building and powder coated alloy frames to doors and windows. It will provide two classrooms and an SEN suite displaced from two Elliotts to be demolished, toilets, cloakrooms and storage space.

The building will replace Elliott Classrooms, E433 and E626 respectively. These buildings have come to the end of their economic life and were also subject to a separate planning permission which should have seen their removal by July 2013. On completion of the classroom block and the transfer of staff and pupils, the two Elliott units will be demolished and removed from site. Further permanent accommodation will be sought at a later date on the site of the Elliotts to accommodate an increase in pupil numbers from local housing developments however this will be the subject of a future planning application. This application seeks merely to provide accommodation for the pupils displaced by the removal of the two Elliotts.

Following negotiations the proposal includes the provision of 4 additional staff car parking spaces, 2 visitor spaces and a disabled parking space.

Seven small trees plus a sapling will be removed to accommodate the building. Compensatory planting will be provided.

## Site Description

Norton Fitzwarren Primary School is a large brick and tile building built in 1987 with added extensions and 3 No. Elliott classrooms sited on the playground (two of them joined together to make one classroom unit). The site is a relatively steeply sloping site with a range of one and one and a half storey buildings built to reflect the levels of the site. There are also various mature trees within the site which screens the school from the adjacent residential properties along Blackdown View. To the west is the churchyard and the Grade II\* listed All Saints Church. The site is otherwise surrounded by residential properties.

The application site is to the east of the main school building on a triangular piece of land which is used as an outdoor classroom/recreational area adjacent to the early Years Classroom, the school car park and overlooking the playground.

## Relevant Planning History

25/12/0010 - Retention of temporary classroom E564. Consultation - No Objection.  
25/14/0022/OB - Erection of extension to temporary classroom building.  
Consultation - No objection.  
25/15/0033- Erection of single storey extension. Conditionally approved November 2015.

## Consultation Responses

*NORTON FITZWARREN PARISH COUNCIL* - The Parish Council objects to the application in its current form due to the issue that provision for on site parking for staff is not adequate and will add to the traffic problems already existing in Blackdown View, Dunkerton View and Taylor Close. Staff are at present parking all day on the nearby streets.

We would also like to draw attention to the Traffic and Highways statement. The Parish Council disagrees with the statement that the additional traffic will be light. We would request that a Traffic Management Plan is submitted and that the application is resubmitted with adequate on site staff parking provision.

*SCC - NOW HISTORIC ENV SERVICE( AS NOT PART OF SCC 2015)* - No archaeological implications to the proposal therefore no objections on archaeological grounds.

*LANDSCAPE* - The proposal involves the felling of seven trees. However there are already many trees in the vicinity so the building will be screened from the roads. I consider there is some scope for a small amount of replacement planting.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Recommend standing advice.

## Representations Received

One letter has been received supporting the application so that the temporary classrooms can be demolished. The writer's children attend the school and have found the temporary classrooms cold in winter, hot in summer and damp. The writer considers the Elliotts are a failing teaching environment as well as being an eyesore.

Three letters of representation have been received all raising concerns/objections based on the existing parking situation at the school and the fear that this will worsen as a result of the development. It is stated that the surrounding residential streets (Blackdown View, Taylor Close and Dunkerton Rise) are used by both parents collecting and dropping off children and by staff who park there all day preventing residents parking and accessing their drives. The roads are thus congested and it is causing a considerable safety hazard. With increasing pupil numbers and additional classrooms the objectors believe it will bring additional traffic and further safety hazards. As staff park in the roads it makes it harder for parents to drop off children, so some parents take risks when parking. Emergency vehicles are also restricted getting through the area. Blackdown View is blocked morning and afternoon and the existing speed bumps do nothing to slow traffic.

The Ward Councillor whilst welcoming the replacement of old Elliott classrooms and

recognising that additional school places will be needed in the village with further homes to be built, objects to the application on the grounds of inadequate car parking for staff and visitors and the impact this causes on the residents. The Councillor asks that consideration is given to the amenity of residents as the application fails to acknowledge the impact of the school on the neighbourhood. The Councillor also questions the Design and Access Statement for its accuracy and considers it inadequate. A detailed analysis of staff/visitor numbers to the school is requested to examine the current traffic movements generated by the school and a proper management plan is requested to be in place before any further development is allowed.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP8 - CP 8 ENVIRONMENT,

## **Local finance considerations**

There are no financial issues relevant with this application.

