

43/2007/092

KENMORE HYDON ONE LTD

CONVERSION OF BUILDINGS AND THE ERECTION OF NEW BUILDINGS TO PROVIDE 223 DWELLINGS AND A NUMBER OF COMMERCIAL UNITS TOGETHER WITH ASSOCIATED CAR PARKING AND ACCESS WAYS, TONEDALE BUSINESS PARK, TONEDALE MILL, MILVERTON ROAD, WELLINGTON AS AMENDED BY LETTER DATED 23RD OCTOBER, 2007 WITH ACCOMPANYING PLANS AND FURTHER AMENDED BY LETTER DATED 26TH OCTOBER, 2007 WITH ACCOMPANYING PLAN NOS. 2589/A/113A, 114A, 116A; 2589/H/100A, 102A, 109A, 116A, 117A, 118A, 119A, 121A; 2589/G/101A, 108A; 2589/F/101A, 102A, 107A, 108A, 109A, 110A; 2589/E/102E, 108A, 109A, 110A; 2589/D/100A, 101A, 108A, 109A, 110A, 111A, 113A; 2589/B/101A, 102A, 108A, 109A AND 111A

312888/121337

FULL

1.0 **RECOMMENDATION**

Subject to:-

- (i) the further views of English Heritage and the Conservation Officer on the amended plans and any additional conditions requested
- (ii) the submission of further details to address the concerns of the Environment Agency and the further views of the Environment Agency thereon
- (iii) the applicant entering into a Section 106 Agreement to provide for:-
 - (a) a contribution of £200,000 toward the provision of off-site affordable housing and its timing;
 - (b) a Phasing Plan incorporating a programme of restoration of the retained employment buildings to ensure that as far as is practical, refurbished premises are available for existing tenants who have expressed a wish to remain at Tonedale Mill.
 - (c) The timing of flood alleviation works, the provision of a Commuted sum for their future maintenance and the lodging of a bond to secure the funding of the works; and
 - (d) The provision of free bus passes for travel to Taunton for residents of the development for the first year of occupation.
- (iv) The views of the Secretary of State on application 43/2007/093LB

The Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 The external surfaces of the building shall be retained as existing and where necessary repaired and/or renewed with salvaged materials from its existing building/matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.
- 02 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Policy H7.
- 03 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 04 The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 The approved scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be completely implemented before each phase of the development hereby permitted is occupied.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 06 Before any particular phase of the permitted development is commenced, the trees to be retained on that particular part of the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when that phase of the development has been completed. During the period of

- construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 06 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Policy EN8.
- 07 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 07 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 08 No tree shall be felled, lopped, topped, lifted or distributed in any way without prior written consent of the Local Planning Authority.
- 08 Reason: The existing trees represent an important visual feature which the Local Planning Authority considers should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 09 The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, Junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- 09 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 10 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- 10 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 11 The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans.
- 11 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 12 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the dwellings first being brought into use.

- 12 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 13 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced
- 13 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 14 The new doors and windows indicated on the approved plans shall be made of timber only and no other materials unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material.
- 14 Reason: To ensure that the proposal does not have an adverse effect on the character of the building in accordance with Taunton Deane Local Plan Policy EN18 (Revised Deposit numbering).
- 15 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority.
- 15 Reason: In the interests of the visual amenity of the area and in compliance with Taunton Deane Local Plan Policy S1(D).
- 16 All services shall be placed underground.
- 16 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).
- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no addition or extension to the building(s) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 17 Reason: The Local Planning Authority is not satisfied that the building(s) could be extended without detriment to the amenities of the area in accordance with Taunton Deane Local Plan Policy S2.
- 18 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 18 Reason: The Local Planning Authority considers that any further development on the site may prejudice a satisfactory layout which would be in conflict with Taunton Deane Local Plan Policies S1 and S2.
- 19 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority

- 19 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2 (A).
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed.
- 20 Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and to preserve the design and external appearance of the building(s) in accordance with Taunton Deane Local Plan Policies S1(D) and S2.
- 21 Prior to the occupation of the mixed-use blocks a noise management plan to cover activities and plant/equipment shall be submitted to and approved in writing by the Local Planning Authority.
- 21 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).
- 22 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local

Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

- 22 Reason: To ensure that the land contamination can be adequately dealt with prior to a new use hereby approved commencing on site in accordance with Taunton Deane Local Plan Policy S1(E).
- 23 Prior to the commencement of development, a survey shall be carried out to ascertain the condition of the existing culverts where they pass through the site. Any necessary remedial measures shall be carried out prior to the occupation of any of the buildings, unless otherwise agreed in writing by the Local Planning Authority.
- 23 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.
- 24 Noise emissions arising at any individual commercial premises on any part of the land to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 2 Min Leq, when measured at any residential or other noise sensitive premises. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates (other than that part of the development proposed for residential use), expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.
- 24 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).
- 25 No deliveries shall be made to the commercial premises in the mixed-use blocks, or commercial units in blocks adjacent to residential premises after 8:00 p.m. and before 7:00 a.m. the following day unless otherwise agreed in writing by the LOCAL PLANNING AUTHORITY.
- 25 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).
- 26 Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at neighbouring premises: Monday - Friday 0800-1800, Saturdays 0800-1300. All other times, including Public Holidays - No noisy working
- 26 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).

- 27 No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.
- 27 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 28 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- 28 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 29 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 29 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 30 The development hereby permitted shall not be commenced until details of a strategy to protect species protected by law and their habitat has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the results of the submitted ADAS survey information detailed in reports on Bats, September 2007; Badgers, December 2006; Otters, June 2007; and Reptiles, December 2006 and shall include:- (a) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (b) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; (c) Measures for the retention and replacement and enhancement of habitat for the species; (d) Measures for the long term commitment to the security and maintenance of the agreed habitats. The plan shall include the specification of management of all habitats on site and the means of securing that management; (e) Persons responsible for compliance with legal consents relating to bats and otters, including applying for European Protected Species Licences in respect of bats; compliance with planning conditions relating to wildlife conservation: implementation and regular inspection of physical protection measures and monitoring of working practices during construction; provision of training and information to all construction personnel on site about the conservation significance of the protected species present and the importance of protective measures and

practices being employed. 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.

- 30 Reason: To secure the necessary ecological mitigation, enhancement and management measures to offset the potential adverse effects of the development hereby permitted, on important wildlife species and habitats, in accordance with Taunton Deane Local Plan Policy EN5.
- 31 Details of any sub-stations, control kiosks for pumping stations and satellite distribution boxes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.
- 31 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 32 Details of the proposed bridges shall be submitted to and approved in writing by the Local Planning Authority prior to their commencement.
- 32 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 33 The hours of opening of the proposed A1 retail unit should be submitted to and agreed in writing by the Local Planning Authority prior to the works commencing. The hours agreed should be adhered to unless a written variation has been agreed in writing by the Local Planning Authority.
- 33 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).

Notes to Applicant

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 02 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 04 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 05 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 08701 545500.

- 06 Your attention is drawn to the Listed Building Consent relating to this property numbered 43/2007/093LB.
- 07 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 08 Re potential ground contamination. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team on 01823 356339.
- 09 The following advice is given by the Chief Fire Officer:- (i) Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. (ii) Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000; and (iii) All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards."
- 10 It will be necessary to agree with Wessex Water points of connection for the satisfactory disposal of foul flows, surface water and water supply.

REASON(S) FOR THE RECOMMENDATION:- The proposal will enable the restoration and redevelopment of the site, which will protect and conserve its heritage. The proposals respect the site's historical and architectural importance and provides a realistic basis for regeneration of the complex. The proposals are considered to be in compliance with Taunton Deane Local Plan Policy W2.

43/2007/093LB

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CONVERSION OF BUILDINGS AND THE ERECTION OF NEW BUILDINGS TO PROVIDE 223 DWELLINGS AND A NUMBER OF COMMERCIAL UNITS, TONEDALE BUSINESS PARK, TONEDALE MILL, MILVERTON ROAD, WELLINGTON AS AMENDED BY LETTER DATED 23RD OCTOBER, 2007 WITH ACCOMPANYING PLANS AND FURTHER AMENDED BY LETTER DATED 26TH OCTOBER, 2007 WITH ACCOMPANYING PLAN NOS. 2589/A/113A, 114A, 116A; 2589/H/100A, 102A, 109A, 116A, 117A, 118A, 119A, 121A; 2589/G/101A, 108A; 2589/F/101A, 102A, 107A, 108A, 109A, 110A; 2589/E/102E, 108A, 109A, 110A; 2589/D/100A, 101A, 108A, 109A, 110A, 111A, 113A; 2589/B/101A, 102A, 108A, 109A AND 111A

