

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool, Taunton (Main School Hall) on 14 March 2018 at 18:15.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 10 January, 28 February 2018 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors or Town or Parish Councillors will automatically be recorded in the minutes.
- 5 38/17/0150 Outline planning application with some matters reserved, except for access for the NIDR only, for the redevelopment of the former cattle market site to provide up to 3500sqm of convenience retail development (Class A1), up to 6000sqm of non-food development (A1), up to 4000sqm of office (B1) or hotel (C1), up to 3900sqm of assembly/leisure (D2) and non-residential institutions (D1) (of which no more than 1500sqm shall be D1) , up to 2600sqm of food and drink establishments (A3/A4/A5), and up to 200 residential units (C3) with redevelopment of the former Priory Bridge Road car park and former 84-94 Priory Bridge Road to provide up to 2964sqm of office (B1) and 5525sqm 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, (in detail for the NIDR connection) highways, infrastructure works and relevant demolition at Firepool, Priory Bridge Road, Taunton (resubmission of 38/15/0475)
- 6 48/17/0064 Erection of extension to rear of garage, installation of cctv system, replacement of shed with glass house and replacement of side boundary gate at The Old Dairy, Dyers Lane, Bathpool
- 7 48/17/0065/LB Erection of extension to rear of garage, installation of cctv system, replacement of shed with glass house and replacement of side boundary gate at The Old Dairy, Dyers Lane, Bathpool

8 Latest Appeals received

Bruce Lang  
Assistant Chief Executive

14 June 2018

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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The meeting rooms at both the Brittons Ash Community Centre and West Monkton Primary School are on the ground floor and are fully accessible. Toilet facilities, with wheelchair access, are available.

Lift access to the Council Chamber on the first floor of Shire Hall, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are available through the door to the right hand side of the dais.



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

**For further information about the meeting, please contact Democratic Services on 01823 219736 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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**Planning Committee Members:-**

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

ST MODWEN DEVELOPMENTS LTD

**Outline planning application with some matters reserved, except for access for the NIDR only, for the redevelopment of the former cattle market site to provide up to 3500sqm of convenience retail development (Class A1), up to 6000sqm of non-food development (A1), up to 4000sqm of office (B1) or hotel (C1), up to 3900sqm of assembly/leisure (D2) and non-residential institutions (D1) (of which no more than 1500sqm shall be D1) , up to 2600sqm of food and drink establishments (A3/A4/A5), and up to 200 residential units (C3) with redevelopment of the former Priory Bridge Road car park and former 84-94 Priory Bridge Road to provide up to 2964sqm of office (B1) and 5525sqm 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, (in detail for the NIDR connection) highways, infrastructure works and relevant demolition at Firepool, Priory Bridge Road, Taunton (resubmission of 38/15/0475)**

Location: Firepool, Priory Bridge Road, Taunton

Grid Reference: 322914.125243

Outline Planning Permission

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## Recommendation

**Recommended decision:** The decision to GRANT OUTLINE PLANNING PERMISSION be delegated to the Director Planning and Environment subject to no new issues arising from the consultation on the amended description and addendums to the Environmental Statement and Transport Statement and planning obligations under s106 to secure the following items to the Council's satisfaction:

### Affordable Housing

- 25% Affordable Housing with a tenure split of 60% social rented and 40% shared ownership. 10% of the total affordable housing provision should be in the form of fully adapted disabled units.

### Temporary Flood Barriers

- The provision of the off-site temporary flood barrier mitigation features as described in the Flood Risk Assessment addendum. Details of ownership, storage, deployment and maintenance of the temporary defences to be agreed prior to any ground raising taking place.

### Public Art

- A public art contribution either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to value of 1% of the development costs

### Children's Play

- In accordance with TDBC Adopted Site Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings.

Development Specific highway matters:

- Site Access

Offsite highway mitigation necessary to accommodate proposed development

- Contribution the Rowbarton Gyrotory
- Wickes Roundabout improvements

Travel plan measures to include but no limited to:

- Bus services / stops and if required improvements;
- Parking, for bikes, motorcycles and vehicles; and
- Travel plan packs and incentives
- Electric Charging points;
- Travel Plan coordinator; and
- Safe guarding sums and fees

and

Subject to the Local Planning Authority being satisfied that the development agreement includes suitable non-competition / relocation clauses to help minimise the risk of detrimental impact on the vitality and viability of the existing Town Centre, particularly the Primary Shopping Area, as a result of the proposals.

**Recommended Conditions (subject to minor change or additional conditions following further consultation responses)**

1. Approval of the details of the layout, scale, appearance, access (other than the main access off the NIDR) and landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A1) DrNo 11-032 P004 Rev AC Parameters Land Use & Massing

(A1) DrNo 11-032 P005 Rev R Parameters Movement Plan

(A1) DrNo 11-032 P006 Rev Y Parameters Public Realm & Green Infrastructure

(A1) DrNo 11-032 P007 Rev K Parameters Frontages

(A1) DrNo P13-405 P107 Northern Access Design

(A3) DrNo P13-405 P106 Rev C Canal Road Entrance

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

3. The boulevard and pedestrian/cycle crossing of the NIDR shall be constructed and open for public use prior to the occupation of any of the units in Zones A1, B, C, E1 and E2 shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC in accordance with details to be submitted to and approved in writing by the Local planning Authority.

Reason – To ensure that the development maximises the opportunity for linked trips between Firepool and the wider Town Centre, including the Primary Shopping Area and to mitigate the retail impact on those areas.

4. No unit within Zones B and C shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC shall be occupied until such time as all other units within those zones have been constructed to shell finish.

Reason – To ensure that a two-sided boulevard is provided and maximise the opportunity for linked trips between Firepool and the wider Town Centre, including the Primary Shopping Area and to mitigate the retail impact on those areas

5. No unit within Zones A1, E1 and E2 shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC shall be occupied until such time as all other units within those zones have been constructed to shell finish.

Reason – To ensure that a two-sided boulevard is provided and maximise the opportunity for linked trips between Firepool and the wider Town Centre, including the Primary Shopping Area and to mitigate the retail impact on those areas.

6. Floorspace within Use Class A1 hereby approved shall not exceed 9,500sq m gross floor area and 7,251sq m net sales area. The Class A1 retail floorspace shall be provided in non-food retail floorspace (6,000sq m gross maximum for

the sale of comparison goods) and foodstore floorspace (3,500sq m gross maximum for the sale of convenience and comparison goods). Floorspace within Use Classes A3/A4/A5 hereby approved shall not exceed 2,600sq m gross. Floorspace within Use Classes D1/D2 hereby approved shall not exceed 3,900sq m gross of which no more than 1,500sq m gross shall be within Use Class D1. The Use Classes are those set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. The distribution and amount of Class A and D floorspace hereby approved, including the minimum and maximum number of units and floorspace in each zone, is to be controlled via the contents of 'land use and massing' plan reference 11-032 P004 Rev AC.

Reason – To control the amount of retail and leisure floorspace to be provided and mitigate the impact on the wider town centre.

7. No more than 2,083sq m of the net sales area of the Class A1 retail floorspace hereby approved shall be used for the sale of convenience goods and no more than 5,168sq m of the net sales area of Class A1 floorspace shall be used for the sale of comparison goods.

Reason – To control the amount and type of retail floorspace to be provided and mitigate the impact on the wider town centre.

8. An application for approval of reserved matters for a phase or sub phase shall not be submitted until there has been submitted to the Local Planning Authority a Masterplan and Design Guide for the Area to which that application for approval of reserved matters relates. The Masterplan and Design Guide shall be accompanied by a statement explaining how it accords with the Masterplan Framework approved by this outline consent. If they do not accord with these documents then reasons for this will need to be given. The Masterplan and Design Guide shall provide information on the proposed arrangement of development blocks, streets and spaces, building design, building materials, surface materials, street furniture and tree species for the Area to which they relate. The Masterplan and Design Guide should demonstrate how the Area will function and explain its overall character and grain.

Reason: To ensure high standards of urban design and comprehensively planned development.

9. Prior to the laying out of any of the car parking zones 1, 2 or 3 shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC, details of the car park management regime, including pricing, management and minimum and maximum stays shall be submitted to and approved in writing by the local planning authority. The car park shall subsequently be operated in accordance with the approved scheme.

Reason – To ensure that the development maximises the opportunity for



linked trips between Firepool and the wider Town Centre, including the Primary Shopping Area and to mitigate the retail impact on those areas.

10. The development hereby permitted shall not be commenced until a scheme of works for the diversion and/or protection of foul and surface water infrastructure is submitted to and approved in writing by the local Planning Authority. The drainage scheme shall include appropriate arrangements for any temporary works needed to accommodate live flows and works to seal off any redundant connections and shall be completed in accordance with the approved details and 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 residential amenity.

11. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work, involving monitoring of ground works and building recording, in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological monitoring, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme

Reason – to ensure the protection heritage assets

12. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of any phase of development to which it relates. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species

13. Prior to occupation of any unit with Zones D, E2 or F as the shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC, a "lighting design for bats and riverine species" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and other riverine species and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of 'lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species

14. 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.

15. 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.

16. 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.

17. 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 Local Planning Authority.

Reason - To reduce the risk of flooding to the proposed development and future users.

18. 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 in writing 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.

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).

19. Conditions as recommended by the County Highway Authority

#### Notes to Applicant

The Environment Agency advises that:

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.

The Council's Ecological Officer advises that:

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.

The Environment Agency advise that for the purposes of condition X regarding contamination:

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.

The Environment Agency advise that for the purposes of condition X regarding ground raising and finished floor levels:

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.

## 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 proposes:

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

- Up to 3,500 m<sup>2</sup> of food retail (class A1),
- 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 3,900 m<sup>2</sup> for assembly/leisure (D2) and non-residential institution (D1), of which, no more than 1,500 m<sup>2</sup> shall be D1 use.
- 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 2,964 m<sup>2</sup> of office (B1) and
- Up to 5,525 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 total floor area of non-residential development would be 29,789 m<sup>2</sup> - of which a maximum of 20,000 m<sup>2</sup> would be on the northern site and 9,789 m<sup>2</sup> on the southern site. The total number of residential units would be 200.

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.

This is a resubmission of an application for a similar quantum of development that was refused by in September 2016. The main difference in the amount of development proposed as part of this revised application is the increase from 2,400 m<sup>2</sup> of cinema (D2) use to 3,900 m<sup>2</sup> for assembly/leisure (D2) and non-residential institution (D1) uses. This is as a result of the revised proposals addressing the previous issue of only having a single sided boulevard. This revised application allows for built development on both sides of the proposed boulevard.

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 4 parameter plans for which consent is sought. They are:

- Land Use and Massing, drawing ref. 11-032 P004 rev. AC
- Movement Plan, drawing ref. 11-032 P005 rev. R
- Public Realm and Green Infrastructure, drawing ref. 11-032 P006 rev. Y
- Frontages, drawing ref. 11-032 P007 rev. K

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

The Land Use and Massing parameter plan shows 3 central surface level car park zones on the northern site that would have up to 425 spaces. They cover an area of approximately 1 hectare and are surrounded by zones of development. This is different to the previously refused application which has one single gar park in the centre of the site which would have accommodated the same number of parking spaces.

Development Zone A faces Priory Bridge Road, Canal Road and the proposed boulevard. The uses are identified as a mix of food and non-food retail (in a minimum of 5 units between 370 sq m and 1,050 sq m on the ground floor fronting the boulevard), cinema, food and drink uses and up to 28 residential units or up to 4,000 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. The units fronting the boulevard would be between 7m and 12m high. Finished floor levels would be raised to 16m-18m 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 4,000 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 and upper part of the boulevard).

Development Zone C is to the south of the NIDR and has a site area of 0.6 hectares. It is identified for a minimum of 2 units of food and non-food retail with ancillary coffee shop. The maximum floor space for foodstore retail would be 3,500 m<sup>2</sup> and non for retail 3,750 m<sup>2</sup>. The maximum unit height would be 15 metres to eaves with a minimum of 5 metres facing the boulevard and car park. The finished floor levels would be between 16m and 18m AOD.

Development Zone D faces onto Firepool Lock and Weir and extends upstream along the River Tone to a point opposite the front corner of Viridor. This is identified as the residential area that would accommodate up to 200 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 proposed boulevard and northern side of the river to the point where it meets Zone D. It is split into parts with Zone E1 being a significant change from the previously refused application. This part of the Zone would form the eastern side to the boulevard and include a mix of uses which could include non-residential institutions (D1), assembly and leisure (D2), food and beverage (A3/A4) and/or non-food retail (A1). This would be in a minimum of 2 units that would have minimum and maximum size limits depending on their use. They would be between 5m and 9m high with finished floor levels raised to between 16m and 17m AOD. Zone E2 would be at the bottom end of the boulevard and facing the river. It would be for a mix of uses including food and beverage (A3/A4) and non-food retail (A1). The food and beverage would have a maximum floor area of 2,000 m<sup>2</sup> and the total amount of retail would be 1,000 m<sup>2</sup> with each individual unit being between 150 m<sup>2</sup> and 250 m<sup>2</sup>. As with Zone E1, the units would be between 5m and 9m high with finished floor levels raised to between 16m and 17m 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 new residential apartments at Water Edge 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 main surface level car park in the centre of the northern site, with two small car parks to the north and south. Car park 3 to the south is shown to be a flexible shared space that is capable of being used for events and markets.

The plan identifies a pedestrian boulevard that links the station to Priory Bridge with residential and retail frontage on the western side and retail frontage on the east. The boulevard is shown to be a shared space for pedestrian and cyclists that has the potential for public art. The central boulevard point, where Canal Road

intersects, is shown as a space that is enclosed by built form and would be an active space where bar/restaurant uses could spill out. To the south of this space, the boulevard would become a retail street with glazed retail units on the western side and the flexible block with active uses on the eastern side. A pedestrian link to the car parks (including the flexible car park 3) is shown and this also has potential for an active frontage that could spill out into the pedestrian link. The boulevard would then open up close to Priory Bridge to provide a plaza and focal point to the southern pedestrian/cycle access to the site. This has the potential for external seating for the bar/ restaurant and would overlook Priory Bridge Road and the river. This is also shown to be flexible space for street theatre, markets or street entertainment.

The river frontage is shown as green infrastructure with the potential for pontoons/landing areas. A play area for the residential units is shown at the end of the existing footbridge which would serve the residential development as well as wider public use. The river frontage by Priory Bridge is shown to be a more formal landscaped edge which would soften as it moves towards Firepool Lock. The landscape zone which would include a lit pedestrian and cycle route would be a minimum of 8 metres wide and would need to comply with Environment Agency and ecological requirements. The parameters plan states that the lighting design would minimise light spill to riverside vegetation. The entire riverside edge is shown as a possible location for public art.

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.

A landscape screen is shown on the southern edge of the central car park which would provide a 4 metre buffer between the public car parking area and residential unit to the south.

### **Movement parameter plan.**

The Movement parameter plan shows the same development zones A to F with the singular vehicle 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. No vehicle access is to be provided to the northern site from Priory Bridge Road, other than an emergency vehicle access from Canal Road. In addition to this, the Movement parameter plan shows:

- A wide pedestrian and cycle crossing of NIDR
- Canal Road/Priory Road junction kerb realignments.
- Residents parking to be incorporated into Canal Road design.
- Canal Road turning head to highways approval. Emergency vehicle access only
- Pedestrian/cycle link with provision for emergency vehicles and maintenance access to Firepool Lock.
- Maintenance access to Firepool Lock.
- Pedestrian boulevard with cycle access and active frontages to form strategic link from Station to Town Centre.



- Pedestrian links from car park to boulevard and river
- 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.

The northern site has a singular vehicle access for the public off of the Northern Inner Distributer road.

### **Frontages parameter plan.**

The frontages parameter plan is also based on the development blocks and identifies where the built frontages will be and defines a level of detail in terms of the use and appearance. The plan also identifies focal points which are defined as key nodes to provided architectural, entrance or glazed feature. These nodes will provide visual interest at day and night.

The retail, food and drink, leisure and non-residential institution uses that would front the boulevard and park of the central car park are defined as active frontages that would avoid blank walls and include frequent access points, windows and other features which create and contribute to an active and welcoming feeling. The plan states that active ground floor uses will not necessarily be required along the entire length indicated. They will be particularly sought at key focal points for footfall such as the intersections of pedestrian routes.

Enhanced frontages would be in the office and residential areas that face onto Canal Road, part of the boulevard, the riverside and Priory Bridge Road (on the southern site) The parameters plan states that these should provide a degree of passive surveillance and provide frequent areas of glazing.

An area of enhanced elevational treatment is shown fronting on to Priory Bridge Road as part of the leisure/cinema use on the northern site. The plan states that these should provide enhanced treatment to create an interesting elevational treatment through materials, lighting or landscaping.

The plan shows built frontage of at least 4m to eaves to provide a sense of enclosure and screening to the car park.

The northern site boundary that faces on to the NIDR would be a service yard for some of the retail units. The frontages plan states that this would be a heavily landscaped screen wall with a vertical green emphasis. To the west of this at the entrance to the boulevard, an enhanced screen is shown which the plan defines as an enhanced screen wall treatment that could include public art, green wall or enhanced built form.

### **Masterplan Framework**

This application differs from the previous application that was refused in that it is accompanied by a Masterplan Framework which seeks to give a level of detail and a set of ground rules for what could be achieved. The document is set out into 3

sections: Masterplan Principles, Masterplan Framework, and Design Principles. It defines a number of landscape character areas and then provides a greater level of detail of how these would look through a combination of description and images.

### **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.

During the processing of the previous 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 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 on the southern 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 49 residential dwellings known as Waters Edge.

## 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 known as Waters Edge. 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 tone corridor in January 2011 and theses have been implemented on the southern side of the river, resulting in the creation of 'Pip's Park'.

Outline Planning permission was refused by the Planning Committee in September 2016 for a redevelopment scheme of similar scale for the following reason:

*"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.”*

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 former Priory Bridge Road car park, 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 bedrooms
- 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

### Consultation Responses

#### *SCC - TRANSPORT DEVELOPMENT GROUP –*

I refer to the above mentioned planning application received on 17<sup>th</sup> October 2017 and further numerous submissions of additional information which has been provided up to the time of writing this response; the Highway Authority has the following observations on the highway and transportation aspects of this proposal.