## **Determining issues and considerations**

The existing site is a well established school site and the proposed new single storey building will be positioned on a triangular plot of land to the side of the main school building. The new building has been designed and will be constructed to replicate and match the rest of the school. The classroom block will incorporate gable features and fenestration that reflect that of the main school building, whilst use of brown brick and tiles is also in keeping. The internal layout is largely dictated by the shape of the plot, and the proposal accommodates the change in ground levels with the use of retaining walls.

The new block will be set back some distance from the public highway and screened to the closest residential properties along Blackdown View by a row of mature trees which also screen the car park. Although the loss of some trees is regrettable these are sited within the school site and compensatory tree planting will be carried out elsewhere. It is considered the remaining trees would screen the building

sufficiently. The landscape officer raises no objection on the basis of the additional planting. The trees remaining should be adequately protected during the construction to protect their long term health and thus it has been conditioned accordingly. Any further works to the remaining trees should be carried out sensitively and approved before the works are undertaken.

The objections relate to the current parking situation at this school. The County Highways Authority advised that Standing Advice should be taken into account in the processing of the application.

A travel plan was submitted in support of the application and the school recognises the problems which have been experienced. In the long term the Governors wish to create two new footpath entrances at the western and eastern ends of the school frontage. This would not only avoid crowding through the existing main entrance but will separate children from the car park entrance. The developers of the new housing to the east and south of the school have already laid two pedestrian crossings over the B3227 to enable children to safely get onto the footpath on the 'school' side of Blackdown View. These initiatives should help encourage future parents and pupils to walk or cycle to school rather than drive.

Somerset County Council's parking strategy 2013 sets out the parking requirement for primary schools. Half a space is required per full time equivalent member of staff and two visitor spaces which given the school has the equivalent of 31 full time staff equates to the need for 16 spaces + 2 visitors. The school currently has 12 parking spaces so is clearly deficient in parking.

Although the construction of the classroom block will not result in either the loss of any existing parking nor will it generate any additional traffic movements, recognising the parking shortfall and concerns from residents, six additional parking spaces are to be provided (4 for staff and 2 visitors) and also 1 disabled parking space close to the school entrance. This satisfactorily meets the parking requirements for a primary school as set out in the County Council's Parking Strategy. The school car park is well screened by mature trees and thus this additional parking as an extension of the existing car park will have no further impact on the visual amenities of the surrounding area.

## **Conclusion**

As the proposed development will replace teaching accommodation which is in a poor state of repair and should only have been on site until permanent accommodation could be provided, the principle of the development is welcomed. The building is of a design, scale and in materials to match the main school building and will have minimal impact on the surrounding area. Although the development will not give rise to any additional traffic movements the provision of additional parking spaces is encouraged as the school will now meet the required parking standards. For these reasons it is recommended that planning permission should be granted.

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

**Contact Officer: Mrs K Wray**

49/16/0006

MR T BALL

**Change of use of land to allow the siting of storage containers in farm yard at  
Candletrees, Jews Lane, Wiveliscombe**

Location: CANDLETREES, JEWS FARM, JEWS LANE, WIVELISCOMBE,  
TAUNTON, TA4 2HL

Grid Reference: 306003.129709

Retention of Building/Works etc.

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## **Recommendation**

### **Recommended decision:**

1) Planning permission be granted to this proposal for the erection of shipping containers at the site as shown on the revised drawings, subject to conditions as suggested, and

2) Authorisation be given to the Assistant Director, Environment and Development, to serve an Enforcement Notice against the current unauthorised arrangement of shipping containers at the site if the identified breach of planning control is not remedied within two months from the date of any such approval. The Notice to require the cessation of the storage use of the site and the removal of shipping containers; time for compliance – 2 months from the date of service of the notice.