312888/121377

LISTED BUILDING CONSENT

1.0 **RECOMMENDATION**

I recommend that consent be GRANTED subject to the following conditions:-

- 01 The works for which consent is hereby granted shall be begun within three years from the date of this consent.
- 01 Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 02 No building shall be demolished before planning permission has been granted for the proposed redevelopment and a contract has been let for the relevant phase of the redevelopment work.
- 02 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Policy EN17.
- 03 The external surfaces of those parts of the building to be retained following the consent to demolish shall be repaired or renewed with salvaged materials from the building demolished, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.
- 03 Reason: To ensure that the proposed development does not have an adverse effect on the appearance of the original building in accordance with Taunton Deane Local Plan Policies S1(D), S2(A) and EN17(D).
- 04 The new doors and windows indicated on the approved plans shall be made of timber only and no other materials unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained as timber unless the express written consent of the Local Planning Authority is obtained for the use of a different material.
- 04 Reason: To ensure that the proposal does not have an adverse effect on the character of the listed building in accordance with Taunton Deane Local Plan Policy EN17.

05 Before any demolition is carried out details shall be submitted to and approved by the Local Planning Authority of the making good of any existing structure abutting any of those to be demolished.

05 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Policy EN17.

Notes to Applicant

01 Your attention is drawn to the planning permission 43/2007/092 relating to this site/these premises.

2.0 **APPLICANT**

Kenmor Hydon One Ltd

3.0 **PROPOSAL**

The proposal (as amended) is for the conversion of existing buildings and erection of new buildings on the site to provide 223 dwellings and a number of commercial units together with associated works, car parking and access ways. The listed building application also provides for demolition of some parts of the complex. The proposal seeks to find new uses that will secure the buildings' long-term future and preserve their special interest, whilst permitting an acceptable degree of adaptation.

The previously approved scheme proposed a majority of 2 and 3 bedroom units. The current proposals include an increased level of commercial with an increased number of residential dwellings as follows:-

90 x 1 bed flats
2 x 1 bed flats
46 x 2 bed flats
17 x 2 bed houses
3 x 3 bed flats
42 x 3 bed houses
21 x 4 bed houses
2 x 5 bed houses

5,539 sq m of commercial floor space

The current proposals also include a convenience store, a historical interpretation and community space/cafe, artisans' quarter and a central energy facility. The current proposals also provide for all access to the site to be from Millstream Gardens, whereas the previous proposal also provided for a new access point onto Milverton Road to serve some of the car parking areas.

The following documents accompanied the applications:-

- Planning Statement
- Highways and Transportation Report
- Design and Access Statement
- Contaminated Land Report
- Flood Risk Assessment
- Archaeology Report
- Landscape Material Schedule
- Salvage Schedule for Landscape Materials
- Tree Reports
- Lighting Strategy
- Draft Planning Obligation
- Financial Viability Report

- Wildlife Surveys
- Heritage Statement
- Conservation Plan

The amendments to the scheme involve the relocation of 6 residential units from Block F to Block H, a net loss of one 2 bed unit (and two other bedrooms from flat reductions) for the scheme. Floorspace previously allocated for employment purposes in Block H has been utilised to accommodate this residential displacement. Some additional employment floor space is now proposed in Block F in mitigation of that lost in Block H. There is, however, a net loss of employment floor space of 319 sq m overall in the amended proposals. However, the resultant overall employment floor space offered by the scheme is still greater than the previously approved scheme (5,539 sq m compared to 3,040 sq m).

The proposed mixed-use development includes 223 residential units, mainly to the western end of the site. The majority of the units will be formed within existing buildings, although there will be an element of new build as part of Block D, where new structures are proposed within the curtilage of the existing structure.

A major element of the enabling works is to open up the culvert in front of Blocks A and C creating an attractive water feature entrance to the site. Two new bridges are proposed to gain access to the car park serving Block A and car parks serving Blocks B, C, D and E.

A plaza area is proposed adjacent to Block F alongside the stream where the main public area accommodates the café, historical exhibition and community space, artisans units, etc. The café will be housed in the former pay office which straddles the Millstream to add to the useable floor area and the enjoyment of the facility and two timber decks are proposed oversailing the Millstream. These will accommodate tables and chairs for customers.

To the rear of Blocks C and E, a new public footpath is proposed alongside the Millstream. The footpath is informal and bounded by a 'crinkle - crinkle' wall reflecting the natural curve of the water and river bank.