As you are aware the Highway Authority responded to the original planning application dated 31st May 2017, in this time the Highway Authority has worked closely with the applicant's Transport Consultant and Planning Authority to resolve these matters. The points that required further information / clarification include:

**Traffic impact** – Further information and assessment has been undertaken to take in account committed development and background growth that has occurred during the time of the first application 38/15/0475 and the revised application 38/17/0150.

**Rowbarton Gyratory** given the impact attributed by the proposed development the applicant has committed to provide a contribution of £40,000 which will be utilised to enhance the County Council's signals upgrade and capacity improvement scheme at the Gyratory. This contribution given the development's impact at this junction is considered acceptable to the Highway Authority to improve capacity at the Junction.

**Wickes Roundabout** – The impact of the proposed development at the Wickes roundabout has been reviewed in further detail and mitigation has been proposed to reduce queuing generated by the proposed development. The scheme will comprise of a free flow slip for traffic travelling west toward the Firepool development. The proposal will reduce the level of forecasted queuing which is generated by the development. Whilst the scheme will need to go through the detailed design the Highway Authority are satisfied that an appropriate mitigation scheme can be provided in this location.

**Parking** – The planning application does not specify the quantum of residential parking proposed. The applicant has indicated that residential parking will be detailed within the Reserved Matters application. Given that this is a Town Centre Location there is considered some scope for the development to be car free (not 100% of residential). The proposal does not provide capacity for the 200 space Public Car Park set out in Taunton Deane's policies. It is considered that the proposed car park at Firepool will only have capacity for the proposed uses on site, with no spare capacity for a public car park.

The Travel Plan will promote sustainable travel choices to the site that will reduce the need for private car travel. It should be noted that without providing a public car park, this could put pressure on the town centre parking spaces, no capacity study or new parking provision has been provided to date, little or no factual justification has been provided. The level of parking is less than current adopted policy and guidance recommends. There is some concern without replacement parking vehicles associated with the site may over spill on the Highway network, which could affect both safety and capacity. It is therefore considered that this must be a matter for the Local Planning Authority to determine on balance, in the context of the wider town centre parking strategy.

**BRT [Bus Rapid Transit]**– Taunton Deane commissioned an ‘independent study’ accelerated following the awarding of the Garden Town Status which assessed the most ‘appropriate routing’ for the BRT, of which the principal is set out in the Taunton Deane Core Strategy and the Bridgwater, Taunton and Wellington Future Transport Strategy.

The BRT study dated January 2018, concludes that ‘*a route through the Firepool development and through Morrison’s Supermarket, does have the potential to provide a new bus link that largely avoids Station Road, a significantly congested section of road and provide a more direct connection between the train station, town centre and bus station, however a link through Firepool development without a continuation thorough Morrison’s is not considered to have significant benefits to buses over using Station Road*’. It should be noted that if the link through Firepool is not provided now, then the opportunity to provide aspirational future link set out in current policy will no longer be an option. This is considered to be a policy matter for Taunton Deane to consider.

The study does identify that two route options from Monkton Heathfield could be provided predominately utilising the existing infrastructure and splitting the routes in which the buses will travel, buses to the Train Station will continue to utilise Station Road with no priority measure proposed in this location.

**Through route** – The proposal remains that the required ‘Through Route and associated bus gate at Priory Bridge Road’ is not part of the current application. The proposal is therefore considered contrary to current TDBC policy, however this is considered to be matter for Taunton Deane to decide if the positives outweigh the negatives. The modelling that was undertaken to inform the 2015 application did indicate the network would adversely suffer without sufficient mitigation. As detailed above some mitigation will now be secured through this application.

**Vehicular Access** – As mentioned previously, MOVA or SCOOT will be required at the access junction to link with the NIDR junction, which will ensure the optimisation at peak ‘development’ traffic times.

## **Travel Plan**

The Travel Plan requires some amendment. The Audit has been issued to the applicant to address. An updated Travel Plan has been received, dated 16<sup>th</sup>

February 2018. The Travel Plan will be reviewed and fed back to the applicant, to the point at which it is considered approved. The Travel Plan will require to be secured by Section 106.

## **Rights of way**

The Design and Access Statement refers to two new footbridges linking the development with the town centre and the area to the north of the railway line, from the plans provided it is not clear of the location, therefore clarification is required.

The Rights Of Way Officer has raised the following comments which remain outstanding:

- From the documentation reviewed, it is not clear how public bridleway T 33/21 will be treated as part of the application. Previous pre-app discussions suggested a diversion scheme that would incorporate the riverside path, crossing the river via the current private vehicular bridge and then joining Priory Bridge Road via Viridor House.
- The revised outline application now offers a pedestrian connection to Priory Bridge Road on the north side of the river. It is not clear whether this could serve as a cycle or even equestrian link, which could impact on any possible diversion scheme for the bridleway.
- Further detail will need to be submitted at the detailed design stage to demonstrate how equestrians in particular will be catered for due to the development impacting on bridleway T 33/21. The applicant will also need to demonstrate that any structures (including bridges) and exits onto vehicular highway of the alternative bridleway are compliant with the standards required for equestrians and cyclists.
- Details with regard to the future maintenance of the new bridleway should be included in the heads of terms for any s106 agreement with the possibility of the need for a contribution to cover any AIP and supervision. It is assumed the applicant will be retaining future maintenance of the new bridleway and associated structures.

## **Summary**

As this is an outline application with all matters reserved except access there are a number of points with regard to detail that will require addressing at the reserved matters stage subject to planning consent being granted.

## **Conclusion**

Having reviewed additional work provided alongside the full submission it is the view of the Highway Authority that there is no need to raise objection to this development proposal, subject to the following highway mitigation being secured through s106. If any of these measures are not able to be secured, the impact on the Highway

Network is likely to be severe.

Development Specific:

- Site Access

Offsite mitigation necessary to accommodate proposed development

- Contribution the Rowbarton Gyratory
- Wickes Roundabout improvement

Travel Plan

Travel plan measures to include but no limited to:

- Bus services / stops and if required improvements;
- Parking, for bikes, motorcycles and vehicles; and
- Travel plan packs and incentives
- Electric Charging points;
- Travel Plan coordinator; and
- Safe guarding sums and fees

*PARKING SERVICES (ASSISTANT DIRECTOR BUSINESS AND DEVELOPMENT) –*

As colleagues are aware the Taunton Parking Strategy has recently been refreshed and the new strategy will be adopted by council on 22<sup>nd</sup> February 2018. The strategy covers all aspects of the approach for off-street parking provision in Taunton town centre until 2027.

The strategy is based on five strategy objectives, which are to

- (1) Prioritise town centre spaces for short-stay shoppers and visitors
- (2) Provide for the needs of particular users - (eg disabled people, motorcyclists)
- (3) Reduce the impact of congestion and pollution and enhance town centre environment
- (4) Improve actual and perceived safety and security and
- (5) Enhance quality and customer experience. These have been derived from national and local policies on parking.

In producing the strategy TDBC commissioned WSP to carry out analysis and survey work on our behalf. As an element of this work WSP conducted a snapshot survey of 21 off-street car parks in June 2017 (16 Borough Council and 5 private retail) to provide insights into car park usage and occupancy. This, along with other evidence, including ticket sales data (both from machines and Phone and Pay), has been analysed to understand trends in car park usage, tariffs and key issues with parking.

I have highlighted findings which are pertinent to the Firepool planning application but have include all the key findings for completeness below, they are as follows:



- On weekdays there are just over 4,000 publicly available parking spaces in the town centre, with 2,800 of these (64%) being operated by the Borough Council. There are a further 1,600 spaces at the two park and rides (600 at Silk Mills and 1,000 at Taunton Gateway (M5 J25);
- On Saturdays there are an additional 148 parking spaces available at Belvedere Road;
- 25% of all transactions in Borough Council car parks are made by Phone and Pay, with the remaining 75% at the ticket machines. However, the proportion of Phone and Pay tends to be higher in commuter car parks, with more than 60% using Phone and Pay in Kilkenny car park;
- Weekday surveys recorded 17,466 vehicles parked in 21 town centre car parks between 07:00 and 19:00. 9,892 (58%) parked in the five private retail car parks, with the remaining 7,574 (43%) parking in the 16 surveyed Borough Council car parks;
- Survey data shows that on weekdays the number of vehicles parked in the town centre car parks peaks in the late morning. At the time of maximum occupancy there are:
  - A total of 3,074 vehicles parked in the 21 surveyed car parks, with 916 available spaces. Of these:
    - 2,083 vehicles were parked in Borough Council car parks, with 678 available spaces (25% spare capacity); and
    - 991 vehicles were parked in private retail car parks, with 199 available spaces (17% spare capacity).
- Remaining spaces are not uniformly located across the town, with some car parks being at capacity at peak times, such as Castle Street, Crescent and Duke Street, whilst High Street and Orchard multi-storey are identified as having spare capacity;
- 28% of all vehicles parked in the Borough Council town centre car parks on a weekday are parked at the time of peak occupancy in the late morning (2,083 of the 7,574 vehicles recorded). The remaining 72% are spread out across the rest of the day when there are greater levels of spare capacity;
- Ticket machine sales indicate numbers of parked vehicles is 28% higher on Saturdays than on weekdays. Applying this uplift to weekday survey figures indicates that around 9,700 vehicles may park in town centre Borough Council car parks on an average Saturday.
- Applying the weekday pattern of vehicle arrivals and departures to Saturday ticket figures would suggest that the surveyed Borough Council car parks have approximately 7% spare capacity at the most popular times (about 2,715 parked vehicles in late morning / early afternoon, compared to 2,909 Borough Council parking spaces (including Saturday spaces at Belvedere Road). However, it is possible that parking on Saturdays may exhibit a lower, later, peak than weekdays, with parking demand spread over a longer time period, reflecting the different nature of weekend travel patterns and activities;
- Ticket sales indicate overall numbers of car park users have increased by 8% in the last years, with strong growth in commuter tariff car parks;
- Survey data found two thirds of shopper tariff car park users stay for less than 2 hours but 10% stay more than 4 hours. Ticket machine sales show that on average customers pay for 2 hours and this is the same for weekdays

- and Saturdays;
- Survey data found that more than 50% of commuter tariff car park users stay for less than 4 hours. Ticket machine sales identify that customers pay for an average of 4 hours' stay in commuter car parks and that average payments in Kilkenny are higher still, at more than 6 hours;
- Short stay parking charges are generally cheaper than comparison towns and long stay parking is on a par with Bristol and Exeter; and
- Season tickets are generally cheaper in comparison towns, and a wider range of options are available elsewhere (e.g. monthly, quarterly, annual);
- **In terms of the average vehicle occupancy of the park and ride sites, Silk Mills is 75% full on weekdays, falling to 32% on Saturdays. Gateway is 37% occupied on weekdays, reducing to 15% on Saturdays. The data highlights the available spare capacity at park and ride sites, particularly at Taunton Gateway. The reasons are unclear, but are likely to be at least partly related to the excess of supply in the town centre. Further investigation would be useful to better understand why people are not using them; and**
- **Average occupancy of the park and ride sites has risen slightly over the last 3 years but there has been stronger growth in average daily numbers of daily park and ride bus service passengers over the same period**

In producing the strategy we have taken into account developments that will affect publicly accessible spaces which are within the council's adopted planning strategies for the town centre. These will raise net parking supply by 355 spaces (an additional 425 from the submitted Firepool application minus the loss of 70 at Coal Orchard). Investment in variable message signs (VMS) will cover 9 car parks, including the park and ride sites, and pay on foot at seven car parks, which will help match drivers to spaces and improve customer experience.

Using the Taunton Strategic Transport Model future year (2031) the strategy examines how the level of traffic is going to change in the future in Taunton town centre. The model takes into account all the development envisaged by the Core Strategy and forecasts an overall increase in town centre traffic of 10%. Following this logic, if we were to increase demand for parking by 10%, then this would show that, based on the existing surveys of spare capacity that there is sufficient weekday parking supply across the town centre to meet demand in 2031. The Park and Rides provide additional parking capacity on top of this. Demand on Saturdays would exceed town centre supply during the late morning and early afternoon, but there is sufficient spare capacity at the Park and Rides to more than accommodate this additional demand.

The strategy identifies actions to address the park and ride operating model.

### **Implications for Firepool application**

The strategy draws clear conclusions on capacity requirements across its life. These show that additional capacity in the Town centre beyond planned sites is not required. This is based on the use of the Transport model that is utilised by the council in analysing all planning applications.

In specific terms I understand that the Firepool development has been analysed

and has sufficient spaces to deliver on its own needs and requirements. The inevitable conclusion from the strategy work is that the optional 200 spaces linked to this application through the development agreement are no longer needed. I would therefore recommend that any consent should reflect this situation as there appears to be no factual evidence to support the inclusion of any additional spaces in association with the proposed development.

#### *LOCAL LEAD FLOOD AUTHORITY –*

The application is a single phase of a wider re-development plan. The LLFA has no objections to the proposal within this phase, The applicant will need to submit a detailed design for the surface water drainage for this phase which must be in accordance with the previously approved site wide, surface water drainage strategy.

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 in writing 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.

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).

#### *SOUTH WEST HERITAGE TRUST –*

The applicant has submitted a Heritage Statement (HS) that reviews the archaeological potential and includes a setting assessment. We agree with the conclusions of the HS that there is reasonably low potential for significant buried archaeology on the site and that the impacted heritage assets (buildings) are of relatively low significance. We also agree that building recording should take place to accord with the NPPF. It is further advised that archaeological monitoring of the development take place.

For this reason I recommend that the developer be required to archaeologically record the heritage asset and provide a report on any discoveries made as indicated in the National Plan. This should be required through a condition:

"Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work, involving monitoring of ground works and building recording, in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological monitoring, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.."

#### *ENVIRONMENT AGENCY –*

Our response is set out in the context of the plans and details submitted with the application and, the letter from Brendan Cleere of Taunton Deane Borough Council dated 1 June 2017 providing information around the necessary long term flood management infrastructure for Taunton. I will refer to the latter first and follow on with our technical observations. I have attached a copy of this letter for your use.

We are pleased to receive the letter from Brendan Cleere which sets out the importance that Taunton Deane Borough Council place on the delivery of a strategic flood risk management scheme for Taunton. The context for this being relevant for this site (and why Brendan Cleere's letter needs to form part of the information for this planning application) is that the development of the Firepool site may lead to increased flood depth to existing at risk properties, we address this point in our technical discussion below. Whilst we are working in partnership with TDBC on the design and implementation of a strategic scheme we are aware that there have been questions over the funding of the flood defence scheme. The commitment given by TDBC, in the letter of the 1 June 2017, for funding streams that they have direct control over and confirmation of the various government funding sources (principally those pots managed by the HCA and those arising as a result of Taunton being formally given Garden Town status) provides us with the reassurance of the Council's determination to see the scheme delivered. However, the most important commitment the Council have given is to confirm that the Council has, and is prepared to use, its borrowing powers to ensure the scheme is built. On this basis and, on the understanding that the letter forms part of the planning application documentation, we accept that there is sufficient certainty over delivery of a long term solution to a strategic flood management scheme that will overcome any adverse impacts to third parties.

In August 2016, during the previous application for the site, the applicant clarified the flood risk changes to third parties as a result of raising the ground at the Firepool site, and proposed a viable off site mitigation solution to deal with this issue.

The flood risk to the site for this proposal, and the mitigation proposed remains identical to the previous application. The off-site mitigation solution is only acceptable within the context of the longer term permanent solution to reduce the existing flood risks in Taunton, being jointly developed by ourselves and TDBC. This is unlikely to 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.

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.

Having reviewed the Flood Risk Assessment (FRA) for the application and gained reassurance from TDBC of the funding stream for the long term Flood Alleviation Scheme for Taunton, we have no 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:

S106

Prior to development on site a S106 should be completed as follows:

The 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.

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 that under correspondence dated 30 December 2016 we previously recommended a 10 metre buffer strip for biodiversity and recreation reasons alongside the River Tone. Despite the conditions above 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.

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.

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 following receipt of amended plans:*

The Environment Agency's previous correspondence in relation to this proposal, dated 12 June 2017, remains relevant subject to the provision of a strategic flood solution and its funding, to ensure no adverse flood implications to third parties.

However, based on the changes to the river frontage master plan document, we have concerns with the position of the lights in relation to the path and the trees. The lights should be pushed back as close to the buildings as possible. With the current proposal, we would not be able to drive machines between the lights and the trees, within the 3.5m gaps that is provided.

*LANDSCAPE –*

### **Landscape character areas**

I consider breaking the riverfront into three character areas to be appropriate. However I would like to see the depth of the **naturalistic waterfront area widened** so that it feels more like an informal park. At the moment, its width is less than the formal river frontage. Dwellings should be positioned further back from the river in this area

The transition between the three areas should be gradual.

It is appropriate for a complete hard edge near Priory bridge square, but this should not extend for more than a few metres. The riverside wall could then be softened directly abutting the river as is the case near Morrison's.

### **Planting**

The proposed character of the planting is appropriate but, due to EA restrictions that tree groups must be 20 m apart, I am not convinced that there will be sufficient trees along the river edge, to enhance the visual quality of the scheme and to help to maintain dark routes for nocturnal wildlife.

At locations where 20 m access points are required on the river bank, additional tree groups could be planted further back from the river adjacent to the cycle route. This may require refining of the design resulting in some dwellings being stepped back breaking up the present straight line fronting the river.

**It is not clear from the drawing if the existing lime trees in the formal**



## **waterfront area will remain?**

### **Public art**

Could the proposed public art have a wildlife theme to complement the public art carried out under the Routes to the river Tone project?

### **Lighting**

**I consider the design of the lighting along the riverfront to be key to this application.** Design of external lighting is important to create an interesting urban space but it must also not compromise the wildlife potential of the river. To clarify, lighting has several impacts on bats known to be using this river which is designated as A Local Wildlife Site.

### **Roosts**

Illuminating a bat roost creates disturbance and may cause bats to desert the roost. Existing trees along the river and structures should be checked for roosting bats. Light falling on a roost access point will at least delay bats from emerging and this shortens the amount of time available to them for foraging. As the main peak of nocturnal insect abundance occurs at and soon after dusk, a delay in emergence means this vital time for feeding is missed.

### **Insects and foraging**

In addition to causing disturbance to bats at the roost, artificial lighting can also affect the feeding behavior of bats. There are two aspects to this. One is the attraction that light from certain types of lamps has to a range of insects; the other is the presence of lit conditions.