### **Recommended Conditions (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo 14-02211 PA-001 Rev B Location Plan  
(A3) DrNo PA-100.A Elevations  
(A2) DrNo 14-02211 PA-002 Rev B Block Plan

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

3. The storage, hereby permitted on the site, shall take place entirely within the shipping containers hereby approved and there shall be no open or other forms of storage at the site other than that specifically approved by this permission. No more than two containers shall be positioned on the site and



the containers shall be sited only as shown on the drawings hereby approved and in no other arrangement. This permission shall enure for the benefit of the applicant only.

Reason: To allow the Local Planning Authority to maintain control of otherwise potentially inappropriate development.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. The current arrangement of two double stacked shipping containers on the site is a breach of planning control in as much as they are unauthorised under the Town and Country Planning Act. If this breach is not remedied within two months from the date of this permission by either implementation of the application hereby authorised, by the complete removal of the containers from the land or by any other legal and acceptable manner, the Local Planning Authority will proceed to rectify the situation by the issuing of an enforcement notice.

## Proposal

Planning application is made for the erection of containers in farm yard at Candletrees, Jews Lane, Wiveliscombe. This is tantamount to a change of use to allow B8 storage at the site. There are currently two (double stacked) shipping containers at the site and it is proposed to remove and reposition the top container to form an transversed 'L' arrangement and by setting the northern right angled container into the existing sloping bank by removing approximately 0.5m of land in order to form a level base. The containers each measure a height of approximately 2.6m x 2.478m wide and 6.096m in length. The existing double height stack has a height of 5.292m. The new single level arrangement with the two containers abutting at one end will have an overall length of 8.550m with a width of 6.1m (dwg PA-002 rev B) and will be sited at distances of between 6.2m and 9.640m from an existing equine stable block and livery yard.

The proposal has been submitted as a result in complaints to the Council's Enforcement team.

## Site Description

Candletrees, is an existing working agricultural farm and equine unit, located to the north west of the existing Wessex Water treatment plant at Maundown filter station and covered reservoirs.

Access to the site is to the south of the building and west of the dwelling from Jews Lane.

A single track and part of an existing footpath WG16/12 links from the main road from Wellington to Huish Champflower runs in a north westerly direction and along the existing track to the north of the container site then continues northwards through Tuck Mill Copse and onto Scott Hill, Huish Champflower.

The existing working holding comprises of a cluster of traditional farm buildings constructed with block wall and clad with corrugated sheeting. There are also existing livery stables at the site and the associated farm dwelling together with an existing small greenhouse and a static caravan in the residential curtilage, seen at the time of the site visit. The site has recently had an additional business use approved on the site for the storage of a Kitchen unit business.

Existing boundaries at the site on the adjoining boundary comprise of a mixture of 1.8m high fencing in a stepped arrangement, behind which there is an existing range of shrub and tree planting (in the neighbours garden) ranging from between 1m and 3m in height.

Located to the north east of the existing farms structures there are currently a double stack of two shipping containers (the subject of this proposal). These structures are also next to the adjoining eastern boundary of the site shared with the adjoining neighbours known as The Old Granary and to the north of other adjoining neighbours adjacent to this boundary known as Mill Barn. Jews Farm is located further to the east of the proposal site adjacent the The Old Granary. It is understood that both candletrees (proposal site) and the current neighbouring dwellings would have historically been part of the original Jews Farm before being divided up into smaller lots of land.

The existing equine stables and livery yard are approximately 7.5m from the adjoining boundary with The Granary and a significantly higher level than that of the existing double stacked containers. The existing containers are currently stacked on blocks and not a permanent concrete base.

## Relevant Planning History

This site has planning permission for the agricultural access and hardstanding (ref 49/15/0006/AGN) which was determined with no objections on 11/05/15. A prior notification application for a flexible use of one of the large agricultural buildings (ref 49/16/0007/CR) has also recently been approved on 12/04/16.