4.0 **THE SITE**

Tonedale Mill is part of an essentially nineteenth century integrated wool textile mills complex, located to the west of Milverton Road. The other parts of the complex comprised Tone Mill (the Dyeworks) and the Greaseworks. The mills were owned by Fox Brothers & Co Ltd, who in the early twentieth century were the largest woollen and worsted manufacturers in the south-west of England. By the 1950's, manufacturing on these sites had begun to decline. The company went into receivership in 2000. Fox Brothers is still in existence, but in a much-reduced form operating from another nearby location.

The buildings on the site are listed, some of them Grade II*. The whole mill complex is of national importance, being of high industrial/technological, social and historical significance. A number of the buildings are in use for commercial, light industrial and workshop use, although the current uses do not generate sufficient income to repair and maintain the buildings. Most of the buildings are generally in poor condition due to lack of maintenance over a substantial period of time. The proposal seeks to find new uses that will secure the buildings' long-term future and preserve their special interest, whilst permitting an acceptable degree of adaptation.

The site area extends to 5.7 ha with a relatively high density of development. The eastern section of the site is on land sloping down to Back Stream, whilst the western section is set on relatively level ground at the base of the valley. There is a considerable fall across the site, which manifests itself with various retaining walls and basement levels, predominantly through Block H. The Mill Stream and Back Stream run through the site. To the south-west of the site lies open countryside, whilst to the north and west lies recent housing development.

5.0 **RELEVANT PLANNING HISTORY**

43/2000/129 Refurbishment of buildings to provide 17,250 sq m of employment space and 13 houses, erection of 3,150 sq m of industrial and storage buildings (B1, B2 and B8 uses) and demolition of buildings to enable the erection of 102 dwellings together with associated open space, Tonedale Mills, Milverton Road, Wellington.

Shortly following the submission of this application, the majority of the buildings on the site were listed.

Application refused March 2003 for the following reasons:-

- 01 The proposal would result in the substantial loss of Grade II* and Grade II statutory Listed buildings of architectural and historical interest, which contribute to the character of the area, thereby detracting from the visual amenity of the locality. Furthermore insufficient justification has been put forward in accordance with PPG15 to warrant the demolition of these Listed Buildings (Somerset and Exmoor National Park Joint Structure Plan Review Policy 9, West Deane Local Plan Policy WD/ECIO and Taunton Deane Local Plan Revised Deposit Policy EN19).
- 02 The proposed development does not provide for a programme of works to ensure that the scheme does not detrimentally impact on the protected species present at the site, in particular a colony of lesser horseshoe bat which has been recorded at Tonedale Mills in previous years (West Deane Local Plan Policy WD/EC2 and Taunton Deane Local Plan Revised Deposit Policies EN4 and 4a).
- 03 The site lies within an area of risk of flooding from the Back Stream. Inadequate provision has been made for a technically feasible and deliverable scheme of flood protection for the site in line with guidance

provided in PPG25 (Taunton Deane Local Plan Revised Deposit Policy EN30).

- 04 The applicant has not provided sufficient details and information, in the form of a Historic Building and Architectural Report incorporating evaluation and a mitigation strategy, to enable the Local Planning Authority to give proper and favourable consideration to the heritage and archaeological implications of the proposal (Taunton Deane Local Plan Revised Deposit EN24).

43/2001/061 Erection of 58 dwellings, former weaving shed site, Tonedale Mills, Milverton Road, Wellington. Outline planning permission granted September 2002.

The Section 106 Agreement related to this application required a feasibility study into the future of the majority of the Tonedale Mill part of the complex together with Tone Mill. The feasibility study subsequently produced showed that the re-use of the buildings was not viable. However, the Planning Authority and English Heritage accepted that the study formed the basis of further work to produce a viable proposal.

43/2002/109 Erection of 53 dwellings, including 12 social housing units, roads and drainage thereto, former weaving shed site, Tonedale Mill, Milverton Road, Wellington. Reserved Matters approved March 2003.

This application and the previous one comprise the recently completed development of Weavers Reach to the north of the current site.

SO/2004/01 Request for Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Decision dated February 2004 stating that an Environmental Impact Statement was not required.

43/2004/119 Conversion of Mill Buildings into Residential (148 dwellings) and Commercial Units and Associated Exterior Works, Tonedale Business Park, Tonedale Mill, Milverton Road, Wellington. Full planning permission June 2006.