Many night flying species of insect are attracted to light, especially those lamps that emit a ultra-violet component and particularly if it is a single light source in a dark area. As well as moths a range of other insects can be attracted to light such as craneflies, midges and lacewings. The slower flying and rarer bat species such as Daubenton's generally avoid streetlights. In addition it is also thought that insects are attracted to lit areas from further afield. This is thought to result in adjacent habitats supporting reduced numbers of insects. This is a further impact on the ability of the light avoiding bats to be able to feed.

Artificial lighting is thought to increase the chances of bats being preyed upon. Many avian predators will hunt bats which may be one reason why bats avoid flying in the day.

There are no full details of the proposed lighting to be used but I note that the columns proposed appear quite tall. In addition the columns are located on the wrong side of the footpath with light being directed towards rather than away from the river.

A statement by the Bat Conservation Trust (2011) on 'Lighting and Mitigation for Bats' resolved that smarter lighting, rather than less lighting, is key to mitigating the effects of light pollution. Light should only be erected where it is needed, illuminated during the time period it will be used, and at levels that enhance visibility. The

following taken from the Bat Conservation trust's guidance *Bats and lighting in the UK* offers advice on bats and lighting

### **Type of lamp (light source)**

The impact on bats can be minimised by the use of low pressure sodium lamps or high pressure sodium instead of mercury or metal halide lamps. Narrow-spectrum bulbs should be used to lower the range of species affected by lighting and light sources that emit ultraviolet light and bare bulbs must be avoided.

### **Luminaire and light spill accessories**

Lighting should be directed to where it is needed and light spillage avoided. This can be achieved by the design of the luminaire and by using accessories such as hoods, cowls, louvres and shields to direct the light to the intended area only. Planting can also be used as a barrier or manmade features that are required can be positioned so as to form a barrier.

Lighting schemes attempting to address the protection of dark corridors sometimes use LED5. LED5 do not produce UV, but can have strong emissions in the blue region of the spectrum (especially the 'cool white' type).

Preliminary results from a survey regarding insects and LED lamps show a low insect attractiveness, which can be compared to that of the low-pressure sodium lamps.

Recently a **company has developed amber-coloured LED streetlights** with a wavelength of 600 nm, used in some areas of Holland (Gilze, south Netherlands) with good success as the lights allow humans to see whilst minimizing disturbance to bats. In the UK similar lamps are marketed by Philips as ClearField, which include small amounts of light at frequencies in the green and blue spectrum. Note: The amber LED was not patented by the Dutch Roads Agency (it has existed for about ten years), but its use in a lamp to avoid any effect on bats is new, hence the name 'bat-lamp'. There is only a minor price difference between conventional LED illumination and bat-lamps.

### **Lighting columns**

The height of lighting columns in general should be as short as is possible as light at a low level reduces the ecological impact. Steps can be lit at ground level with inset lighting.

### **Light spill from nearby housing.**

Due to the close proximity of dwellings to the river then, at detail stage information will be required on how light spill will be addressed by the developer

**To conclude light levels falling on the bank should not be above 1 Lux. In order to assess the proposed lighting for this scheme a plan showing lux contours is required.**

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

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

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that “living waterways transform places and enrich lives”. We are a statutory consultee in the development management process.

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) Operational issues
- b) Impact on the character and appearance of the waterway corridor.
- c) Impact on the biodiversity of the waterway corridor.
- d) Impact on the canal towpath (Sustrans Route 3)

On the basis of on the information available our advice is that suitably worded **conditions and/or a legal agreement** may be **necessary** to address these matters. Our advice and comments are detailed below:

### **Operational issues**

The Canal & River Trust must maintain access to Firepool Lock to enable large cranes to service and maintain the lock and lock gates as well as in a rescue event if a boat becomes stuck in the lock at some point in the future. The masterplan acknowledges that an access will be retained but the width and surfacing of the access route are critical and should be discussed in more detail with the Trust prior to the provision of detailed plans. The current illustrative plans appear to show resin bound gravel used across the lock frontage but this may not be suitable given the occasional need to bring heavy machinery to the site.

The existing landing stages are poor, if the desire for a River taxi is taken up these must be improved and their location and details should be agreed with the Canal & River Trust who act as Navigation Authority.

The various flood protection works taking place in Somerset as well as future plans for the restoration of the Grand Western Canal may increase opportunities for navigation on both the Bridgewater & Taunton Canal and on the River. The Environment Agency may wish to comment on issues relating to water levels, pollution, flood risk and the weir structure.

### **Impact on the character and appearance of the waterway corridor.**

Water should not be treated as just a setting or backdrop for development but as a space and leisure and commercial resource in its own right. The ‘added value’ of

the water space needs to be fully explored. The waterway itself should be the starting point for consideration of the development and use of the water and waterside land – look from the water outwards, as well as from the land to the water.

A waterway and its environs should form an integral part of the public realm in terms of both design and management. It is important that the siting, configuration and orientation of buildings optimise views of the water, generate natural surveillance of water space, and encourage and improve access to, along and from the water.

New waterside development needs to be considered holistically with the opportunities for water-based development, use and enhancement and Improve the appearance of the site from the water at boat level, and enhance the environmental quality of the waterway corridor.

The Canal & River Trust wish to advocate public realm improvements in the area around Firepool Lock to improve visual amenity and prevent anti-social behaviour. We would welcome the opportunity to discuss this in more detail prior to submission of detailed plans to ensure that the operational requirements of the area are not compromised. We note that the proposal seeks to provide an active water front and high quality public realm and this should continue around the lock area, as this is of historic interest and will become a focal point if navigation increases in the area.

In addition, we note that a lighting feature or public art is proposed at the canal bridge and that this area is recognised as a gateway into the site. Whilst we agree that this area needs improving and upgrading the location, form and light level must be carefully considered to ensure it does not have an adverse impact on users of the waterway or on the habitat of the start of the canal corridor. Would request that a condition to regarding the provision of further details of lighting features is provided to ensure that this area is not adversely affected by light spill.

The illustrative plans show blocks of 4/5 storey apartments surrounding the lock. Whilst these reduce slightly closer to the lock they do result in a barrier to long distance views, particularly from water level. This may be improved if lower heights are used or with better orientation and wider gaps between the buildings. We would wish to discuss this in more detail with the applicants prior to the submission of reserved matters.

Additional pontoons and moorings may help enliven the area and provide interest on the waterside but positioning and detail must be discussed with the Canal & River Trust to ensure that they do not have an adverse impact on navigational safety.

### **Impact on the biodiversity of the waterway corridor.**

SUDs and pre-treatment techniques will be necessary for surface water run off to ensure that the proposal does not have an adverse impact on water quality. We welcome that the illustrative land use plans shown this part of the development site is to be characterised by naturalistic planting and natural banks and this planting should be designed to maximise habitat creation and movement corridors through the site.

### **Impact on the canal towpath (Sustrans Route 3)**

The submitted documents mention at various places that the site is well connected via Sustrans route 3 to locations beyond Taunton and that the route runs along the River Tone.

This is incorrect as the NCN route 3 runs along the Bridgewater & Taunton canal towpath from Firepool to Bridgwater. It links the growing residential areas at Monkton Heathfield to the town centre as well as providing an easy route into open countryside for the future residents of this site. Improvement of this valued asset would be in line with the aims of the Taunton Garden Town designation. The applicants appear to have given very little consideration to sustainable transport beyond their site and to what impact this development may have on existing sustainable transport routes.

The Canal & River Trust wish to discuss improvements to the towpath near the site to ensure that it remains fit for purpose following the likely increase in usage. The towpath is recognised as an important and multi-functional green infrastructure asset in the county and in order to cope with the additional usage that this development will bring, it is suggested that further investigation is necessary to establish whether the towpath surface should be improved and widened to ensure that it does not suffer degradation as a result of this development.

The Canal & River Trust suggests that the Council and Highway Authority considers the extent to which the presence of the canal towpath and NCN route 3 contributes to the sustainability of the site and the acceptability of the development in sustainable transport terms.

Should it consider that it contributes significantly then we would suggest that it should consider whether a request for a financial contribution towards the improvement of the canal towpath and Sustrans route 3 in the vicinity of the site to ensure that it remains fit for purpose following the likely increase in usage, meets the test of soundness contained within the Community Infrastructure Levy Regulations 2010 (CIL) and paragraphs 29 to 41 of the NPPF which is committed to promoting sustainable transport and how the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice as to how they wish to travel.

### **Conditions**

We suggest that, if the council is minded to grant permission for this proposal suitable conditions are put in place to ensure that further details of surface water drainage, lighting, and habitat improvement are provided. We would welcome the opportunity to discuss our comments with the Planning Authority and applicants.

### **Informative**

Should the council be minded to grant permission to the proposal we request that the following informative is imposed onto any decision notice to ensure that the works are in accordance with our Code of Practice.

The applicants are advised to contact the Canal & River Trust Waterway engineer

Chris Pearce, to ensure that the Proposal comply with the 'Code of practice for works adjacent to the waterway'.

### *LEISURE DEVELOPMENT –*

I have the following observations to make on this application:

In accordance with TDBC Adopted Site Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings.

The Design and Access Statement indicates a proposed play area. 20 square metres of both equipped and non-equipped children's play space should be provided per each 2 bed+ sized dwelling. Further details of the size, design and equipment proposed for the play area should be provided. Open Spaces should be asked to comment on play area design and the expected timetable for delivery.

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

A public art contribution should be requested, either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to value of 1% of the development costs

### *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.

- 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 was adopted in October 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. The revised application acknowledges the pedestrian element of this where it passes through the site and its need for segregation

from road traffic in order to facilitate a better walking environment for users.

- 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. The revised application fails to provide adequate justification for the individual types and quantum of uses/activities proposed in its 'Planning Statement'.
- At the same time as the TTCAAP was adopted, the Borough Council adopted the Taunton Town Centre Design Code Supplementary Planning Document (SPD) which was linked to policies in the former document, particularly Policy ED1: Design. Other relevant TTCAAP policy links relating to this application and the SPD include; Policy Fp1: Riverside Content and, Policy Fp2: Riverside Transport. The Design Code SPD acts as extension of these policies providing greater detail regarding their interpretation when considering development proposals. As such it should be given considerable status and 'weight' in the decision-making process.
- 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 limited status as a 'material consideration' in the determination of any planning application. The document is repeatedly referenced in the Planning Statement, Design & Access Statement and, Masterplan Framework Report as a form of evidence to support justification for the approach taken. This is in direct contrast to references to the TTCAAP and Design Code SPD.
- 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. Any significant departure from the details set out in the TTCAAP need to be adequately justified with appropriate supporting evidence.
- The TTCAAP and the application of the relevant policies is barely mentioned in the Planning Statement except to provide a precis of the policies themselves (Section 4, paras. 4.57 – 4.80. pp.26 – 32). Little mention is made as to how these have influenced the content of the final submitted application. This is, at best, left as an unstated assumption.
- The same approach applies to the Design Code SPD (Section 4, paras.4.91 – 4.94, pp.36 – 37). The latter is also mentioned briefly in the Design & Access Statement but only to repeat the design principles of the code (paras.1.1.7 – 1.1.8, p.vi) and, 'landscape design' (p.xxv) but not to their application in formulating the composition and indicative illustration of the potential end product. In the Masterplan Framework Document, the only reference to the SPD is in relation to the 'landscape character areas' (p.xii) and, the type of paving that is suggested should be used (p.xiii).
- The failure to identify a clear link between the policy guidance provided through the TTCAAP and Design Code SPD, and the proposal, makes it difficult for decisionmakers to establish a consistency and conformity (or otherwise)

between them. Where the proposal is known to be inconsistent with the policy framework, this needs to be clearly identified and explained, supported by the necessary evidence to justify any 'departure' from what was originally expected in the policy documents. This is a basic principle of the evidence-based planning system in which Local Planning Authorities are expected to operate.

- There is limited reference in the accompanying Retail Assessment (Section 4 pp.10 – 17) to the Core Strategy (CS) that was adopted in 2011 except to repeat the expectations of the latter but not to explain how the revised application conforms (or not, and why) with the strategy and, policies of the TTCAAP as part of the development plan for Taunton Deane.
- 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 Retail Assessment only makes one reference to the adopted Site Allocations and Development Management Plan (SADMP). This is to Policy TC5: Out of centre proposals (GVA Retail Assessment, April 2017, para.4.16, pp.13 – 14), and quotes the policy in full. This is not relevant as it contradicts the first part of para.2.8 of the Statement which says, *“In light of the inclusion of the Firepool area within the Taunton town centre Area Action Plan, which forms part of the development plan for Taunton (see section 4 for further details), the application can be reasonably regarded as part of the wider town centre area.”* The paragraph then goes on to explain its proximity and linkages to the core area of the town centre clearly emphasising that the site is not 'out-of-centre' but edge-of-centre.
- Having excluded the application of Policy TC5, there are two further SADMP policies that 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 relocate 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 (around Winterstoke Road and Herluin Way) immediately outside of the town centre. This has hampered attempts to both grow and regenerate the traditional centre of the



town. ○ 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,).

- The revised proposal does not integrate development with existing adjoining activities. It continues to present a more self-contained and inward looking development.
- The Illustrative Masterplan in Appendix 4.1 of the application is the same as that which was submitted with the original application (38/15/0475). The revised indicative layout is contained in the Masterplan Framework Report – Revision D document (pp.vi and, vii – x).
- The distribution of activities continues to be 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 a longer-term, higher density development of the site which would be more appropriate given its location, existing surrounding built environment and proximity to the town centre.
- It provides a lower density scale of development when compared to that envisaged in the TTCAAP and the ‘Taunton Rethink’ and effectively compromises the capacity of the site for development in the longer term if it were to be implemented in phases.
- The distribution of built structures restricts 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.
- The location of structures and road related uses emphasises the dominance of private, commercial use over public accessibility.
- The 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 of the sit
- to another. The intention to provide surface-level car-parking results in the creation of a series of built development blocks surrounding extensive areas of tarmac/paving and the impression that the latter is the focal point of the overall scheme. There is a danger that the distribution of the public car-parking in the manner proposed will encourage un-necessary short distance movements by the private car similar to that which exists at the Hankridge/Herons Gate development. This is not conducive to the creation of good air quality and a pleasant environment.
- 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 70% of that indicated in the Taunton Rethink (see, Table 1).
- Whilst the Planning Statement claims that the original aspiration in floor-space requirements for B.1 Office accommodation as set out in the TTCAAP and Taunton Rethink are unlikely to be met, no explanation or evidence as to why

this is the case is provided other than that they, *“do not reflect more recent market conditions..”* (para.5.28) and, *“.does not take into account a changed commercial and economic outlook following the recent recession.”*(para.5.31). It goes on to suggest that the, *“.drop in demand for B1 space as a result of the downturn and a potentially unrealistic reliance on central public sector relocation aspirations at the time.”*(para.5.32) without identifying what these are/were, quantifying the affected change or, explaining what the consequences could be for the area set against the original aspirations.

- The application identifies a total of c.13,400sq.m. of retail floor-space to be provided. This is an uplift of 67.5% over that included in the TTCAAP and 36.7% in the Taunton Rethink with no explanation as to why this is necessary. It is particularly odd in the context of the admission in the Planning Statement that the non-food element of the retailing figure has been derived on a speculative basis. The absence of clear evidence of operators wanting space in Taunton suggests that there is real uncertainty as to whether the demand for new non-food retail floorspace really exists.
- Provision of additional non-food retail floor-space on a speculative basis could result in existing retail operators (particularly the ‘high-street’ names who lease rather than own floor-space) to relocate to more modern accommodation leaving vacant units in the existing primary and secondary shopping areas of the town that could be hard to ‘fill’. Over the longer term the continued presence of such vacant units could create a poor visual image, dissuade potential operators from investing in such locations and, discourage shoppers from visiting the area further marginalising its significance and relevance within the overall shopping provision of the town.
- An additional 1,500Sq.m. has been provided for D1 activities without any explanation as to where the demand for this type of floor-space has originated from.

No indication of an identified need for such uses was made in the TTCAAP or Taunton Rethink documents.

- Para. 5.38 of the Planning Statement claims that the reason for a surface level only car-parking solution is based on the preferences of potential occupiers especially an up-market food retailer. However, the public car-parking provision, which is significantly lower than that suggested in the TTCAAP or the Taunton Rethink, is not solely there to service the food retailer. In the context of all the retail activity floor-space, the food retailer only accounts for c.26% of the total. The same document acknowledges that in respect of the other retail activities the proposal is being made on a speculative basis, thereby questioning the rationale behind a surface-level only car-parking provision.
- The Design and Access Statement claims a multi-level car-parking solution would dominate the scheme. This seems at odds with those schemes where this option has been successfully integrated into a development such as; Tesco at Lichfield which includes c.200 spaces underneath the main store on a sloping site; Castlepoint development in suburban Bournemouth which includes a two-storey car-park within the two ‘arms’ of the retail development; and, Dumfries Place, Cardiff where the multi-storey car-park has been designed in a style to resemble a traditional warehouse building. No indication is given in any of the documents that schemes similar to these have been considered as a way of being integrated into the scheme and therefore increasing the overall potential development of the land even if this means phasing it over a longer time-scale.

- Para.5.39 of the Planning Statement acknowledges that the proposal in respect of non-food floor-space, at this stage, is still speculative therefore there is no certainty that the operators who expressed the preferences for surface-level car-parking would even take up units in the development.
- In Section 3.1 Masterplan Evolution of the Design and Access Statement it is stated that alternative formats of car-parking including multi-level decking were excluded because of their impact on 'the public realm'. No further explanation is forthcoming. Given the importance of the location of the development and the scale and massing of existing (and currently being erected) development surrounding the site, it is difficult to comprehend how surface level car-parks in such a location can be considered to be an efficient and effective use of space from a spatial planning perspective. It is unclear how extensive surface-level car-parking makes a positive contribution to the 'public realm'.
- The scheme includes extensive areas of surface level car-parking to provide 425 public car-parking spaces plus an unspecified number for use solely by the commercial operators and residents. This results in a poor use of space located at the centre of the scheme, north of the river, a place that would normally be expected to form some type of focal point for the development. It will result in extensive areas of bare open space making for a bleak and soulless environment and vista outside of normal trading hours irrespective of the attempts to break up the space with the linear landscaping techniques shown on the indicative masterplan illustration.
- There is an absence of a 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.