## Consultation Responses

*WIVELISCOMBE TOWN COUNCIL -*

The Town Council **object** to this application for the following reasons:

- The proposed use is unsuitable for the area as this is open country which should not be Compromised with storage containers.
- The appearance and size of a the new structure is not in keeping with its neighbours and the surrounding area and open countryside.
- There is a major visual effect upon the landscape of the surrounding area and neighbours.
- Planners should carry out a site visit to look at other structures on the site.
- This development and previous developments could increase traffic on the highway.
- The containers are going to be located on a culvert that is known to flood and on a inspection Chamber
- The environment agency should inspect the site to survey the culvert in respect of future flooding

## **Representations Received**

11 representations have been received against this proposal from 6 separate correspondants (some objectors writing in more than once). One of the objectors is the Ward Councillor. Concerns have been raised regarding; the proximity of the structures to the existing boundary and visual impact, inaccurate address of the proposal site (amended), a number of varying storage structures already at the site, location of the structure near a section of a culvert and risk of blockages or collapse, piling of rubbish at site by applicant and need to relocate to another site, the removal of the top container will lessen the visual impact but they will still be visible from the adjoining neighbours, use of the containers not stated in the application

Comments from a local Councillor also echo the previous concerns and cites the development control practice on the need for planning permission plus objecting to the proposal.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
CP8 - CP 8 ENVIRONMENT,

## **Determining issues and considerations**

The main issues and considerations in this case are;

- Impact on the Character and appearance of the area.
- Impact on residential amenity.

The site of this proposal is located outside the defined settlement area and therefore in open countryside, where local policies CP8 (Environment), DM1 (General requirements) and DM2 (Development in the Countryside) are applicable.

The two shipping containers within this proposal are strong steel storage containers, that by their very nature of the original use are not the most visually attractive structures, but are often used as a storage unit in industrial and farming situations. The existing storage units are double stack close to an adjoining boundary at the site and are also close to the existing livery yard, stable and other existing agricultural buildings much larger in size and height than the containers. The existence of other portcabins, containers and untidy materials at the site are not being considered in this instance.

The character and appearance of the existing holding of 0.1 hectares, has a mix of both agricultural and equestrian uses together with a small amount of business use for the applicants kitchen business. Existing boundaries at the site comprise of typical natural hedge and tree boundaries around the holding. The land is accessed via a narrow lane (Jews Lane) from the main road between Wellington and Huish Champflower in an area known as Maundown, and the land rises from the south to the north and the traditional agricultural land to the north of the proposal site.

Also north of the proposal site is a track from Jews Lane and to the north of the existing containers which runs from east to west of the land and runs directly through the middle of the holding. Along part of this track is part of a public footpath (WG/16/12) as mentioned in the site description. The containers in both the existing and proposed rearrangement will be visible by persons using the footpath therefore there will be some visual impact.

By re siting the containers in a single stack in an 'L' shaped arrangement which are also to be set in to the ground by levelling part of the existing small bank to the north this will not only provide a level base on which to stand the structures but also will help in lessening the visual impact from the track, footpath and land to the north. Impacts to the east and neighbours are to be considered in the next section of the report.

With the existence of a range of several other buildings and structures at this rural site and the context in which the containers will be read, it is considered that whilst there will be a visual impact on the character and appearance of the area this is not significant enough to refuse this proposal.

It is therefore considered that the proposal for the storage containers does support both the business and agricultural use for storage and is acceptable in terms of local policy DM2. The general requirements of DM1 are met as the development will not significantly impact on the character and appearance of the area, no harm will be generated to existing protected species, the existing access will be used and the amenity of users of the PROW will not unacceptably be harmed. The structures themselves are being repositioned into a single stack as the double stack is considered unacceptable and should the containers not be moved further enforcement action could result. In terms of CP8 (Environment), it is considered that the location and siting adjacent to other existing buildings is acceptable.

### **Impact on residential amenity.**

Residential amenity is a consideration in this case because the containers are sited in a position close to an existing adjoining boundary with several neighbours to the east in this rural location. There have historically been a series of neighbour disputes associated with this area in connection with the various differing structures and untidiness of the site. This is a civil matter and it is only the re-siting of the two double stacked containers being considered in this proposal.