43/2004/120LB Conversion and Alteration of Mill Buildings to form Residential and Commercial Units and demolition of parts, Tonedale Business Park, Tonedale Mill, Milverton Road, Wellington. Listed Building Consent June 2006.

There have been various other applications for both planning permission and listed building consent, none of which has any significance to the current proposal.

6.0 **RELEVANT PLANNING POLICIES**

Regional Planning Guidance for the South West (RPG10)

Policy EN 3: The Historic Environment

Local authorities and other agencies in their plans, policies and proposals should:

- afford the highest level of protection to historic and archaeological areas, sites and monuments of international, national and regional importance;
- indicate that new development should preserve or enhance historic buildings and conservation areas and important archaeological features and their settings, having regard to the advice in PPG15 and PPG16;
- indicate that policies and programmes should work towards rescuing buildings and monuments at risk;
- encourage the restoration and appropriate re-use of buildings of historic and architectural value and take a particularly active role in bringing about their restoration where this would help bring about urban regeneration;
- take account of the landscape context and setting of buildings and settlements; of building materials; and of the patterns of fields, hedgerows and walls that distinguish one area from another.

Draft South West Regional Spatial Strategy

ENV1 Protecting and Enhancing the Region's Natural and Historic Environment.

The quality, character, diversity and local distinctiveness of the natural and historic environment in the South West will be protected and enhanced, and developments which support their positive management will be encouraged. Where development and changes in land use are planned which would affect these assets, local authorities will first seek to avoid loss of or damage to the assets, then mitigate any unavoidable damage, and compensate for loss or damage through offsetting actions. Priority will be given to preserving and enhancing sites of international or national landscape, nature conservation, geological, archaeological or historic importance. Tools such as characterization and surveys will be used to enhance local sites, features and distinctiveness through development, including the setting of settlements and buildings within the landscape and contributing to the regeneration and restoration of the area.

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable development

Policy 8 Outstanding Heritage Settlement

Policy 9 The Built Historic Environment

Taunton Deane Local Plan

Policy S1 General Requirements

Policy S2 Design

Policy S3

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

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

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

Policy H9

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

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

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

Policy H10

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

Site Name	Policy Reference	Indicative Target
TAUNTON		
Tangier	T2	25%
Firepool	T3	25%
Norton Fitzwarren	T5	20%
Monkton Heathfield	T9 & T10	35%
East of Silk Mills	T13	35%
SWEB Depot	T14	30%
Hamilton Road	T15(A)	30%
St James Street	T15(C)	30%
The Uppers, Greenway Road	T15(H)	35%
WELLINGTON		
Tonedale Mill	W2	20%
Cades Farm	W3	35%
BISHOPS LYDEARD		
Gore Farm	BL1	30%
CREECH ST MICHAEL		
Hyde Lane	CM1	35%
WIVELISCOMBE		
Style Road	WV1	30%

Policy EC1 Employment Development

Policy M4

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

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

The Borough Council will not permit more than an average of 1.5 car parking spaces per dwelling on any residential development. A significant reduction in this average will be expected for elderly persons, student and single persons accommodation, and for residential proposals involving the conversion of buildings where off-road parking provision may be difficult to

achieve. Car-free residential developments will be sought in appropriate locations, such as within or adjoining Taunton and Wellington town centres.

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

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

Policy C1

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

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

Policy C4

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

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

- (E) developers will be required to arrange for maintenance of the recreational open space.

Policy EN3

Development which would significantly adversely affect local nature conservation or geological interests will not be permitted unless:

- (A) the importance of the development outweighs the value of the substantive interests present; and
- (B) every possible effort is made to minimise harm to those interests.

Where it is decided to allow development affecting local nature conservation or geological interests, planning obligations will be sought requiring developers to provide adequate compensatory measures for the site's long term management, to preserve and enhance its wildlife or geological interest.

Policy EN4

Where buildings are utilised by bats and/or owls for breeding and/or roosting, or by swallows, swifts and/or house martins for breeding, proposals for conversion or demolition will not be permitted unless:

- (A) operations are timed to avoid disturbance during breeding and hibernation;
- (B) during and after conversion bats, owls, swifts and/or swallows have adequate access to the roof space and house martins to the eaves, and to any other appropriate roosting or nesting locations on or in the buildings to be converted;
- (C) in the case of owls, nest boxes are provided in the roof space prior to commencement of conversion; and
- (D) in the case of owls and bats, every possible effort is made to make alternative nesting and roosting sites available in the vicinity of the site, prior to demolition.