### **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 and its accompanying Design Code SPD.

- It is acknowledged that the quantum of office floor-space to be realised on the Firepool site(s) will be significantly lower than that originally proposed through the TTCAAP. Because of this, it is considered that some explanation and rationale is required to justify a significant departure from the aspirations of original development plan document. Simply referring to, 'changed market conditions' is inadequate. The changes need to be explained and, where possible, quantified, along with providing the contextual explanation for a revised approach.
- The need for a 'high-quality' food retail unit (GVA Planning Statement – April 2017, para.5.10, p.39) is not questioned in itself but more tangible evidence of operator demand should be made clear to justify this.
- The provision of additional non-food floor-space is questioned because it is admitted that this is based on speculation rather than factual evidence. There is a danger that provision of new floor-space in this way will merely result in the relocation of existing retail operators in the town to the detriment of the shopping areas in which they are currently located.
- There is concern that 'uplift' in the quantum of new non-food retail floor-space above those levels identified in both the TTCAAP and Taunton Rethink documents has not been adequately justified.

- There is concern over the inclusion of provision for up to 1,500sq.m. of floor-space for D.1 class uses without identifying what sort of facility there is a need for, especially as such activities were not included in the TTCAAP and Taunton Rethink documents.
- The proposal makes too great an emphasis on the provision of surface-level carparking for public use resulting in a design that creates extensive areas of paved/tarmacadam areas which will present an exposed and desolate image in the periods when commercial activity is at a minimum or ceased.
- The needs of pedestrians and other modes of non-car movement have been pushed to the periphery and/or do not link well with existing networks that surround the site(s).
- The overall design is inward-looking concentrating on the site(s) themselves only, rather than integrating with the built and currently being built urban form that surrounds it.

Table 1: Composition of development proposals

Use Class	TTCAAP (Firepool only)	Taunton Rethink (Firepool only)	Planning Application 38/15/0475	Planning Application 38/17/0150
B.1	47,000 sq.m.	23,700 sq.m.	8,475 sq.m.	8,475 sq.m. <sup>1</sup>  + 4,014 sq.m.
A.1 – A.5 & D.2	8,000 sq.m.	16,100 sq.m.	15,700 sq.m.	-
<i>A.1 conv.</i>	<i>4,000 sq.m.</i>	<i>2,800 sq.m.</i>	<i>3,500 sq.m.</i>	-
<i>D.2</i>		<i>6,300 sq.m.</i>	<i>2,400 sq.m.</i>	-
A.1 – A.5	-	-	-	13,400
<i>A.1 conv.</i>	-	-	-	<i>3,500</i>
D.1 & D.2	-	-	-	3,900
<i>D.1</i>	-	-	-	➤ <i>1,500</i>

<i>D.2</i>				<i>2,400</i>
<i>C.3</i>	<i>400 units</i>	<i>70 – 170 units</i>	<i>150 units</i>	<i>200 units</i>
<i>Aff. Hsing.</i>	<i>100 units</i>	<i>30 – 50 units</i>	<i>? units</i>	<i>? units</i>
<i>C.1</i>	<i>(2,800 sq.m.)</i>	<i>2,800 sq.m.</i>	<i>8,475 sq.m.<sup>1</sup></i>	<i>8,475 sq.m.<sup>1</sup></i>
<i>Parking</i>	<i>700 spaces (multi-storey)</i>	<i>500 – 700 spaces (multi-storey)</i>	<i>425 + ? spaces (surface only)</i>	<i>425 + residential (surface only)</i>
<i>Total (f/space)</i>	<i>57,800 sq.m.</i>	<i>42,600 sq.m.</i>	<i>30,075 sq.m</i>	<i>25,789sq.m<sup>2</sup> 29,789sq.m.</i>
<i>% of the TTCAAP</i>	<i>100</i>	<i>73.70</i>	<i>52.03</i>	<i>44.62<sup>2</sup>- 51.54</i>

### *ECONOMIC DEVELOPMENT -*

My observations on the scheme submitted by St Modwen Development are in the context of the notable redesign of the scheme following the refusal of the previous application on this site in 2016. I believe that the applicant has taken heed of the Planning Committee's advice, and improved the overall design standard and linkages to the rest of the town centre, most notably the creation of a pedestrian boulevard running north to south to provide a direct route from the train station into the heart of the town, and that is not at the cost of the commercial viability of the scheme. Upon refusal of the previous scheme the Committee commented that it was supportive of the overall mix of uses proposed within the scheme, so I am pleased to note that the current proposal retains many of those components.

This amended application follows months of detailed discussions to redesign the scheme in order to address the concerns raised by the Planning Committee and I note that the scheme has been supported by the Design Review Panel.

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.

The proposed scheme retains many of its positive features, and I would reiterate many of the same reasons that I put forward in support of the previous scheme. I am supportive of the development proposed for the following reasons:

5. 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.
6. The scheme now proposed will enable the creation of approximately 1700 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.
7. 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.
8. The proposed new public car parks will provide improved access to the Town Centre for visitors from the north and east of Taunton. This aspect of the scheme has been significantly improved since the previous application. The car parks will serve not just Firepool but will have a wider strategic purpose, providing for linked trips throughout the Town Centre. It will help to mitigate 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.
9. 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.

10. 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. The small car park is well placed to provide additional public space for one off events.
11. The Boulevard has been significantly improved since the last application, now presenting a double sided street, with commercial uses on both sides. This will create an attractive, direct pedestrian link between the Railway station and the existing town centre. 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.
12. 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.
13. 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.
14. 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.
15. The scheme will bring forward much needed additional high-quality housing on the site and in adjacent developments.
16. There is a strong synergy between the offices (mainly on the south site) and leisure offer (bars & restaurants) on the north site (both adjacent and accessible from Priory Bridge Road) – 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)
17. 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

18. The outline approach taken will enable the development of individual sites within the scheme to remain flexible and responsive to changing market demand.

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

- a) 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.
- b) it is essential that the new retail units proposed facing the Boulevard do not encourage the relocation of retailers from elsewhere in the town centre. I would prefer to see a minimum unit size put on those units, which would encourage key new comparison retailers into the town.
- c) Uses eligible within the terrace of retail units facing The Boulevard should be restricted with a strong emphasis on comparison goods, thereby complementing other units that will accommodate convenience goods and catering facilities.
- d) 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.
- e) 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
- f) I 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.
- g) For the development to become an extension of the town centre, rather than an isolated and competing location, it is essential that attention is paid to pedestrian linkages. These are particularly the area of Priory Bridge Road, where the proposed new Boulevard will join, and the south west corner of the site where it joins Station Road. Both are likely to be busy areas and consideration should be given to pedestrians wishing to cross the road at each point.
- h) Similarly, I 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 Boulevard, across



the Northern Inner Distributor Road and into the Station site. This is a crucial pedestrian link.

### *BIODIVERSITY –*

Several surveys have been undertaken on site since 2006. Since this time several buildings have been removed from the site leaving only the auction house remaining. Recent Surveys revealed no significant changes to habitat on site. Grassland however was being colonised by tall ruderal vegetation spreading into the site from the boundaries. The latest survey by Cotswold Wildlife surveys was carried out in November 2016. The report (Ecological Survey Addendum for Firepool) is dated March 2017

**Bats** - No signs of bat roosting were found on site. Bats (common pipistrelle and brown long eared bat) did however feed on and around the site. Most of the bats were thought to have emerged from the woodland area along the River Tone and the canal to the east of the site. It is known that the river is used by bats (daubentons) as a major commuting and foraging route.

**Reptiles** - Surveys indicated that the site does not support reptiles

**Otters** - Otter spraint had been found under Priory car park footbridge, along with scats from American mink.

**Water voles** - There are no signs of water voles on site.

**Badger** - There are no signs of badger on site.

**Birds** - Just two species of bird were observed (Herring Gull and Black headed gull) visiting the site but not nesting. Various waterfowl were noted on the nearby River Tone.

There is potential for trees and scrub to be used by nesting birds so vegetation should only be removed outside of the bird nesting season.

I agree with reports that concluded that redevelopment of the site is generally unlikely to impact on any European protected species or important LBAP species. I support proposals to enhance of the site for biodiversity by erecting bird and bat boxes.

Any lighting in close proximity to the river should be carefully designed

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 and March 2017, and 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.

#### *SCC – ECOLOGY -*

Having reviewed the response from Paul Osborne and provided the south bank is landscaped appropriately with regard to the importance of the river as a wildlife corridor (already degraded through the town centre) I can accept the current proposed ecological strip along the watercourse, although not ideal, provided that the following is conditioned:

- A planting schedule to benefit wildlife for the whole length of the development's river frontage. Given the provisions of policy and legislation wildlife needs to take priority over the subjective ascetics of more formalised planting
- A landscape and ecology management plan to benefit wildlife, e.g. from

BS42020:

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior [... to the commencement or occupation ...] of the development [or specified phase of development]. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species

- A detailed lighting scheme demonstrating that the river and its bankside habitats (both banks) would be kept dark, i.e. below 0.5 Lux, including external and internal lighting from riverside buildings and of bridges, e.g. from BS42020:

Prior to occupation, a "lighting design for bats and riverine species" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and other riverine species and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of 'lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of

European protected species

SCC - CHIEF EDUCATION OFFICER – no comments received

POLICE ARCHITECTURAL LIAISON OFFICER –

At this outline stage, the comments made in my emails dated 6th May 2016 and 31st December 2015 in respect of the previous scheme (38/15/0475) would still appear to be relevant to this amended scheme and I have little to add other than the following:-

1. Crime Statistics – an updated check of reported crime for the area of this proposed development, within a 500 metre radius of the grid reference, during the period 01/05/2016-30/04/2017 is as follows:-

- Arson - 2 Offences (neither endangering life)
- Burglary - 37 Offences (incl. 12 burglary(or attempts) in dwellings, 25 non-dwelling burglaries)
- Criminal Damage - 81 Offences (incl. 28 criminal damage to buildings & 36 criminal damage to vehicles)
- Drug Offences - 5
- Robbery - 8 Offences
- Sexual Offences - 23
- Theft & Handling Stole Goods - 238 Offences (incl. 5 theft of motor vehicles, 18 theft from motor vehicles or interference, 32 theft of pedal cycles & 99 shoplifting )
- Violence Against the Person - 389 Offences (incl. 13 wounding, 3 assault police, 99 assault ABH, 98 common assault & battery, 101 causing harassment, alarm or distress)
- Other Offences - 37
- Total - 822 Offences

This averages 68 offences per month, almost 16 offences per week, which shows a slight increase in crime levels compared to my figures quoted in 2014/2015. Peak offending days are Fri/Sat/Sun and peak offending times around midnight, probably associated with the night-time economy. However, types and numbers of offences are fairly consistent throughout the day from mid-morning onwards leading towards the peak.

Bearing in mind the levels of offending in the existing surrounding area, I am disappointed that proposed community safety/crime prevention measures for this large scale mixed use development do not appear to be addressed in the Design & Access Statement nor supporting documentation.

2. Secured by Design (SBD) - In view of this, I would encourage the applicant to refer to the SBD Homes 2016 & SBD Commercial 2015 design guides, both of which are available on the SBD website – [www.securedbydesign.com](http://www.securedbydesign.com) - at the detailed design stage.

If planning permission is granted, I would be pleased to work with the applicant in

order to design out crime and disorder in this major mixed use development.

*Further comments following receipt of amended plans:*

I have little to add to my email dated 17 May 2017, other than the following observations:-

1. **Crime Statistics** – reported crime levels remain very similar to those quoted in the above email.

2. **Public Art/External Furniture/Lighting/ Play Equipment** – all should be of robust vandal and graffiti resistant design. Furniture should be fixed into the ground in order to prevent its theft and reduce the possibility of it being used for climbing or as a tool to break through the shell of a building. External furniture should not be located at or close to a building line where it can be used to climb onto roofs and nor should it be located close to boundary fences.

3. **Litterbins** - can also be used for climbing and the contents used to start fires. It is preferable that the bins are of a type that can be locked onto a fixed base and that they are located away from the buildings. Under no circumstances must litterbins be wall mounted beneath windows or on walls covered in combustible materials. Where terrorism is a potential threat, the use and positioning of litterbins should be carefully considered so as not to provide for the placement of an improvised explosive device which could compromise public safety or building security.

4. **Car Park** – the design criteria for the car park should follow the principles laid down in the police owned '**Parkmark**' initiative and further information can be found at [www.parkmark.co.uk](http://www.parkmark.co.uk). I note from the Car Park Management Strategy that the managing agent will operate cctv and automatic number plate recognition (ANPR) in the car park, which is recommended.

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

*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, which should comply with M4(3) Category 3: Wheelchair User Dwellings of the Building Regulations 2010.

As the application is in outline, no details have yet been provided regarding the mix, size, distribution and tenures of the affordable homes. 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.

Whilst the plans are indicative at this stage, it is noted that a proportion of the residential units are above shops/offices/restaurants. The affordable housing scheme should include a broad mix of homes to meet the current housing need and Housing Enabling would have concerns if all of the affordable homes were provided as flats above shops/offices/restaurants.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

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 <http://www.wessexwater.co.uk/Developers/> 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.

#### *LOCAL LEAD FLOOD AUTHORITY –*

The application is a single phase of a wider re-development plan. The LLFA has no objections to the proposal within this phase, The applicant will need to submit a detailed design for the surface water drainage for this phase which must be in accordance with the previously approved site wide, surface water drainage strategy.

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 in writing 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.

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).

## **Representations Received**

26 individuals/companies/organisations have OBJECTED to the proposals for the following reasons:

- Little difference from the previous refused scheme
- No certainty that a temporary flood defence system could be implemented along Clarence Street. This should be agreed before planning permission is given.
- The environmental statement contains errors regarding the acceptability

temporary flood defence barriers.

- The Council is in an invidious position as it could grant planning permission for itself to develop a site that they own – public opinion must be taken into account.
- The ground raising at Firepool would result in other areas of the town being at greater risk from flooding.
- Local residents want to know who is the Lead Authority is for the deployment of temporary flood barriers. This needs to be discussed prior to a flood event.
- I park my car at Firepool car park at the moment – where will I be able to park it in future?
- Noise and disturbance during construction (particularly for night shift workers) and there should be no piling.
- The boat launching platform by the footbridge should be retained.
- There should be a very generous amount of car parking.
- Please remember the needs of blue badge holders
- Please provide a linear park along the northern side of the river
- Taunton doesn't need more shops.
- Existing shops would close as a result of the proposals.
- Retail use outside of the town centre will have an impact on the existing town centre and if existing anchor retailers move, it will have an adverse impact.
- There are other sites closer to the town centre where the leisure uses should be located.
- The food retail unit should be high quality and not a discount store.
- There should be more houses and less retail on this site.
- Underground parking should be provided
- This is the most important site to be considered by the council since the second world war – the proposal is for a supermarket, surrounded by surface level parking, more or less replicating the Morrisons site. This is a depressing prospect for Taunton's answer to Cabot Circus or Princesshay.
- Lack of green space in the development
- There should be a better connection with the railway station
- A bus route should be provided through the site.
- Coach parking should be provided so that the site can act as a destination or stop off point for coach companies.
- St Augustine Street should be closed to through traffic
- Secure bicycle parking and electric vehicle charging points should be provided.
- Sustrans have not been engaged in the development of the application despite a national cycle route running through the site.
- The national cycle route should be 4 metres wide if it is to be shared between pedestrians and cyclists, not 3 metres.
- All pedestrian routes should be shared surface for cycle users as well.
- A dark corridor should be provided on the riverside edge to protect wildlife.
- The market (northern) site has not been previously illuminated outside of market hours.
- The cinema screens would dominate the Priory Bridge Road frontage.
- Reduction in resident parking in Canal road
- Loss of business from Canal Road
- A multi storey car park should be provided on this side of town so that people can access existing and proposed facilities in the area.
- The proposals are of a poor design with inadequate pedestrian links to the town centre.



- The proposed boulevard seems to preclude cycling when it would be a direct route
- The quantum of comparison retail floors space is greater than and not in accordance with Policy FP1 of the TCAAP and therefore the council should use clauses to restrict the relocation of existing retailers from the primary Shopping Area.

## **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), the Taunton Site Allocations and Development Management Plan (2016), 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.

### 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 (2016)

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.

### **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
Somerset County Council	£344,720

## **Determining issues and considerations**

This outline application is the amended submission of a mixed use development on the Firepool site that was considered and refused by the Planning Committee in September 2016. When considering that application, Members had particular concerns about the form and layout of the development which was dominated by a central surface level car park, had a one-sided boulevard and had the appearance of a retail park. As a result, they concluded that there was a significant risk of it becoming a retail destination in its own right that would compete with, rather than complement the town centre.

This application seeks to address those concerns by making changes to the parameters plans which now spilt and break up the scale of the car parking area into 3 smaller zones, provide a two-side pedestrian and cycle boulevard/street with retail and leisure frontage on both sides, re-plan the food and beverage uses at the southern end of the boulevard and revise the residential layout to increase its area and provide screening to the car park. Prior to the submission of this revised application, the amended concepts were presented to the Design Review Panel who concluded that the revised approach was an improvement to the refused scheme.

This section of the report considers the main planning issues that are relevant to the proposal and provides an updated commentary and conclusion to the issues and areas of concern from the previously refused proposal.

As set out in the proposal section of this report, the quantum and mix of development has not significantly changed from the previous application, but the parameters plans have changed and the masterplan framework provides a greater level of detail which can be used to assess and control the quality of the proposed development going forward.

### **Principle of Development and Planning Policy**

Like the previous application, the proposals do not accord with the development plan, in particular, Policy FP1 of the Taunton Town centre Area Action Plan 2008 (TCAAP) which allocated the site for strategic office development that would provide the main focus for future office development in Taunton. It identified this as being the key factor changing market perceptions of Taunton as a place to live and work. It was 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
- e. approximately 8,000 sq m gross of additional retail and leisure floorspace, of which 4,000 sq m gross should be convenience retailing
- f. approximately 400 dwellings, including 25% affordable housing
- g. a 500 space multi-storey car park (screened with single aspect development where it adjoins public space)
- h. a 3- or 4-star hotel with at least 100 bedroom
- i. primary healthcare facilities
- j. the relocation of the Produce Market within the town centre
- k. a 'boulevard' linking the railway station with the River Tone and Priory Bridge Road
- l. public conveniences close to public parking and the River Tone, to replace the existing facilities at Canal Road and Priory Bridge Road
- m. potential for active street level uses at locations shown on the Proposals Map
- n. high quality riverside promenades
- o. 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 14,500 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 proposed an overall total floorspace of around 100,000 sq m. The scheme as submitted proposes 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 the mix of and quantum of uses identified in Policy FP1 would 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. It is also necessary to consider whether there are material considerations which warrant a deviation from the adopted development plan policies.