It is not disputed that the structures are located close to an adjoining boundary and that the containers are not considered attractive to look at. They are however, next to other existing buildings the nearest of these only 7.5m away. The boundary treatment between the containers and the neighbouring garden comprises of stepped wooden fencing and some shrub and tree planting, and the neighbour in his comments does state that the fence is due to be replaced.

Comments have also raised the point regarding an underground culvert carrying natural spring water next to the shipping containers. This was seen at the time of the officer's site visit. It is noted from the comments received that a watercourse flows under the boundary wall with Mill Barn and passes through the applicants land at the boundary. It is also noted on the location plan PA-002 that there is an existing pond shown to the north of the track and another to the south east of Mill Barn. Any private water supply or culverts at the site will be under the responsibility and control of the applicant and can not be considered under the planning remit. It is further noted that no comments have been received by the Environment Agency or Statutory Water companies.

Given the above comments and considerations it is concluded that there is currently an impact on residential amenity due to the proximity of the siting of the containers to the adjoining boundary. However, they are to be repositioned into a single storey arrangement thereby giving an improvement in the visual amenities, screening and loss of light previously experienced by the adjoining neighbour. There will remain some impacts on the adjoining neighbours, but this could be overcome with boundary replacements or additional planting. On this basis, the rearrangement of the structures is considered to be acceptable.

### **Other issues**

Comments received from the local Parish Council are noted above. In reply to the

comments that the development could lead to increased traffic on the Highway, it is not considered that the development will result in an increase in traffic to the site. Issues relating to streams and ponds are not planning considerations.

### **The presently unauthorised development**

The present use of the site for storage and siting of the shipping containers is unauthorised. For the reasons given in this report, it is recommended that the now proposed configuration of the site would be acceptable. However, to ensure that the permission is implemented, your officers are also seeking authorisation to serve an Enforcement Notice against the unauthorised development. The Notice should require the removal of the containers from the land because the development is only acceptable with the imposition of the recommended conditions.

### **Conclusion**

In light of the discussions above, it is considered that the new arrangement for the containers is an improvement and are considered to be acceptable. It is therefore recommended that conditional approval is given to this proposal. However, if this application is not implemented, or if no further action is taken to remedy the current existing breach of planning control, then officers request authorisation under delegated powers to instigate enforcement action against the current clear breach. It is suggested that two months would be an appropriate time to allow the current breach to be remedied.

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

**Contact Officer: Sue Keal**

## **Appeal Decisions 23 August 2016**

CONVERSION OF BARN (THE WAGON) TO HOLIDAY ACCOMMODATION AT KIBBEAR FARM, TRULL

Application Number 42/14//0023LB

### **Reason for Refusal**

The proposal, by reason of its proposed design including the personnel door on the northern elevation disrupts the appearance and harms the significance of the listed building and is contrary to Policy CP8 of Taunton Deane Core Strategy, and guidance in Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings. It therefore fails to preserve the listed building and conflicts with the duty outlined at Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeal decision: DISMISSED

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CONVERSION OF BARN (THE WAGON) TO HOLIDAY ACCOMMODATION AT KIBBEAR FARM, TRULL (AMENDED SCHEME TO 42/14/0053LB)

Application number: 42/15/0004LB

### **Reasons for refusal**

The proposal, by reason of its proposed design including the personnel door on the northern elevation, disrupts the appearance and harms the significance of the listed building and is contrary to Policy CP8 of Taunton Deane Core Strategy, and guidance in Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings. It therefore fails to preserve the listed building and conflicts with the duty outlined at Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeal decision: DISMISSED

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## **Planning Committee – 31 August 2016**

Present: - Councillor Bowrah (Chairman)  
Councillor Mrs M Hill (Vice-Chairman)  
Councillor M Adkins, Booth, Brown, Gage, C Hill, Martin-Scott, Morrell,  
Nicholls, Mrs Reed, Sully, Townsend, Watson and Wedderkopp

Officers: - Tim Burton (Assistant Director - Planning and Environment),  
Bryn Kitching (Area Planning Manager), Matthew Bale (Area Planning  
Manager), Gareth Clifford (Principal Planning Officer), John Burton  
(Principal Planning Officer), Louise Portman (Solicitor), Brendan Cleere  
(Director - Growth and Development), David Evans (Economic  
Development Manager), Tom Gillham (Assistant Director - Asset  
Development Projects), Les Owen (Principal Accountant,  
Growth), Trevor Slack (Locum Lawyer) and Andrew Randell  
(Democratic Services Officer)