Policy EN5

Development which would harm protected species will not be permitted unless:

- (A) conditions and/or planning obligations would prevent such harm;
- (B) other material factors are sufficient to override the importance of the species; and
- (C) every possible effort is made to minimise ill effects on wildlife.

Policy EN16

Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted.

Policy EN17

The change of use, alteration, conversion or extension of a listed building will not be permitted unless:

- (A) the internal and external fabric of the building including its architectural and historic features would be preserved, leaving them in situ where possible;
- (B) the building's internal space would be retained where this is important to its character or historic integrity;
- (C) no sub-division of a garden or other open space would occur, where this would harm the building's character, setting and historic integrity;
- (D) the design, materials and building methods used are sympathetic to the age, character and appearance of the building. Natural materials reflecting those in the original building should be used, where possible;
- (E) any extension is sufficiently limited in scale so as not to dominate the original building or adversely affect its appearance.

Policy EN18

Development involving the demolition of a listed building will not be permitted.

Where, in exceptional circumstances, it is decided to allow such development, permission will only be granted where full proposals for alternative use of the site or redevelopment, showing the layout, elevations and landscaping, have been submitted and approved. Where redevelopment is proposed, consent for demolition will not be granted until the contract for redevelopment has been let.

Policy EN19 Recording of Listed Buildings Affected by Development and Salvage of Important Building Materials

Policy EN28 Development and Flood Risk

Policy EN32 Contaminated land

The Tonedale Mill complex is previously developed land and is therefore accepted as a 'brownfield' site, the development of which is to be generally preferred before 'greenfield' sites are developed. The site is also within the Wellington settlement boundary and represents a significant opportunity for development within Wellington. The site is the subject of the following specific policy within the Local Plan, which recognises the major problems in securing its future and proposes a mixed use development.

Policy W2

A site of 4.7 hectares at Tonedale Mill as shown on the Proposals Map is proposed for mixed-use development provided that:

- (A) the re-use of listed buildings is maximised, in the context of the site as a whole and in accordance with PPG15;
- (B) individual elements do not prejudice the provision of a satisfactory overall scheme;
- (C) the design, materials and layout of any new development satisfactorily reflects the industrial heritage of the complex;
- (D) the stream frontage is designed to maintain and enhance the character and environment of the stream, incorporating public access along its length where appropriate and protection of the existing stream-side tree groups;
- (E) leisure uses are limited to small scale facilities;
- (F) prior to the commencement of development, a scheme of flood mitigation for the whole of the site shall be agreed and the developers shall provide a bond sufficient to ensure that the scheme will be completed in full, the scheme of flood mitigation to be carried out concurrently with development of those parts of the site which lie outside the floodplain, and completed before the commencement of any development within the floodplain;
- (G) commitment is made to an overall scheme for the whole complex which seeks to achieve the most beneficial use of the listed buildings from an employment and heritage perspective, including a phasing agreement linking new development to the renovation of existing buildings;
- (H) before any development takes place a wildlife survey of the site shall be carried out and a scheme shall be agreed to ensure that satisfactory measures are taken to protect lesser horseshoe bats, badgers, tawny owls and any other wildlife covered by policies EN4 and EN5.

In association with the development the following will be sought:

- (I) affordable housing provision in accordance with policies H9 and H10, subject to the recognition of a flexible approach as referred to in paragraph 9.20;
- (J) education contributions if necessary in accordance with policy C1, and subject to the recognition of a flexible approach as referred to in paragraph 9.20;
- (K) an archaeological survey; and

(L) a programme of restoration of the retained employment

7.0 **RELEVANT CENTRAL GOVERNMENT POLICIES**

Planning Policy Statement 1 - Delivering Sustainable Development (PPS1)

Paragraph 4 sets out the Government's four aims for sustainable development as follows:-

- social progress which recognises the needs of everyone;
- effective protection of the environment;
- the prudent use of natural resources; and,
- the maintenance of high and stable levels of economic growth and employment.

Paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by the following:-

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Protection and Enhancement of the Environment

17. The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources.

Those with national and international designations should receive the highest level of protection.

18. The condition of our surroundings has a direct impact on the quality of life and the conservation and improvement of the natural and built environment brings social and economic benefit for local communities. Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design, conservation and the provision of public space.