It was previously considered that the incorporation of a greater element of leisure and food and drink alongside a different format of retail than was expected in FP1 could (due to the proposed layout) act as a destination in its own right which would compete with rather than complement the existing town centre. This is the main thrust of the previous reason for refusal. This amended application seeks to address these concerns and there have been a number of alterations to the layout so that the proposed development acts more like an integral component of the town centre, and thus 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.

However, 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 weighing up the planning balance later in this report, the overall conclusion is that there is potential for harm arising from the proposal, but this is outweighed by the benefits 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**

Although the application is made in outline, the application includes 4 parameter plans for which consent is sought. They include the Land Use and Massing Plan, the Public Realm and Green Infrastructure Plan, the Movement Plan and the Frontages Plan. The previous application included 3 of these plans but they have all been updated to account for the revised layout and a 4<sup>th</sup> plan that defines the frontages has been submitted with this application.

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 and provide a level of certainty in regard to the position of the uses and the design requirements for the development blocks.

This revised layout has tried to address the previous concerns that the layout was akin to a retail park, and although surface level car parking remains and takes up a significant proportion of the site, the breaking up of this into 3 car parking zones has resulted in an improvement to the design quality of the development.

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 previous application, the proposals were presented to the Devon and Somerset Design Review Panel in series of four sessions between November 2014 and September 2015. As reported at that time, the panel did not support that proposal and had particular concerns about the single large surface area car park and the one-sided boulevard. These concerns were the basis for the decision to refuse that application.

Following that refusal, some fundamental changes were made to the car park areas and the boulevard and the emerging scheme was considered again by the Design

Review Panel. They recognised the improvements that have been made to the proposals and concluded that overall the proposals represent an improvement on the previous proposals and result in a much better initial design. They considered that it may be crucial to the success of the north south boulevard that a sense of (two sided) enclosure is created that has active frontages. They also felt that in order to demonstrate the different character areas across the site, that specific details should be developed for each area, as if by creating a mini design code.

In order to address the comments of the Design Review Panel regarding the need to secure a design quality at the outline application stage – and therefore be able to give that positive weight in the decision making process – officers required the submission of a Masterplan Framework document which could guarantee the delivery of a number of design principles that could be followed through to subsequent reserved matters submissions.

This was submitted with the revised proposal and since that time officers and the developer have worked hard to address areas where it was felt that the document was lacking or required greater clarity. This also required changes to the submitted parameter plans and this negotiation has now reached a point where officers are happy to confirm that the proposals are acceptable and should be given positive weight in the decision making process.

The layout now includes a sense of place that was lacking in the previous submission and the boulevard will now have the appearance of a street with retail, leisure, and food and beverage uses on both sides. It will also stretch all the way from Taunton Station to Priory Bridge and be for both pedestrians and cyclists. This is something that was required in the Taunton Town Centre Area Action Plan, which 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.

Work has also taken place in order to confirm that the riverside route would be constructed in such a way that a lit pedestrian and cycle path would be provided with an appropriate amount of landscaping that would avoid light spill onto the river edge and therefore protect wildlife. It was also necessary to ensure that the strip is wide enough and free from obstruction so that the Environment Agency could retain access to the river edge for maintenance purposes. With appropriate conditions, it is now considered that a suitable waterfront can be provided that meets all of the criteria above.

Subject to conditions that require the development to be carried out in accordance with the parameter plans and Masterplan Framework, it is considered that the development meets the design requirements of the NPPF that are identified above and the main areas of previous concern, have now been addressed.

### **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.

Since the last application was refused, the Council has adopted the Site Allocations and Development Management Plan 2017 (SADMP) and Policy TC4 requires applications for retail development outside of the Primary Shopping Area (PSA) to undertake a sequential and impact test.

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. Savills also provided advice on the previous scheme that was refused

### 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.

As with the previous application, 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 remain of the conclusion that the applicant has 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. For that reason, and supported by the requirements of Policies TC4 and TC5, Savills consider that passing the impact test is a necessary precursor to grant planning permission being granted.



The advice from Savills considers the impacts of convenience and comparison retail separately and then combines these to come to an overall conclusions. It should be noted that the Firepool proposals would generate a significant amount of expenditure which is given positive weight in the overall planning balance. One of the purposes of the impact test for this application is to consider how much of this expenditure is additional spending within the town centre, and how much is trade diversion from the existing Primary Shopping Area

When considering the previous application, it was identified that the proposals would result in some trade diversion from existing town centre convenience (food, drink and non-durable household goods) stores Morrisons, Marks and Spencer and Sainsbury's (Billet Street) and that they would all experience impacts on turnover in excess of 10%. Savills advised that 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.

In this revised application (when compared to the impacts of the previous Application) the figures are marginally better for Sainsbury's and Morrisons and marginally worse for Marks & Spencer. Taking into account the predicted levels of impact on existing Town Centre convenience stores, these figures are of some concern. However, although the overall reduction in turnover has worsened in comparison to the previous Application, the impacts on those stores that are most at risk have improved marginally (aside of Marks & Spencer). Therefore, in a worst case scenario, this could still result in the closure and exit from the Town Centre of underperforming convenience stores, which could have a much more significant negative impact on the viability and vitality of Taunton Town Centre.

This conclusion also needs to be balanced against the acceptability of up to 4,000 sqm of convenience goods floorspace at the Site, as allocated within the TCAAP. Whilst there are significant levels of impact predicted upon individual stores, particularly Marks & Spencer, and a worsening in impact across existing Town Centre convenience stores as a whole, Savills agree with the Applicant's conclusions that taking account of (i) the allocation and (ii) the overall increase in Town Centre convenience retailing turnover when considered in isolation and cumulatively alongside other commitments, the proposals would not give rise to a significant adverse impact. Therefore, they consider that the impact test, in so far as convenience retailing is concerned, is passed.

In terms of comparison floorspace (all other goods including clothing, household appliances, books, toys and personal effects), when compared to the data considered as part of the previous application, these figures are more positive in all regards, however, this is as a result of changes in the base data as opposed to changes to the proposals themselves.

The level of trade cannibalisation from the town centre remains disappointingly high. However, in practice, the impact of this cannibalisation will be determined by which retailers occupy the proposed units and the impact could be reduced if the scheme attracts new retailers / a new offer to Taunton Town Centre that does not compete directly with or relocate existing traders.

Savills advise that due to the size of the retail units proposed in the current application, they are likely to be attractive to a range of comparison goods retailers that already operate within the Town Centre due to the attraction of easy access, plentiful surface level car parking, easy servicing and lower maintenance costs in modern units, as offered by the Firepool proposals. With no controls in place to limit relocations from existing Town Centre stores, if key existing Town Centre comparison retailers were to relocate from existing premises in and around the PSA to Firepool, this could have a negative impact on the general vitality and viability of the PSA and Taunton Town Centre more generally, if similar retailers do not then move into the vacated units. Savills recommend that the Council could consider some form of non-competition / relocation condition to provide more security against this potential risk.

On balance, taking account of (i) the TCAAP allocation and (ii) the improvement in impact on existing Town Centre comparison retailers when compared to the previous Application, Savills consider that the evidence presented by the Applicant is sufficient to enable a conclusion that the impact of the proposals is unlikely to give rise to any significant adverse impact in so far as comparison retailing is concerned.

The A3, A4, and A5 uses in combination with the cinema, leisure and hotel uses are likely to attract a greater volume of people to the town centre and therefore increased spending. The changes to the layout of the development and the greater certainty to the design quality gives officers greater confidence that the benefits of increased spending within the Firepool site could be transferred to the Primary Shopping Area through linked trips. This is seen to be a positive impact.

#### Savills' Conclusions on the Impact Test

Savills have provided the following statements regarding the impact test in their advice (which is reproduced in whole at the end of this report):

4.47. In conclusion, we consider that the nature of the proposals necessitates them to pass the impact test, and therefore demonstrate that there is not likely to be a significant adverse impact on Taunton Town Centre, to be acceptable in terms of national and local planning policy.

4.48. Cumulatively (comparison and convenience), the proposals will have a negative effect of circa £32.8 million in turnover of existing Town Centre retailers. However, when the proposed floorspace of Firepool is taken into account, Table 1 of the Applicant's Supplementary Note indicates that the proposals will result in a 4.0% increase in Taunton Town Centre retail turnover, which is 0.3% higher than the previous Applications.

4.49. Therefore, with regard to the proposed retail uses, and acknowledging the points raised above where TDBC may wish to seek further control through conditions, we do not consider on balance that the proposals 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, is likely to have the overall effect of increasing Town Centre trade in both convenience and comparison retailing. Therefore, we consider that the Application satisfies the requirements of the impact test.

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

The previous application was refused due to the potential retail impact in combination with the layout of a scheme that would look and operate like a retail park. It was considered that as the proposal would not operate in combination with the Primary Shopping Area and this would be harmful.

The revised proposals are an improvement, particularly with regard to the provision of an additional block (Zone E1) which forms a 2 sided street. 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.

It is considered by officers that the changes to the application result in a proposal that has the potential to act like a town centre site. Other work would need to be undertaken by the Council to improve the quality of the linkages which are outside of this application site.

### Review of Retail Assessment Recommendations

In concluding their advice to the council, Savills recommend the Council consider the following conditions and S106 clauses prior to resolving to grant planning permission to offer security and further control:

- Inclusion of a non-competition / relocation clause to help minimise the risk of detrimental impact on the vitality and viability of the existing Town Centre, particularly the Primary Shopping Area, as a result of the proposals. This is most effectively executed through a development agreement, but if that is not feasible, it can be incorporated into a S106 agreement.
- Inclusion of a condition to secure the delivery of Zone E1, prior to any occupation, for the benefit of the overall layout and character of the development.
- Inclusion of a condition requiring details of the parking regime to be submitted and approved by the Council prior to occupation, to ensure arrangements that incentivise linked trips between Firepool and the wider Town Centre, including the Primary Shopping Area.

It is considered that the inclusion of clauses into the development agreement which ensure that competition or relocation occupancy proposals are considered on a case by case basis (taking into account the overall impact on the Town Centre) are an appropriate way ensure that the development has an overall positive impact on Taunton Town Centre.

### **Highway Access and Movement**

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 further information and assessment has been undertaken to take in account committed development (such as Staplegrove) and background growth that has occurred during the time since the original application was refused and the consideration of these current proposals.

A number of junctions have been modelled which include:

- 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 Gyratory
- NIDR/Staplegrove Road.

The Highway authority consider that mitigation is required for two of these junctions, the Rowbarton Gyratory and the Wickes Roundabout.

The applicant has committed to provide a contribution of £40,000 which will be utilised to enhance the County Council's signals upgrade and capacity improvement scheme at the Gyratory. This will mitigate against the impact of the development on capacity of this junction.

The modelling also shows that the development would have an impact on the Wickes Roundabout and result in increased queuing. A mitigation solution has been proposed that would comprise of a free flow slip for traffic travelling west toward the Firepool development. This proposal will reduce the level of forecasted queuing which is generated by the development.

Both the Rowbarton Gyratory and the Wickes Roundabout mitigation proposals could be secured by a Section 106 Agreement.

The proposals do not include any vehicular 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). The Council has recently commission a study into the Bus Rapid Transit (BRT) which, in part, looks at the need for the route to pass through the Firepool site. The study concludes that *'a route through the Firepool development and through Morrison's Supermarket, does have the potential to provide a new bus link that largely avoids Station Road, a significantly congested section of road and provide a more direct connection between the train station, town centre and bus station, however a link through Firepool development without a continuation thorough Morrison's is not considered to have significant benefits to buses over using Station Road'*. The highways authority are quite correct in pointing out that if the link through Firepool is not provided now, then the opportunity to provide aspirational future link set out in current policy will no longer be an option. They state that this is a policy matter for Taunton Deane to consider.

There are no proposals for the redevelopment of the Morrisons site and even if the current access road to the rear of Station Road, Bridge Street and Morrisons service yard was utilised as part of the route, then there would still be a requirement to demolish properties on Bridge Street to complete the route to the town centre. It is therefore considered unlikely that a route from Firepool through the Morrisons site is something that would be realised in the short or medium term and there is not an essential need for a through route to be provided through the Firepool site.

The absence of a through route and associated bus gate at Priory Bridge Road' means that in this respect the proposal is contrary to the Town Centre Area Action Plan. The traffic modelling indicates that the network would suffer without sufficient mitigation, but the Highway authority confirm that some mitigation would be secured through the application. On this basis, they consider that the impact would not be considered severe in terms of Section 4 of the National Planning Policy Framework (NPPF). They do not raise any objections to permission being granted.

A number of comments have been received regarding cycling provision through the site and in particular, along the proposed boulevard. As result of these comments, the applicants have amended their movement parameters plan to confirm that the boulevard would not be restricted for cyclists.

With regard to parking, the proposal includes 425 car parking spaces for all of the non-residential uses that would take place on the site. This is the appropriate amount of parking for the floorspace to be provided as part of the development but does not include the addition 200 public parking spaces that is required by policy FP2 of the TCAAP. In this regard, the proposed development is contrary to policy, however, the Taunton Parking Strategy has recently been refreshed and concludes that there is capacity across the town centre car parks – and therefore the 200 spaces that were required by the policy are no longer needed. On this basis, although the parking provision is contrary to policy (in that it does not provide additional public parking) this would not result in an adverse impact on town centre parking capacity and is not a reason to object to the application.

## **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 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 development of the Firepool site is completed. Therefore an interim solution is required.

The Flood Risk Assessment (FRA) that has been submitted with the application 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.

The Environment Agency has worked with the applicants flood risk advisors and have visited the areas where temporary barriers would need to be erected. They have concluded that 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. They believe that this obligation could be secured by way of a section 106 agreement between the Council and developer, with their input as necessary.

On the basis that the FRA has demonstrated that there is a workable solution in principle to mitigate against flood risk increase as a result of raising the former cattle market site, the Environment Agency has no objection subject to a Section 106 Agreement that places an obligation on the applicant to fund procurement of the necessary equipment, and require the Risk Management Authorities to subsequently agree details over ownership, storage, deployment and maintenance of the temporary defences.

### **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 in a number of aspects (as has been set out) 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 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 overall town centre retail turnover by over £25 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. Officers believe that the changes that have been made to the layout of the development mean that it would now have an appearance more akin to 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) which has greater economic benefits and reduced the risk of the retail areas acting in isolation. The provision of additional office, housing and cinema uses all add to the economic benefits and overall, it is considered that there would be positive economic benefit resulting from the proposal.

The social role is partly addressed by the provision of housing (up to 200 units) and officers are now of a view that the revised proposals (subject to conditions to ensure implementation) should deliver sense of place that has local distinctiveness. The submission of the Masterplan Framework demonstrates that a quality riverside environment could be created and the concerns of officers and the Design Review Panel have largely been overcome by this revised submission.

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 it is considered that wildlife can be suitably protected along the riverside. It is clear that there would be an enhancement of the built environment compared to its current state as a vacant site and the revised proposals and Masterplan Framework ensure that the development would be of acceptable quality.

The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. These revised proposals do this and therefore overall, it is now considered that the development does represent sustainable development as set out in national guidance.

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

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



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# Review of Retail Assessment

Planning Application Ref. 38/17/0150

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Firepool, Taunton

# Review of Retail Assessment

Planning Application Ref. 38/17/0150

Firepool, Taunton

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## 1. Introduction

- 1.1. This report has been prepared by Savills at the request of Taunton Deane Borough Council (TDBC) to provide an independent review of the retail focused elements of the outline planning application (ref. 38/17/0150) (the "Application") submitted by St Modwen Developments Ltd (the "Applicant") for the redevelopment of land in the Firepool area of Taunton (the "Site"). This Application is a revised scheme following refusal of an application (ref. 38/15/0475) in August 2016 (the "previous Application").
- 1.2. As part of this independent assessment, Savills have been asked to:
- Review the Retail Assessment (April 2017), the Retail Assessment - Supplementary Note (July 2017), both prepared by GVA, and other documents submitted as part of the outline planning application, insofar as they are relevant to considering the retail impact of the proposals, including the Land Use & Massing Parameters Plan (Rev. U) and the Frontages Parameters Plan (Rev. E); and
  - Provide an independent view on the accuracy and validity of the Retail Assessment's methodology and findings, based on planning policy, available evidence and Savills' experience of similar projects elsewhere for the benefit of TDBC.
- 1.3. Accordingly, the report is set out in the following sections:
- **Section 2** provides a summary of the development proposals within the outline planning application.
  - **Section 3** sets out planning policy relevant to considering retail impact.
  - **Section 4** provides Savills view on the content of the Retail Assessment.
  - **Section 5** summarises the findings of this report.
- 1.4. This report has been prepared by Savills as part of an on going role with TDBC to provide independent retail focused planning advice, having particular regard to Taunton Town Centre. Between August 2016 through to the present, Savills have been involved in discussions with TDBC and St Modwen on the emerging scheme and have also provided formal written advice to TDBC in connection with the previous Application, within a report titled "Review of Retail Assessment" (March 2016). As a result of our previous involvement, we have not included any commentary within this report setting out the spatial and retailing context within Taunton, as it remains largely unchanged.
- 1.5. This report has been prepared at the request of and for the benefit of TDBC only. Accordingly, it should not be relied upon by any third party.

## 2. St Modwen's Outline Application Proposals

### Introduction

- 2.1. The purpose of this section is to provide a brief summary of St Modwen's Application for the Site with a focus on the retail elements of the proposals. This is set in the context of the previous Application which was refused at Committee in August 2016.

### The Previous Application

- 2.2. The previous Application was refused by TDBC at Planning Committee for the following reason (as cited on the Decision Notice):

*"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."*

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- 2.3. Within Savills' Review of the Retail Assessment (March 2016), we concluded that the proposals passed both the sequential and impact tests, however, did raise concerns including the levels of trade cannibalisation from the existing Town Centre, the format of the proposals, the relationship / linkages with the existing Town Centre and the parking regime.