Also present: Councillors Berry, Cavill, Coles, Edwards, Farbahi, Gaines, Habgood,  
Horsley, Williams and Wren in connection with application No.  
38/15/0475. Councillor Mrs J Adkins in connection with application  
No. 25/16/0011. Councillor Miss Durdan in connection with application  
No. 14/16/003. Representatives from St Modwen - Mark Thorne,  
Stephen George and Ian Yallop. Craig O'Brien representative from  
Savills and Mrs A Elder, Chairman of the Standards Advisory  
Committee.

(The meeting commenced at 5.00 pm)

### **78. Apology/Substitution**

Apology: Councillor Wren.

Substitution: Councillor Sully for Councillor Wren.

### **79. Minutes**

The minutes of the meeting of the Planning Committee held on the 10 August  
2016 were taken read and were signed.

### **80. Declarations of Interest**

Councillors M Adkins and Wedderkopp declared a personal interest as  
Members of Somerset County Council. Councillor Martin-Scott declared  
personal interests as a trustee to the Home Service Furniture Trust, trustee to  
Bishop Fox's Educational Foundation and a trustee to Trull Memorial Hall. He  
also declared a personal interest in application No. 38/15/0475 as a member  
of his family lived in Greenbrook Terrace, Taunton. Councillor Townsend



declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and as Chairman of the Kingston St Mary Village Hall Association. He also declared a personal interest in application No. 38/15/0475 as he rented office space on The Bridge in Taunton and had received a letter regarding potential flooding. He declared that he had not 'fettered his discretion'.

## **81. Applications for Planning Permission**

The Committee received the report of the Area Planning Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That **planning permission be granted** for the under-mentioned development:-

**25/16/0011**

**Erection of single storey two classroom block to east of main school building at Norton Fitzwarren Primary School, Blackdown View, Norton Fitzwarren**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo H7330/200 Site and Location Plans;
  - (A3) DrNo H7330/202 Block Plan as Proposed;
  - (A3) DrNo H7330/203 Proposed Floor Plan, Elevations and Roof Plan;
  - (A3) DrNo H7330/204 Elevations as Proposed;
  - (A3) DrNo H7330/206 Car Parking as Proposed;
- (c) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing and shall specify the type of protective fencing. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;

- (d) With the exception of the trees shown to be removed on the approved plan, no tree shall be felled, lopped, topped, lifted, pruned or disturbed in any way without the prior written consent of the Local Planning Authority;
- (e) Within three months of the occupation of the building hereby permitted the temporary classrooms E433 and E626 shall be removed from the site and the land restored and reinstated to its former condition;
- (f) (i) Replacement planting shall be carried out at the site, details of which shall have previously been submitted to, and approved in writing by, the Local Planning Authority. Such details shall include details of the species, siting and numbers to be planted; (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 each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition 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;
- (g) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the building(s) hereby permitted is first occupied and shall not be used other than for the parking of vehicles in connection with the school site.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

- (2) That **planning permission be refused** for the under-mentioned development:-

**38/15/0475**

**Outline planning application with some matters reserved for the redevelopment of the former cattle market site to provide up to 3500 sq m of convenience retail development, up to 6000sq m of non-food development (class A1), up to 4000sq m of office (B1) or hotel (C1) use, up to 2400sq m for a cinema (D2), up to 2600sq m of food and drink establishments (A3/A4/A5) and up to 200 residential units with redevelopment of the former Priory Bridge Road Car Park to provide up to 4014sq m of office (B1) and 4475sq m of office (B1) or hotel (C1) uses and a further 1300sq m of A3/A4/B1 (office) D2 uses with car parking, landscaping, public realm, access, highways, infrastructure works and relevant demolition at Firepool, Priory Bridge Road, Taunton**