## **Description of Development**

- 2.4. Turning to the current proposals, the Application's description of development is as follows:

*"The mixed use redevelopment of:*

*1) the former Cattlemarket site, Firepool to provide up to 3,500sqm (GIA) convenience retail development (A1 use), up to 7,500 sqm (GIA) non-food development (A1 use), up to 4,000 sqm (GIA) office (B1) or hotel (C1) uses, Assembly/Leisure (D2) and Non Residential Institutions (D1) of up to 3,900 sqm (of which no more than 1,500 sqm shall be D1) (GIA), up to 2,600 sqm (GIA) of food and drink establishments (A3 /A4/A5), and up to 200 residential units (C3);*

*2) the former Priory Bridge Road car park and former 84 - 94 Priory Bridge Road, Firepool to provide up to 4,014 sqm (GIA) of office (B1) and up to 4,475 sqm (GIA) of office (B1) or hotel (C1) uses, and up to a further 1,300 sqm (GIA) of A3/A4/B1(offices)/D2 uses.*

*With car parking, landscaping, public realm, access (in detail for the NIDR connection), highways, infrastructure works and demolition."*

## **Elements Considered within This Report**

- 2.5. Therefore, insofar as retail impact is concerned, the following land uses are the most important elements of the proposals:
- Up to 3,500 sqm (gross) of A1 (food store floorspace); and
  - Up to 6,000<sup>1</sup> sqm (gross) of A1 (non-food, comparison floorspace).
- 2.6. These revised proposals are the same maximum quantum that were proposed within the previous Application.
- 2.7. The Applicant's Supplementary Note confirms that the assessment has assumed that there would be an 85% / 15% split of convenience / comparison floorspace within the food store.

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<sup>1</sup> Although the Application as submitted seeks up to 7,500 sqm (GIA) non-food development (A1 use), this has been reduced by the Applicant to up to 6,000 sqm (GIA).

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- 2.8. For retail floorspace the Land Use & Massing Parameters Plan proposes various controls on the minimum and maximum number and size of units, however, the Applicant does not propose any controls in terms of trading restrictions (ie preventing bulky goods or limits on relocations / second stores etc).
- 2.9. It is also relevant to note that various elements of the base retail data have been updated by the Applicant within the Retail Assessment and Retail Assessment – Supplementary Note, when compared to the content of the previous Application. As summarised by at section 2 of the Supplementary note, this includes updated timeframes, population data and per capita expenditure levels.

## 3. Planning Policy Context

### Introduction

- 3.1. This section provides a summary of the relevant planning policy at both national and local levels insofar as it relates to the assessment of retail impact resulting from the proposals.

### National Policy

#### National Planning Policy Framework (NPPF)

- 3.2. The NPPF was published in March 2012 and is the principal Government planning policy document. It replaces the majority of the Planning Policy Guidance notes.
- 3.3. Paragraph 6 of the Framework refers to the purpose of the planning system to contribute to the achievement of sustainable development and this is a consistent theme throughout the whole of the document. Paragraph 7 refers to three dimensions to sustainable development – economic, social and environmental – which collectively seek to provide wide ranging and appropriate facilities and services to the community.
- 3.4. Section 1 advises upon ‘Building a Strong and Competitive Economy’. Within it, paragraph 19 advises that the Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Furthermore, in paragraph 21 it encourages support for existing business sectors and planning for new and emerging sectors likely to locate in an area.
- 3.5. Section 2 is entitled ‘Ensuring the Viability of Town Centres’. Paragraph 23 advises that planning policies should be positive, promote competitive town centre environments and sets out policies for the management and growth of centres. It continues by stating that planning authorities should, inter-alia, recognise that town centres are at the heart of communities and pursue policies to support their viability and vitality. The town centres should be competitive, provide customer choice and a diverse retail offer.
- 3.6. Under the heading ‘Using a Proportionate Evidence Base’, the NPPF advises in paragraph 161 that local plan evidence bases should be used to assess the need for economic development, including both the qualitative and quantitative needs for all foreseeable types of activity over the plan period including retail development. This should include consideration of the role and function of town centres and the relationship between them.
- 3.7. Paragraphs 24 and 25 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. Both applications and local planning authorities are urged to demonstrate flexibility on issues such as format and scale as part of the sequential test.

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3.8. 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 sqm is set.

3.9. This impact assessment should include:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider area, up to five years from the time the application is made.

3.10. In cases where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, planning permission should be refused.

## National Planning Practice Guidance (NPPG)

3.11. In March 2014, a revised format for the NPPG was published, which is subject to updates on a rolling basis. The Guidance below is correct as of March 2016.

3.12. The most relevant part of the NPPG for the purposes of this report is guidance contained under the heading 'Ensuring the Vitality of Town Centres'. Beyond reiterating the function of sequential and impact testing for main town centre uses, the NPPG offers further guidance on the sequential test stating that it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

3.13. Continuing on the sequential test, the NPPG places responsibility on the applicant to demonstrate compliance with the sequential test, but notes that the application of the test should be "*proportionate and appropriate*" to the proposals in question. Where appropriate, alternative sites should be discussed with the local authority in advance.

3.14. A checklist of criteria is then set out for consideration in terms of the application of the sequential test. The criteria include:

- With due regard to flexibility, has the suitability of more central sites to accommodate the proposals been considered?
- Is there scope for flexibility in the format and / or scale of the proposals?



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- 3.15. If no preferable sites are identified, then the sequential test is passed.
- 3.16. Turning to the impact test, the NPPG states that, again, it is for the applicant to demonstrate compliance in a scale and detail proportionate to the proposals and their location. Ideally, the scope, key impacts for assessment and the level of detail required should be agreed with the local authority in advance of submission of the application.
- 3.17. Impact should be assessed on a like for like basis and where wider town centre developments or investments are planned or in progress, then these should also be included.
- 3.18. A checklist of criteria are then set out for considering the impact test. These include:
- Establishing the baseline position of existing centres and the nature of current shopping patterns (the baseline);
  - Determining the appropriate time frame for assessing impact;
  - Examining the “no development scenario”;
  - Assessing the proposal’s turnover and trade draw;
  - Considering a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities;
  - Setting out the likely impact of the proposal clearly, along with any associated assumptions or reasoning; and
  - Ensuring any conclusions are proportionate.
- 3.19. It is then the role of the decision maker to decide whether the consequences of any identified impacts are likely to be significantly adverse. If they are then the application should be refused. If they are not, then the positives and negatives drawing out of the impact test should be considered alongside any other material considerations to determine the outcome of the application.

## **Local Policy**

### Adopted Documents

#### Taunton Town Centre Area Action Plan

- 3.20. As highlighted above, Firepool is within an area covered by the TTCAAP (October 2008) and is specifically identified as an important area for the regeneration of Taunton Town Centre area as a whole.

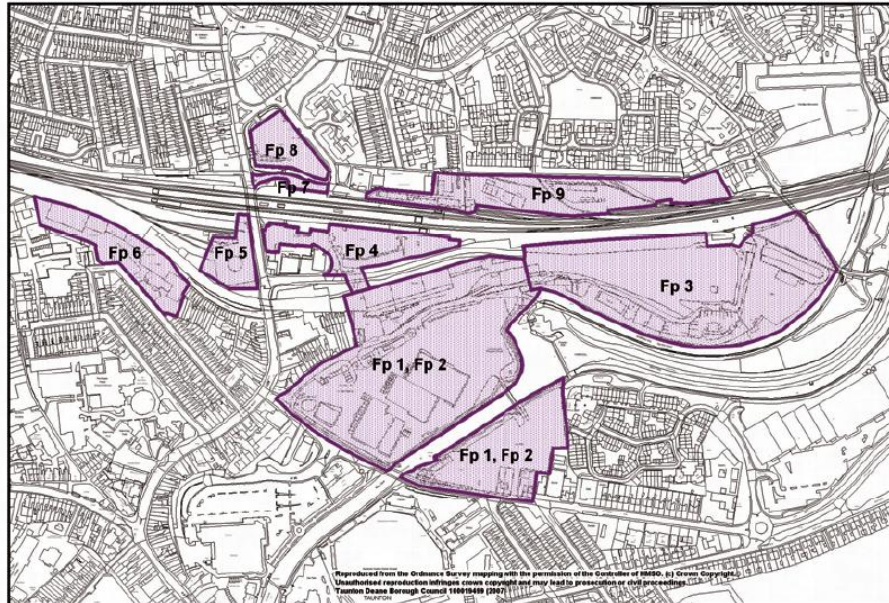
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3.21. Within Firepool, the TTCAAP designates nine specific site allocations (an extract from the TTCAAP below shows the location of these), with the Applicant’s proposals spanning FP1 and FP2, which are collectively referred to as “the Riverside”.



3.22. The TTCAAP’s aspiration for the Riverside is to deliver a unique office-led redevelopment with good links to the surrounding area. Amongst other items, Policy FP1 seeks development to deliver:

- At least 47,000 sqm (net) office space;
- Approximately 8,000 sqm gross of additional retail and leisure floorspace, of which 4,000 sqm should be convenience retailing;
- Approximately 400 dwellings, with 25% affordable housing;
- 500 space multi-storey car parking;
- 100 or more bedroom hotel;
- Primary healthcare facilities; and
- A boulevard linking the railway station with the River Tone and Priory Bridge Road.

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- 3.23. The supporting text is clear that “*retail use will be essential to create activity at street level; however, large retail units with surface parking and servicing would not be compatible with the type of urban environment that is sought. ... The site of comparison units should be limited to a maximum of 200 sqm gross.*”
- 3.24. Policy FP2 primarily relates to transport measures and includes requirements for:
- Car and cycle parking within developments in accordance with the Somerset Parking Strategy; and
  - A minimum of 200 public parking spaces during construction and on completion of the development.

## Core Strategy

- 3.25. Although published after the TTCAAP, TDBC’s Core Strategy (September 2012) is generally compliant with the content of the TTCAAP insofar as retailing and the Firepool area and allocations are concerned.
- 3.26. The Core Strategy introduces a Town Centre boundary for the first time, and includes the Application Site within it.
- 3.27. Policy CP3 states that town and other centres will be promoted and enhanced as the primary location for main town centre uses including retail, leisure, cultural and office development. It goes on to note that Taunton Town Centre’s role as a sub-regional focus will be strengthened as the first preference in the Borough for main town centre uses as set out in the adopted TTCAAP. Over the plan period, to 2028, provision will be made for the following floorspace requirements within Taunton:

Land Use	Quantum (sqm, gross)
Comparison Retail	60,100
Convenience Retail	1,900
A3, A4 and A5	5,200
Assembly and Leisure <sup>2</sup>	35,100+ 6 screens
Office	41,200

- 3.28. Furthermore, Policy CP3 states that proposals for main town centre uses will be assessed sequentially. Any proposal for such uses on the edge of Taunton Town Centre above 500 sqm gross comparison floorspace or 500 sqm gross convenience floorspace will also be required to undertake an impact assessment in order to protect the Core Strategy and enhance the vitality and viability of defined centres.

<sup>2</sup> Provision shared within Monkton Heathfield / other urban extensions.

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- 3.29. Within the supporting text to Core Strategy Policy CP3, it is set out that the Core Strategy's Town Centre boundary (not previously identified by the Local Plan), defines where main town centre uses should sequentially seek to be located. It notes that this boundary includes those sites identified in the adopted TTCAAP for future expansion of town centre uses "*other than Tangier and Firepool Lock which, due to their peripheral location, function more as an edge or out of centre location*".
- 3.30. The same paragraph (3.51) goes on to state that, specifically for retail uses (as opposed to other main town centre uses), the Council will determine "*what sequentially constitutes "in centre" for retail purposes by having regard to any proposals physical and functional linkages with the current primary shopping frontages*".

## Site Allocations and Development Management Plan

- 3.31. Adopted in December 2016, since the previous application was submitted and determined, the SADMP provides further detail to the strategic policies of the Core Strategy.
- 3.32. This document does nothing to alter the status of the Firepool allocation, however, it does set the boundaries for the primary and secondary retail frontages within the Borough, which were previously identified within the now superseded Saved Local Plan policies.
- 3.33. Policy TC4 explicitly requires a sequential assessment for all retail proposals falling beyond the Primary Shopping Area (PSA) boundaries for Taunton, and other settlements' Town Centres. It also states that retail proposals that fall outside of the PSA will where appropriate, require an impact assessment.
- 3.34. Policy TC5 identifies that:

*"Outside of the town centre (or Primary Shopping Area for retail proposals), change of use, development or removal or variation of conditions or legal agreements for main town centre uses will only be acceptable where:*

*A. No sequentially preferable site is available, including consideration of alternative formats for the proposed uses;*

*B. It would not have a significant adverse impact on the vitality, viability and diversity of an existing or allocated centre including local consumer choice and trade in the centre and taking into account the cumulative impact of recently completed developments, planning permissions and development plan allocations;*

*C. It would not impact on existing, committed or planned investment within a centre;*

*D. The proposal is well related to the town centre or Primary Shopping Area for retail proposals and accessible by public transport, cycling and pedestrians for all proposals.*

*Specifically in relation to retail proposals:*

*E. Comparison retailing is restricted to an appropriate broad category of goods which cannot easily be sold from a centre and transportable by means other than a car, van or similar vehicle;*

*F. The sale of related, non-bulky type comparison goods, will only be acceptable if they*

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*remain incidental to the permitted category of goods.”*

## Other Material Considerations

### Taunton Rethink

- 3.35. In association with a number of independent third party organisations, TDBC undertook a “health-check” of the proposals within the TTCAAP to produce a document titled Taunton Rethink – A Refreshed Vision for Taunton (January 2014).
- 3.36. As stated within St Modwen’s Retail Assessment, this document was never formally adopted by TDBC as planning policy or guidance. It was endorsed by TDBC’s Community Scrutiny Committee and accepted by the Executive in January 2014. Although it is clearly not a formal planning policy document, some level of weight may be attributed to it in terms of the Council’s corporate aspirations.
- 3.37. With regard to retail uses, Taunton Rethink highlighted that falling rental values and reduced levels of occupier demand have undermined the viability of some new developments, however, it identified demand for larger format, non-food retail units of 5,000 sqft to 10,000 sqft (465 sqm to 929 sqm) which reflected a shortage of available units of this size within the Town Centre at that time. The document also identified a demand for a 30,000+ sqft (2,787+ sqm) foodstore at Firepool.
- 3.38. Turning to leisure, the Taunton Rethink identified an upturn in demand for multiplex anchored leisure schemes. Identifying the potential for them to be viably delivered as part of wider mixed-use development. It stated that a Town Centre cinema, with good quality restaurants and other leisure uses, would significantly increase the quality of the Town Centre’s offer.
- 3.39. With regard to the Firepool area, Taunton Rethink proposed alterations to the quantum of various land uses proposed by the TTCAAP. An extract from Taunton Rethink is included below.

	TTCAAP (Taunton Town Centre Area Action Plan)	Rethink Masterplan
<b>Retail</b>	8000m <sup>2</sup>	6,000m <sup>2</sup> comparison (5-7 units) 2,800m <sup>2</sup> convenience
<b>Leisure</b>		3500m <sup>2</sup> cinema 2800m <sup>2</sup> other leisure 1,000m <sup>2</sup> cafe/restaurant (A3)
<b>Office</b>	47,000m <sup>2</sup> (net)	<b>Total – 23,700m<sup>2</sup></b> (6,000m <sup>2</sup> + c6,500m <sup>2</sup> at Firepool South & potential 5200m <sup>2</sup> at Taunton Station)
<b>Residential</b>	400 dwellings (25 % affordable)	Potential total – 70 to 170 dwellings 1.3Ha around Firepool Lock plus upper storeys (c30-50 units (25% affordable)
<b>Car park</b>	500 space multi-storey (currently 464 at Priory Bridge Road)	500-700 space decked car park (inc min 200 public spaces)
<b>3-4 star hotel</b>	100 bed	c2800m <sup>2</sup> (100 bed, or 30 apartments)



## 4. Savills' Commentary

### Introduction

- 4.1. Having set out the, the summary of the proposals and relevant planning policy, the purpose of this section is to provide Savills' independent commentary on the content of the Retail Assessment and the Supplementary Note submitted in support of the Application, focused around the sequential test and the impact test.

### The Sequential Test

#### Introduction

- 4.2. As highlighted above and by the Applicant within the documentation, the NPPF requires proposals to be subject to a sequential test where they comprise retail and other main town centre uses that are not in an existing centre and not in accordance with an up to date development plan document.
- 4.3. The Application proposes retail and other main town centre uses. Although it is a Site identified within the TTCAAP and within the Core Strategy's defined Town Centre boundary, the Retail Assessment correctly identifies that this does not mean that the Site is in a "centre" for the purposes of sequential testing. Instead, working on the guidance contained within the Department for Communities and Local Government's Planning for Town Centres (December 2009) and PPS4, "in centre" for retail development is defined as within a primary shopping area. It goes on to define "edge of centre" as locations well connected to and within easy walking distance (up to 300 metres) of a town centre boundary.
- 4.4. The Application Site is located around 310 metres, at its closest point, from the boundary of the PSA defined by the Core Strategy Proposals Map. In terms of national guidance this would indicate that the Site should be considered out of centre. However, taking into account the allocation of the Site within the TTCAAP, as well it being within the Core Strategy's defined Town Centre boundary, we agree with the Retail Assessment's conclusion that the Site should be considered edge of centre, for the purposes of the sequential assessment.
- 4.5. Whilst the Application Site is allocated within TDBC's development plan for retail and other town centre uses, some of the uses and the scale of floorspace are not in accordance with the adopted development plan. The need for a sequential test in this location is also confirmed by Policy TC4 of the SADMP.
- 4.6. Therefore, we consider that the proposals must pass the sequential test in order to be acceptable.



## Comparisons to Previous Application

- 4.7. The Applicant has adopted the same methodology as agreed during the previous Application. Furthermore there has not been any substantive policy / legislative changes surrounding the sequential test, nor has there been any significant change in the availability of premises / land within the Town Centre or other sequentially preferable locations of a size suitable to be considered as a credible alternative.
- 4.8. Therefore, taking account of the above, and given the similarities of the current Application to the previous Application in terms of overall retail floorspace and the overall size of the development, we consider that the commentary within our previous report (dated March 2016) provides an adequate assessment of the information submitted by the Applicant in connection with the current proposals. Therefore, we do not propose to repeat our commentary here, however, this report should be read in conjunction with its predecessor.

## Savills' Conclusions on the Sequential Test

- 4.9. In conclusion, given the location of the Site and policy status, we consider that the proposals are required to pass a sequential test to be acceptable in planning terms. Although the Applicant does not share this view, a sequential test was undertaken and submitted a part of the Retail Assessment.
- 4.10. In keeping with our previous conclusions where we highlighted some areas where consideration could be given to alternative formats for the proposals which could result in overall land take being reduced, we agree with the Applicant that a benchmark site size of 3.27 hectares, based on an estimate of the land required to deliver the town centre uses as set out within the TTCAAP allocation for the Site, is a sound basis for undertaking the sequential test.
- 4.11. Working on this basis, we consider the Applicant to have appropriately considered the suitability of all other potential sites within the TTCAAP area with none offering realistic potential to deliver the scale and mix of town centre uses as a realistic alternative to the Application Site.
- 4.12. Referring back to the NPPG's checklist for sequential testing in decision making, we consider that the Applicant has taken appropriate steps to consider the suitability of more central sites, capable of accommodating the proposals, using sufficient flexibility in terms of format, with no relevant results.
- 4.13. Therefore, we consider that the sequential test has been adequately addressed.

## The Impact Test

### Introduction

- 4.14. 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 sqm or in accordance with a locally set threshold. Policy CP3 sets a lower main town centre use threshold of 500 sqm gross floorspace to undertake an impact assessment.

- 4.15. Unlike the sequential test, there is no guidance as to how “centres” should be defined for the purposes of the impact test within national policy. Although the Site is within the TTCAAP and the Town Centre boundary set by the Core Strategy, it is outside of the defined PSA and Policy TC5 therefore requires an impact assessment to be undertaken and passed.
- 4.16. The proposals significantly exceed the local threshold of 500 sqm and are also greater than the floorspace quantum set out within the Site’s allocation in the development plan (the TTCAAP), and indeed those within the Taunton Rethink document. For that reason, and supported by the requirements of Policies TC4 and TC5, unlike the Applicant, we consider that passing the impact test is a necessary precursor to grant planning permission being granted.
- 4.17. Notwithstanding their position that an impact assessment is not required, the Applicant has nevertheless undertaken an impact assessment as part of their submitted documentation which is considered below.

#### Impact on Town Centre Vitality and Viability

##### Comments on Methodology

- 4.18. At paragraphs 6.7 to 6.30 of the Retail Assessment, the Applicant sets out the principles of the methodology used to undertake the impact test. Further clarification on the calculation of these figures is included within the Supplementary Note (Sections 2 to 5).
- 4.19. We consider this approach to be generally consistent with the methodology discussed as part of the previous Application and / or during the determination of this Application; therefore we do not propose to go through these points individually.

##### Impact on Convenience Floorspace

- 4.20. Accepting the Applicant’s use of a trade draw equivalent to that of existing convenience goods retailers in Taunton, and applying the Waitrose national average sales density of £13,042 to a maximum net convenience floorspace of 2,083 sqm, the Supplementary Note’s Table 9a predicts that the proposed convenience floorspace would result in a turnover of £27.2 million.
- 4.21. Table 9c shows that a large proportion of this turnover is likely to be drawn from existing convenience stores within Taunton; with £11.1 million (equivalent to 10.1% of the existing Town Centre convenience turnover) coming from stores within the Town Centre and £24.2 million coming from convenience stores elsewhere in Taunton. The methodology behind these levels of trade diversion appears reasonable.
- 4.22. Within the Town Centre, Tables 10a and 10b shows that the existing convenience stores that are likely to see the greatest reduction in trade as a result of Firepool alone are Morrisons (-15.3% / -£3.1 million), Marks & Spencer (-14.2% / -£0.8 million) and Sainsbury’s (-14.0% / -£2.2 million).



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- 4.23. Turning to cumulative impact, including commitments from Lidl and Aldi, Tables 10a and 10b show a larger cumulative impact. For Morrisons this becomes -18.1% (-£3.8 million), for Sainsbury's this becomes -15.1% (-£2.4 million), for Marks & Spencer this becomes -14.6% (-£4.9 million) and also brings Tesco (Tangier) over the -10.0% level to -12.6% (-£5.9 million). Cumulatively, the predicted impact on turnover across all existing Town Centre convenience retailers is -12.5% (-£15.1 million).
- 4.24. The final Table (unnumbered) within the Supplementary Note gives consideration to the benchmark performance of existing convenience retailers, pre and post-impact of the proposals. At the negative end of the scale, this shows that the proposals will reduce the performance against benchmark of Marks & Spencer by -7% to -57% (-£6.4 million), Morrisons by -15% to -30% (-£7.3 million) and Sainsbury's by -14% to -22% (-£3.8 million). However, the Applicant concludes that stores are not at risk of closure. Collectively, the proposals would see a reduction in the benchmark turnover of existing Town Centre retailers reduced by 13.5% (-£13.5 million) from +7% to -6%.
- 4.25. Reflecting trade draw from outside of the Town Centre, Tables 10a and 10b estimate that including Firepool the total convenience turnover within the Town Centre will increase by 14.5% (solus) and 11.5% (cumulatively, alongside Aldi and Lidl).
- 4.26. This leads the Applicant to conclude that on the basis of (i) an overall positive impact on Town Centre convenience turnover and (ii) the principle of up to 4,000 sqm of new convenience goods floorspace at Firepool already established through the TTCAAP allocation, the proposals should be considered acceptable in terms of impact on convenience retailing.
- 4.27. In our opinion, the predicted percentage reductions in turnover for some stores and indeed the Town Centre as a whole, excluding the turnover within Firepool, are not insignificant. Whilst, pre-impact, the data shows that collectively, the existing Town Centre convenience stores are 7% above benchmark, this is largely driven by the very strong performance of Tesco (Tangier), Iceland and Lidl. All other existing Town Centre convenience stores are operating below benchmark.
- 4.28. Looking ahead to the post-impact predictions (2022), existing Town Centre retailers would be collectively -6% under benchmark, which equates to a reduction of -13% from existing; an overall reduction of £13.5 million in turnover, in real terms. This is £4.4 million greater / 4% greater (i.e. more harmful) than the previous Application.
- 4.29. Within the underperformers against benchmark, as identified above, those of greatest concern are Marks & Spencer, Morrisons and Sainsbury's<sup>3</sup>. When compared to the impacts of the previous Application, the figures are marginally better within the current Application for Sainsbury's and Morrisons and marginally worse for Marks & Spencer.

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<sup>3</sup> As identified within our report to the previous Application, the figures for Tesco Express (High Street) are also concerning as it is operating significant under-benchmark. However, as the unnumbered Table within the Supplementary Note indicates, the solus impact of Firepool is unlikely to be significant in performance terms, therefore we are content that this can be dismissed from consideration.

- 4.30. Taking into account the predicted levels of impact on existing Town Centre convenience stores, these figures are of some concern. However, although the overall reduction in turnover has worsened in comparison to the previous Application, the impacts on those stores that are most at risk have improved marginally (aside of Marks & Spencer). Therefore, in a worst case scenario, this could still result in the closure and exit from the Town Centre of underperforming convenience stores, which could 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. However, the risk of all three of the most affected stores closing is, on balance, lower than in the previous Application.
- 4.31. This conclusion also needs to be balanced against the acceptability of up to 4,000 sqm of convenience goods floorspace at the Site, as allocated within the TTCAAP. Whilst there are significantly levels of impact predicted upon individual stores, particularly Marks & Spencer, and a worsening in impact across existing Town Centre convenience stores as a whole, we do agree with the Applicant's conclusions that taking account of (i) the allocation and (ii) the overall increase in Town Centre convenience retailing turnover when considered in isolation and cumulatively alongside other commitments, the proposals would not give rise to a significant adverse impact. Therefore, we consider that the impact test, in so far as convenience retailing is concerned, is passed.

#### Impact on Comparison Floorspace

- 4.32. Table 11a indicates that on the basis of a total of 5,168 sqm (net) of comparison goods floorspace and a sales density of £6,000 per sqm, the proposals are likely to generate a comparison goods turnover of £31.0 million (which is the same as the previous Application). The Applicant highlights that this should be considered a "worst case scenario" as the sales density is above that of most national multiple comparison goods retailers.
- 4.33. Of this £31.0 million, Table 11c predicts that £21.8 million (circa 70% of Firepool's predicted comparison goods turnover) is likely to come from existing Taunton Town Centre comparison stores. This is lower than the figure of £24.5 million presented in the previous Application<sup>4</sup>.
- 4.34. With no other commitments identified, Table 12 concludes that the proposed comparison floorspace would result in a 2.1%<sup>5</sup> increase in overall Town Centre comparison turnover including Firepool. Excluding the turnover of the proposed floorspace, the same Table indicates that the proposals would result in a -5.0%<sup>6</sup> impact on turnover of existing comparison goods stores in the Town Centre.
- 4.35. In comparison to the data considered as part of the previous Application, these figures are more positive in all regards, however, this is as a result of changes in the base data as opposed to changes to the proposals themselves.

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<sup>4</sup> We understand that this is principally due to the application of new base per capita expenditure, which shows decreased spending on comparison goods, rather than any design alterations within the proposals.

<sup>5</sup> Compared to 1.4% in the previous Application.

<sup>6</sup> Compared to -5.1% in the previous Application.

# Review of Retail Assessment

Planning Application Ref. 38/17/0150

Firepool, Taunton



- 4.36. The level of level of trade cannibalisation remains disappointingly high, however, in practice, the impact of this cannibalisation will be determined by which retailers occupy the proposed units and the impact could be reduced if the scheme attracts new retailers / a new offer to Taunton Town Centre that does not compete directly with or relocate existing traders.
- 4.37. Setting the quantitative analysis to one side, the proposed comparison goods units range in size from 150 sqm (gross) to 1,050 sqm (gross ground floor), which, as highlighted in connection with the previous Application, are likely to be attractive to a range of comparison goods retailers that already operate within the Town Centre due to the attraction of easy access, plentiful surface level car parking, easy servicing and lower maintenance costs in modern units, as offered by the Firepool proposals.
- 4.38. With no controls in place to limit relocations from existing Town Centre stores, if key existing Town Centre comparison retailers were to relocate from existing premises in and around the PSA to Firepool, this could have a negative impact on the general vitality and viability of the PSA and Taunton Town Centre more generally, if similar retailers do not then move into the vacated units. However, as no proposed tenants / occupants are named within the Application, it is not possible for us to comment specifically on the potential effects in any further detail. That said, we do consider that the changes to the design and controls within the parameters within the current Application are an improvement on the contents of the previous Application in this regard.
- 4.39. As highlighted below within our recommendations, the Council could consider some form of non-competition / relocation condition to provide more security.
- 4.40. On balance, taking account of (i) the TTCAAP allocation and (ii) the improvement in impact on existing Town Centre comparison retailers when compared to the previous Application, we consider that the evidence presented by the Applicant is sufficient to enable a conclusion that the impact of the proposals is unlikely to give rise to any significant adverse impact in so far as comparison retailing is concerned.

## Impact of Other Main Town Centre Uses

- 4.41. The Retail Assessment goes on to urge the importance of considering the impact of the other proposed town centre uses, primarily A3, A4 and A5, as well as the cinema, hotel and office floorspace.
- 4.42. We agree with the Applicant that the diversity of this offer is likely to attract a greater volume of people to the Town Centre, which may bring wider benefits aside of the quantitative conclusions above, through increased footfall and therefore spending etc.
- 4.43. However, as we identified in our report on the previous Application, the extent of these benefits for the wider Town Centre and PSA are likely to be dependent at least in part on a number of factors, particularly pedestrian connections and design, which are discussed in more detail later within this section.

## Impact on Investment

- 4.44. We consider that the Applicant provides proportionate commentary on the potential of the proposals to affect any existing committed or planned public or private investment.

- 4.45. Whilst there are long standing aspirations for retail development (as allocated in the TTCAAP) including, among others, the sites to the East and West of the High Street, there are no current proposals before the Council for their development, nor do we understand there to be any development agreement between the Council and a potential developer. To that extent there is little progress towards securing the investment in these sites and in accordance with TTCAAP Policy HS1, the High Street sites were given until 2016 to act as a sequential preference to other large scale comparison floorspace proposals that might emerge. This date has now passed.
- 4.46. We therefore consider that given a lack of progress and any comprehensive scheme for these sites, the impact upon them in terms of their potential turnover cannot be assessed at this time taking in to account the criteria in the NPPG (paragraph 16 of 'Ensuring the Vitality of Town Centres'). There are no other significant investment projects that merit consideration as part of this criteria.

#### Savills' Conclusions on the Impact Test

- 4.47. In conclusion, we consider that the nature of the proposals necessitates them to pass the impact test, and therefore demonstrate that there is not likely to be a significant adverse impact on Taunton Town Centre, to be acceptable in terms of national and local planning policy.
- 4.48. Cumulatively (comparison and convenience), the proposals will have a negative effect of circa £32.8 million in turnover of existing Town Centre retailers. However, when the proposed floorspace of Firepool is taken into account, Table 1 of the Applicant's Supplementary Note indicates that the proposals will result in a 4.0% increase in Taunton Town Centre retail turnover, which is 0.3% higher than the previous Applications.
- 4.49. Therefore, with regard to the proposed retail uses, and acknowledging the points raised above where TDBC may wish to seek further control through conditions, we do not consider on balance that the proposals 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, is likely to have the overall effect of increasing Town Centre trade in both convenience and comparison retailing. Therefore, we consider that the Application satisfies the requirements of the impact test.

#### Savills' Commentary on the Proposed Design and Format of Development

- 4.50. Looking beyond the sequential and impact tests, we have previously reported that the success of the proposals as part of Taunton Town Centre, rather than an edge of centre or an out of centre, development will largely be dictated by the way people perceive the development and the way that they move between the two (ie between Firepool and the PSA).

# Review of Retail Assessment

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- 4.51. With regard to design, we consider that the proposed layout within the current Application is an improvement on the previous Application, particularly through the introduction of units to the east side of the boulevard (Zone E1). This helps to create more of a street scene along the boulevard separating much of the proposed development from the parking area, which reduces the feeling of a retail park, which was the character of the previous Application, in favour of something that is more in keeping with a Town Centre character. We would, however, advise TDBC to include appropriate conditions to require the delivery of units within Zone E1.
- 4.52. We also previously identified that (i) the pedestrian connection between the Site and the PSA / wider Town Centre and (ii) the parking regime would be important to ensuring how the two operate together in a positive way.
- 4.53. With regard to the former, we consider that positive changes have been made around the focal entrance point to the scheme between Zone A1 and E2 and also the increased enclosure and street scene along the boulevard, which provide a clearer sense of pedestrian legibility and movement.
- 4.54. Regarding parking, we have previously stressed the importance of ensuring that the proposed parking regime is flexible enough (and affordable enough) to allow shoppers to feasibly park at Firepool, use the facilities there, as well as those within the heart of the Town Centre, the PSA. This would ensure that the benefits of the proposals extend well beyond the Site itself. We are not aware of any material within the Application that specifies any controls on the parking arrangements and we would urge TDBC to consider inserting an appropriate condition to retain the option for further scrutiny over this element of the development.
- 4.55. A new addition to the Application has been the inclusion of a Frontages Parameter Plan, the purpose of which is to provide more clarity, albeit with a high level of flexibility, as to the character of the frontages to again help to secure a development that is "town centre" in character. We consider that this, if approved, provides appropriate control to TDBC as part of reserved matters to secure the character of development they are seeking.
- 4.56. In summary, although this qualitative assessment of impact is much harder to judge, subject to further investigation regarding certainty on the delivery of Zone E1 and the proposed parking regime, we do not consider that the non-A1 town centre uses proposed within the Application are likely to give rise to significant adverse effects.

## 5. Conclusions and Recommendations

- 5.1. This report has been prepared by Savills at the request of Taunton Deane Borough Council to provide an independent review of the retail focused elements of the Application submitted by St Modwen for the redevelopment of Firepool, Taunton. This Application is a revised scheme following refusal of a previous Application in August 2016.

### The Proposals

- 5.2. Insofar as assessing retail impact is concerned, the following land uses are the most important elements of the proposals:
- Up to 3,500 sqm (gross) of A1 (food store floorspace); and
  - Up to 6,000 sqm (gross) of A1 (non-food, comparison floorspace).

### Sequential Test

- 5.3. Given the location of the Site and its policy status, we consider that the proposals are required to pass a sequential test to be acceptable in planning terms. Although the Applicant does not share this view, a sequential test was undertaken and submitted as part of the Retail Assessment.
- 5.4. In the absence of any material change in circumstances to the previous Application, our conclusions with regard to the sequential test remain the same as in our previous report.
- 5.5. On this basis, we consider the Applicant to have appropriately considered the suitability of all other potential sites identified within the Taunton Town Centre Area Action Plan area with none offering a realistic potential to deliver the scale and mix of town centre uses as an alternative to the Application Site.
- 5.6. Therefore, referring back to National Planning Practice Guidance's checklist for sequential testing in decision making, we consider that the Applicant has taken appropriate steps to consider the suitability of more central sites, capable of accommodating the proposals, using sufficient flexibility in terms of format. Therefore, we consider that the sequential test has been adequately addressed.

### Impact Test

- 5.7. Given the scale of development and its location, we consider that the proposals are required to pass the impact test in order for planning permission to be granted, by demonstrating that there will not be a significant adverse impact on Taunton Town Centre. Policy TC5 of the Site Allocations and Development Management Plan specifically requires an impact test for retail proposals outside of the Primary Shopping Area.



# Review of Retail Assessment

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- 5.8. In accordance with the figures contained within the Application's documentation, cumulatively (comparison and convenience), the proposals will have a negative effect of circa £32.8 million (circa - 5.8%) in turnover of existing Town Centre retailers. However, when the proposed floorspace of Firepool is taken into account, Table 1 of the Applicant's Supplementary Note indicates that the proposals will result in a 4.0% increase in Taunton Town Centre retail turnover, which is 0.3% higher than the previous Applications.
- 5.9. With regard to convenience floorspace, the predicted percentage reductions in turnover as a result of the Firepool proposals and cumulative commitments for some existing stores within the Town Centre are not insignificant, particularly when this is considered alongside existing stores' performance against benchmark. Of greatest concern is Marks & Spencer, however, in comparison to the impact of the previous proposals, the number of seriously at risk stores is lower.
- 5.10. On balance, therefore, taking account of the increase in overall Town Centre convenience turnover, including Firepool, and the Taunton Town Centre Area Action Plan allocation of up to 4,000 sqm of convenience goods floorspace in this location, we do not consider that the proposals are likely to give rise to a significant adverse impact on convenience retailing.
- 5.11. With regard to comparison floorspace, the figures are more positive than the previous Application; turnover has increased (for both Firepool itself and Town Centre comparison retailing as a whole (including Firepool) and existing Town Centre turnover cannibalisation has decreased. Whilst the level of trade cannibalisation is still disappointingly high for a scheme of this significance, which is intended to compliment the existing Town Centre, this could be minimised or even reduced through the use of further controls, highlighted below in our recommendations.
- 5.12. On balance, taking account of these figures and the Taunton Town Centre Area Action Plan allocation of up to 4,000 sqm of comparison goods floorspace in this location, we do not consider that the proposals are likely to give rise to a significant adverse impact on comparison retailing in the Town Centre.
- 5.13. With regard to other main town centre uses, the added variety offered by A3, A4 and A5 uses as well as the proposed cinema, hotel and office floorspace, have the potential to diversify the offer within Taunton Town Centre and attract greater footfall and therefore spending power. However, ensuring that the linkages to the wider Town Centre are enabled through positive design and the car parking regime, as discussed below, will be important.
- 5.14. Finally, due to a lack of progress in their delivery, we do not consider that the proposals would give rise to a significant adverse effect on planned public or private investment within Taunton Town Centre at this time.
- 5.15. Therefore, in conclusion, we consider that the requirements of the impact test have been satisfied.