**Reasons**

The development proposed was in direct conflict with Core Policies from the adopted development plan (the Taunton Deane Core Strategy (CS) Policies CP2, CP3, CP5, CP6 and CP8 and the Taunton Town Centre Area Action Plan (TCAAP) Policies FP1 and FP2). In particular, the proposed development fails to deliver the majority of the requirements of Policy FP1 of the TCAAP including:-

- The quantum of allocated office space;
- The quantum of housing;
- A multi storey car park screened where it adjoins public space;
- Primary health care facilities;
- A high quality pedestrian boulevard that links the Railway Station with both the River Tone and Priory Bridge Road;
- Active street frontages in accordance with the proposals map;

The proposed development was also contrary to Policy DM4 of the CS and ED1 of the TCAAP as well as Policy D7 of the Taunton Deane Site Allocations and Development Plan as a result of parameter plans that would deliver a poor quality layout that fails to take the opportunities available for improving the character and quality of the area and the way it functions. The form and format of the core part of the development proposed would be dominated visually by a surface level car park giving an appearance akin to that of a retail park. This will risk it becoming primarily a retail destination in its own right, mainly serving car borne custom and therefore competing with, rather than complementing, the town's primary shopping area;

The economic benefits that arise from redevelopment of this vacant site do not in this instance outweigh the conflict with the development plan, nor the demonstrable harm that would result from the proposed form and layout. As a result the development does not constitute sustainable development as defined in paragraph 14 of the National Planning Policy Framework.

(Note to Applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had looked for solutions to enable the grant of planning permission. During both the pre-application and applications stages, positive suggestions as to how to make amendments to the proposals that would overcome the Council's objections had been made. However in this case, the applicant was unable to satisfy the key policy test and as such the application had been refused.)

**14/16/0031**

**Outline application with some matters reserved for the erection of 35 No dwellings on land to the south west of Creech Medical Centre, Hyde Lane, Creech St Michael**

### **Reasons**

(a)The proposed development lies outside the settlement limits of Creech St Michael and would add to the existing housing already granted impacting on

the scale and character of the village while adversely impacting on landscape views from the canal. The development is considered to be contrary to Policies SP1, CP8 and DM2 of the Taunton Deane Core Strategy 2011- 2028 and Policy SB1 of the draft Site Allocations and Development Management Plan;

(b)The proposal did not provide a suitable means for securing the appropriate affordable housing and maintenance of onsite leisure facilities, including any Sustainable Urban Drainage scheme for the site and Travel Plan and therefore would be contrary to Policies CP4, CP5 and CP6 of the Taunton Deane Core Strategy, and retained Policy C4 of the Taunton Deane Local Plan;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with applicants and looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused.)

#### **49/16/0006**

#### **Change of use of land to allow the siting of storage containers in the farm yard at Candletrees, Jews Lane, Wiveliscombe**

#### **Reason**

The proposed location of the shipping containers was considered to be detrimental to the amenities of the neighbouring properties and the visual amenities of the area, particularly when viewed from the public footpath to the north contrary to Policies CP8 and DM1 of the Taunton Deane Core Strategy;

Also **resolved** that:-

- (1) An enforcement notice be served requiring the cessation of all storage uses within the containers and the removal of all the containers from the site;
- (2) Any enforcement notice served to have a six month compliance period from the date on which the notice took effect; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

## **82. Exclusion of the Press and Public**

**Resolved** that the press and public be excluded from the meeting for the following item because the likelihood that exempt information would otherwise be disclosed relating to Clause 1 of Schedule 12(A) to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

**83. E/0154/24/12 – Untidy site at 12 Town Close, North Curry**

Reference Minute No 91/2014, reported that further clearance had taken place on the site and a new fence was being erected to the boundary.

The Council had still not pursued legal proceedings for the reasons set out in the confidential papers.

The report set out various alternative courses of action that could result in the clearance of the site and remedy the harm to the residential amenity of neighbours which could be employed by the Council. However it was considered by officers that proceeding with prosecution at present would not achieve further clearance of the site any quicker.

**Resolved** to defer prosecution action and continue to monitor the situation for a further period of six months for the reasons outlined in the confidential report.

**84. Appeals**

Reported that two appeal decisions had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 9.50pm)