## **Recommendations**

- 5.16. In arriving at these conclusions, and as highlighted within the report, we recommend the Council consider the following conditions and S106 clauses prior to resolving to grant planning permission to offer security and further control:

# Review of Retail Assessment

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Firepool, Taunton

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- Inclusion of a non-competition / relocation clause to help minimise the risk of detrimental impact on the vitality and viability of the existing Town Centre, particularly the Primary Shopping Area, as a result of the proposals. This is most effectively executed through a development agreement, but if that is not feasible, it can be incorporated into a S106 agreement.
  
- Inclusion of a condition to secure the delivery of Zone E1, prior to any occupation, for the benefit of the overall layout and character of the development.
  
- Inclusion of a condition requiring details of the parking regime to be submitted and approved by the Council prior to occupation, to ensure arrangements that incentivise linked trips between Firepool and the wider Town Centre, including the Primary Shopping Area.



48/17/0064

MISS F WEBB

**Erection of extension to rear of garage, installation of cctv system, replacement of shed with glass house and replacement of side boundary gate at The Old Dairy, Dyers Lane, Bathpool**

Location: THE OLD DAIRY, DYERS LANE, BATHPOOL, TAUNTON, TA2 8BZ

Grid Reference: 325313.126259

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:

(A2) Proposed Garage Extension  
(A2) Proposed Glasshouse and Gates  
(A3) Proposed Installation of CCTV Cameras  
(A4) Location Plan  
(A4) Site plan  
(A4) Proposed Glasshouse Proposed Rear (North) Elevation  
(A4) Proposed Garage Extension Side (West) Elevation

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

### **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.

## Proposal

The application proposes the following works:

- Extension to existing garage - the extension measures approximately 3m by 6m and is located at the rear of the existing garage. The extension is proposed to be constructed in render with a pitched slate roof over
- Installation of CCTV - four cameras are proposed to the front side and rear, located at eaves level on the timber barge board
- Installation of timber double gates - the gates are proposed to replace an existing timber boarded fence and to provide access to a single driveway
- Erection of a glasshouse - the existing shed and potting house located adjacent to the boundary wall are proposed to be removed and replaced with a traditional glass house. The glasshouse is proposed to have a rubble stone plinth with a timber frame and a pitched roof. The glasshouse would measure approximately 2.3m by 7.6m.

Amended plans were received on 26 February 2018 amending the location of the access door.

The application is to be considered by the committee as the applicant is a member of staff and the application is recommended for approval.

## Site Description

The site lies to the east of Dyers Lane and the application site is one of a complex of converted farm buildings, originally part of the Grade II listed Birds Farm. The site is surrounded by agricultural land, but is however closely located to the Monkton Heathfield development.

## Relevant Planning History

48/02/0019/FUL - Conversion of barns to three dwellings - Approved 19 June 2002  
48/08/0007/LB - Retention of satellite dish - Approved 31 March 2008  
48/16/0073/LE - Lawful Development Certificate for existing domestic shed/outbuilding - Approved 1 December 2016

## Consultation Responses

*WEST MONKTON PARISH COUNCIL* - Parish Council supports this application

*HERITAGE* - comments awaited

## Representations Received

None

## 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), the Taunton Site Allocations and Development Management Plan (2016), 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.

DM1 - General requirements,  
D5 - Extensions to dwellings,  
CP8 - Environment,  
DM2 - Development in the countryside,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

The application does not attract an infrastructure levy.

## **Determining issues and considerations**

The main issues to consider are the potential impact of the development on the amenity of nearby residential properties.

Policy D5 sets out the criteria for extensions to existing dwellings. The extension to the garage is in keeping in form and character and would not be visible outside the site. The glasshouse replaces an existing building and is to be of traditional design and construction. The proposed gates will be of a similar appearance to the existing fence in terms of height and materials and would have no greater impact on the visual amenities of the locality.

The CCTV cameras are small in scale and discretely located near the eaves of the dwelling. The amenity, parking and turning areas will not be affected by the development.

Policy DM2 of the Core Strategy requires development to be of a scale, design and layout compatible with the rural character of the area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building, its setting and any features of historic or architectural interest when deciding whether to grant planning permission.

It is considered that the development complies with the adopted policies and approval is recommended.

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

**Contact Officer: Denise Grandfield**

48/17/0065/LB

MISS F WEBB

**Erection of extension to rear of garage, installation of cctv system, replacement of shed with glass house and replacement of side boundary gate at The Old Dairy, Dyers Lane, Bathpool**

Location: THE OLD DAIRY, DYERS LANE, BATHPOOL, TAUNTON, TA2 8BZ

Grid Reference: 325313.126259

Listed Building Consent: Works

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## **Recommendation**

**Recommended decision: Conditional Approval**

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

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

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

(A2) Proposed Garage Extension  
(A2) Proposed Glasshouse and Gates  
(A3) Proposed Installation of CCTV Cameras  
(A4) Location Plan  
(A4) Site plan  
(A4) Proposed Glasshouse Proposed Rear (North) Elevation  
(A4) Proposed Garage Extension Side (West) Elevation

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

### **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.

## Proposal

The application proposes the following works:

- Extension to existing garage - the extension measures approximately 3m by 6m and is located at the rear of the existing garage. The extension is proposed to be constructed in render with a pitched slate roof over
- Installation of CCTV - four cameras are proposed to the front side and rear, located at eaves level on the timber barge board
- Installation of timber double gates - the gates are proposed to replace an existing timber boarded fence and to provide access to a single driveway
- Erection of a glasshouse - the existing shed and potting house located adjacent to the boundary wall are proposed to be removed and replaced with a traditional glass house. The glasshouse is proposed to have a rubble stone plinth with a timber frame and a pitched roof. The glasshouse would measure approximately 2.3m by 7.6m.

Amended plans were received on 26 February 2018 amending the location of the access door.

The application is to be considered by the committee as the applicant is a member of staff and the application is recommended for approval.

## Site Description

The site lies to the east of Dyers Lane and the application site is one of a complex of converted farm buildings, originally part of the Grade II listed Birds Farm. The site is surrounded by agricultural land, but is however closely located to the Monkton Heathfield development.

## Relevant Planning History

48/02/0019/FUL - Conversion of barns to three dwellings - Approved 19 June 2002

48/08/0007/LB - Retention of satellite dish - Approved 31 March 2008

48/16/0073/LE - Lawful Development Certificate for existing domestic shed/outbuilding - Approved 1 December 2016

## Consultation Responses

*WEST MONKTON PARISH COUNCIL* - No comments received

## Representations Received

None

## 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), the Taunton Site Allocations and Development Management Plan (2016), 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.

DM1 - General requirements,  
CP8 - Environment,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

The development does not attract an infrastructure levy.

## **Determining issues and considerations**

Policy CP8 of the Core Strategy sets out the requirements for development

The proposed extensions and alterations do not harm the character and appearance of the listed building or its setting.

The proposal is considered acceptable and accords with Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990. This requires that in considering whether to grant listed building consent, the Local Planning Authority 'shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

The application complies with the adopted policies and approval is recommended for approval.

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

**Contact Officer: Denise Grandfield**

**APPEALS RECEIVED – 14 March 2018**

**Site:** 4 MINEHEAD ROAD, BISHOPS LYDEARD, TAUNTON, TA4 3BS

**Proposal:** Erection of a single storey extension to the front elevation of 4 Minehead Road, Bishops Lydeard

**Application number:** 06/17/0029

**Appeal reference:** APP/D3315/D/17/3192494

**Start Date:** 01 March 2018

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**Site:** WILSCOMBE WOOD COTTAGE, LANGFORD BUDVILLE ROAD, WIVELISCOMBE, TAUNTON, TA4 1NJ

**Proposal:** Replacement of dwelling, garage and mobile home with the erection of 1 No. dwelling and detached garage at Wilscombe Wood Cottage, Milverton (amended scheme to 23/16/0039)

**Application number:** 23/17/0027

**Appeal reference:** APP/D3315/W/17/3191277

**Start Date:** 01 March 2018



## Planning Committee – 14 March 2018

Present: - Councillor Bowrah (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Mrs J Adkins, M Adkins, Brown, Booth, Cavill, Gage, C Hill,  
Morrell, Nicholls, Mrs Reed, Townsend and Watson

Officers: - Bryn Kitching (Area Planning Manager), Tim Burton (Assistant Director –Planning and Environment), Martin Evans (Solicitor, Shape Partnership Services) and Tracey Meadows (Democratic Services Officer)

Also present: Brendan Cleere (Director of Growth and Development), Andrew Goodchild (Assistant Director - Energy Infrastructure), Lisa McCaffrey (Somerset County Council Highways), St Modwen, Councillors Berry, Edwards, Ms Lisgo, Sully, Farbahi, Habgood, Horsley, Williams, Wren and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 6.20 pm)

### 19. Apologies/Substitutions

Apologies: Councillors Coles, Martin-Scott and Wedderkopp

Substitutions: Councillor Cavill for Councillor Martin-Scott  
Councillor Booth for Councillor Coles

### 20. Declarations of Interest

All Councillors declared that they had received an email from a member of the public regarding application No. 38/17/0150

### 21. 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 **outline planning permission be granted** for the under-mentioned development:-

#### **38/17/0150**

**Outline planning application with some matters reserved, except for access for the NIDR only, for the redevelopment of the former cattle market site to provide up to 3500sqm of convenience retail development (Class A1), up to 6000sqm of non-food development (A1), up to 4000sqm of office (B1) or hotel (C1), up to 3900sqm of assembly/leisure (D2) and**

**non-residential institutions (D1) (of which no more than 1500sqm shall be D1) , up to 2600sqm of food and drink establishments (A3/A4/A5), and up to 200 residential units (C3) with redevelopment of the former Priory Bridge Road car park and former 84-94 Priory Bridge Road to provide up to 2964sqm of office (B1) and 5525sqm 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, (in detail for the NIDR connection) highways, infrastructure works and relevant demolition at Firepool, Priory Bridge Road, Taunton (resubmission of 38/15/0475)**

Reported this application.

**Resolved** that subject to no new issues arising from the consultation on the amended description and addendums to the Environmental Statement and Transport Statement and planning obligations under S106 to secure the following items to the Council's satisfaction:-

- (a) Affordable Housing - 25% Affordable Housing with a tenure split of 60% social rented and 40% shared ownership. 10% of the total affordable housing provision should be in the form of fully adapted disabled units;
- (b) Temporary Flood Barriers - The provision of the off-site temporary flood barrier mitigation features as described in the Flood Risk Assessment addendum. Details of ownership, storage, deployment and maintenance of the temporary defences to be agreed prior to any ground raising taking place;
- (c) Public Art - A public art contribution either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to value of 1% of the development costs;
- (d) Children's Play - In accordance with TDBC Adopted Site Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings;
- (e) Development Specific highway matters – Site Access;
- (f) Offsite highway mitigation necessary to accommodate proposed development - Contribution the Rowbarton Gyratory, Wickes Roundabout improvements;
- (g) Travel plan measures to include but no limited to - Bus services / stops and if required improvements, Parking, for bikes, motorcycles and vehicles, and Travel plan packs and incentives, Electric Charging points, Travel Plan coordinator and safe guarding sums and fees;

and

Subject to the Local Planning Authority being satisfied that the development agreement includes suitable non-competition / relocation clauses to help minimise the risk of detrimental impact on the vitality and viability of the existing Town Centre, particularly the Primary Shopping Area, as a result of the proposals.

and

subject to conditions as set out in the main report, suitable highway conditions based on the recommendations of the County Highway Authority contained in this update sheet and any further conditions recommended by consultees as a result of the latest consultation – please note that the precise wording of some of the condition may require further amendment to allow for the development to come forward in a phased manner.

the Assistant Director – planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if outline planning permission was granted, the following conditions (subject to minor change or additional conditions following further consultation responses) be imposed:-

- (a) Approval of the details of the layout, scale, appearance, access (other than the main access off the NIDR) and landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced; Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A1) DrNo 11-032 P004 Rev AC Parameters Land Use & Massing;
  - (A1) DrNo 11-032 P005 Rev R Parameters Movement Plan;
  - (A1) DrNo 11-032 P006 Rev Y Parameters Public Realm & Green Infrastructure;
  - (A1) DrNo 11-032 P007 Rev K Parameters Frontages;
  - (A1) DrNo P13-405 P107 Northern Access Design;
  - (A3) DrNo P13-405 P106 Rev Canal Road Entrance;
- (c) The boulevard and pedestrian/cycle crossing of the NIDR shall be constructed and open for public use prior to the occupation of any of the units in Zones A1, B, C, E1 and E2 shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC in accordance with details to be submitted to, and approved in writing by, the Local planning Authority;
- (d) No unit within Zones B and C shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC shall be occupied until such time as all other units within those zones have been constructed to shell finish;

- (e) No unit within Zones A1, E1 and E2 shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC shall be occupied until such time as all other units within those zones have been constructed to shell finish;
- (f) Floor space within Use Class A1 hereby approved shall not exceed 9,500sq m gross floor area and 7,251sq m net sales area. The Class A1 retail floor space shall be provided in non-food retail floor space (6,000sq m gross maximum for the sale of comparison goods) and foodstore floor space (3,500sq m gross maximum for the sale of convenience and comparison goods). Floor space within Use Classes A3/A4/A5 hereby approved shall not exceed 2,600sq m gross. Floor space within Use Classes D1/D2 hereby approved shall not exceed 3,900sq m gross of which no more than 1,500sq m gross shall be within Use Class D1. The Use Classes are those set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. The distribution and amount of Class A and D floor space hereby approved, including the minimum and maximum number of units and floor space in each zone, is to be controlled via the contents of 'land use and massing' plan reference 11-032 P004 Rev AC;
- (g) No more than 2,083sq m of the net sales area of the Class A1 retail floor space hereby approved shall be used for the sale of convenience goods and no more than 5,168sq m of the net sales area of Class A1 floor space shall be used for the sale of comparison goods;
- (h) An application for approval of reserved matters for a phase or sub phase shall not be submitted until there has been submitted to the Local Planning Authority a Masterplan and Design Guide for the Area to which that application for approval of reserved matters relates. The Masterplan and Design Guide shall be accompanied by a statement explaining how it accords with the Masterplan Framework approved by this outline consent. If they do not accord with these documents then reasons for this will need to be given. The Masterplan and Design Guide shall provide information on the proposed arrangement of development blocks, streets and spaces, building design, building materials, surface materials, street furniture and tree species for the Area to which they relate. The Masterplan and Design Guide should demonstrate how the Area will function and explain its overall character and grain;
- (i) Prior to the laying out of any of the car parking zones 1, 2 or 3 shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC, details of the car park management regime, including pricing, management and minimum and maximum stays shall be submitted to, and approved in writing by, the local planning authority. The car park shall subsequently be operated in accordance with the approved scheme;
- (j) The development hereby permitted shall not be commenced until a scheme of works for the diversion and/or protection of foul and surface water infrastructure is submitted to, and approved in writing by, the local

Planning Authority. The drainage scheme shall include appropriate arrangements for any temporary works needed to accommodate live flows and works to seal off any redundant connections and shall be completed in accordance with the approved details and timetable agreed with the local planning authority;

- (k) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work, involving monitoring of ground works and building recording, in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological monitoring, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme;
- (l) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of any phase of development to which it relates. The content of the LEMP shall include the following;
  - a) Description and evaluation of features to be managed;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions;
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) Details of the body or organization responsible for implementation of the plan;
  - h) On-going monitoring and remedial measures;

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details;

- (m) Prior to occupation of any unit with Zones D, E2 or F as the shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC, a "lighting design for bats and riverine species" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and other riverine species and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of 'lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority;

- (n) 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;

- (o) 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;

- (p) 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;
- (q) 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 Local Planning Authority;
- (r) 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 Local Planning Authority;
- (s) Conditions as recommended by the County Highway Authority;

(Notes to applicant:- Applicant was advised by the Environment Agency that 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; Applicant was advised by the Council's Ecological Officer that 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; Applicant was advised by the Environment Agency that for the purposes of condition x regarding contamination 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; Applicant was advised by The Environment Agency that for the

purposes of condition x regarding ground raising and finished floor levels, 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.)

22. (2) That **planning permission be granted** for the under-mentioned developments:-

**48/17/0064**

**Erection of extension to rear of garage, installation of CCTV system, replacement of shed with glass house and replacement of side boundary gate at The Old Dairy, Dyers lane, Bathpool**

- (a) The development hereby permitted shall be begun within three years of the date of permission:-
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A2) Proposed Garage Extension;
  - (A2) Proposed Glasshouse and Gates;
  - (A3) Proposed Installation of CCTV Cameras;
  - (A4) Location Plan;
  - (A4) Site plan;
  - (A4) Proposed Glasshouse Proposed Rear (North) Elevation;
  - (A4) Proposed Garage Extension Side (West) Elevation;

(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 imposed planning condition to enable the grant of planning permission.)

**48/17/0065/LB**

**Erection of extension to rear of garage, installation of CCTV system, replacement of shed with glass house and replacement of side boundary gate at The Old Dairy, Dyers Lane, Bathpool**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans;
- (A2) Proposed Garage Extension;
  - (A2) Proposed Glasshouse and Gates;
  - (A3) Proposed Installation of CCTV Cameras;



- (A4) Location Plan;
- (A4) Site plan;
- (A4) Proposed Glasshouse Proposed Rear (North) Elevation;
- (A4) Proposed Garage Extension Side (West) Elevation;

(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 imposed planning conditions to enable the grant of planning permission.)

### **23. Appeals**

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

(The meeting ended at 8.10 pm)