Paragraph 23 Sustainable Economic Development

Planning Policy Guidance Note 3 Housing (PPG3)

Paragraph 9 Strategic Housing Policy Objectives

Paragraphs 10/11 Planning of Housing Policy Objectives

Paragraphs 40/41/43/46

Planning Policy Guidance Note 4 Industrial, Commercial Development and Small Firms (PPG4)

Paragraph 13 The planning system should operate on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance. Development control should not place unjustifiable obstacles in the way of development which is necessary to provide homes, investment and jobs, or to meet wider national or international objectives. Nevertheless planning decisions must reconcile necessary development with environmental protection and other development plan policies. Local planning authorities can do much to guide firms, and particularly small firms, through the requirements of the planning system.

Paragraph 14 The characteristics of industry and commerce are evolving continuously, and many businesses can be carried on in rural and residential areas without causing unacceptable disturbance through increased traffic, noise, pollution or other adverse effects. Individual planning decisions will of course depend on such factors as the scale of the development, the nature of the use of the site and its location.

Paragraph 15

Paragraph 19 It is preferable for buildings to be used appropriately than to stand wholly or partially empty. In older buildings, particularly those containing retail uses at ground level, the demand for the former mix of uses may have declined as a result of changing circumstances. A flexible attitude with respect to use may therefore be required to enable suitable re-use or new uses to be instituted in under-used space where this might contribute to the preservation of the building or enhancement of the townscape.

Paragraph 20 Special care should be taken in considering proposals to convert for commercial and industrial use buildings which are listed as being of special architectural or historic interest.

Paragraph 21

Planning Policy Guidance Note 15 – Planning and the Historic Environment (PPG15)

The entire PPG is of relevance but the following paragraphs should be particularly noted:-

Paragraph 2.18 New uses may often be the key to a building's or area's preservation, and controls over land use, density, plot ratio, daylighting and other planning matters should be exercised sympathetically where this would enable a historic building or area to be given a new lease of life. The Secretary of State is not generally in favour of tightening development controls over changes of use as a specific instrument of conservation policy. He considers that, in general, the same provisions on change of use should apply to historic buildings as to all others. Patterns of economic activity inevitably change over time, and it would be unrealistic to seek to prevent such change by the use of planning controls.

Paragraphs 3.8 - 3.10

Paragraph 3.12

Paragraph 3.13

Paragraph 3.15

Planning Policy Guidance Note 13 - Transport (PPG13)

Paragraphs 52/53/54

8.0 CONSULTATIONS

43/2007/092

County Highway Authority

The Planning Officer will be aware of previous applications for this site and, in particular, Application No. 4/43/04/119 when no objection was raised on highway and transport grounds subject to contributions to secure sustainable transport measures. The present application varies from the previous in that it now proposes 224 dwellings as opposed to 147, and in the region of 2,000 sq m of extra commercial space.

As the new application is likely to generate more traffic than the previously approved one, a supplementary transport assessment has been provided to re-examine the affect of the development on the highway network.

The transport assessment has tested the junction of Millstream Gardens and Milverton Road and has shown that there is adequate capacity. It has also tested the North Street, Fore Street, South Street junction in the centre of Wellington and has found that, when compared with a potential reuse of the site for commercial development, the traffic generations are broadly similar.

It has been established that in order to mitigate against excessive traffic generation it is essential to encourage the use of sustainable transport, e.g. bus, cycle and walking. The developer has agreed to provide a one year season ticket for local bus trips for each dwelling unit.

With regard to Millstream Gardens and the site access, it currently suffers from high speed and on-street parking. It is proposed to formalise on-street parking but rearrange it to reduce vehicle speeds. The carriageway must be a minimum width of 5 m, which will allow two cars to pass. The rearrangement also allows visibility splays from the side roads to be protected.

The only concern from a highway viewpoint on access is the area adjacent to Block F and the junction with Weavers Reach where there are several junctions in close proximity. I would be obliged if you could mention this to the developer in order that a discussion can take place in order to overcome this problem. With regard to the internal layout, I have the following additional comments:-

1. It has been noted that internal access roads are to remain private, with all future maintenance operations carried out by a management committee.
2. I believe that it is the intention to keep vehicle speeds down to a minimum within the proposed access roads as vehicles and pedestrians will be encouraged to use the same space. There are widths within the access road serving Block B to E that are approximately 7 m and this could well encourage an increase in vehicle speeds causing possible conflicts with pedestrians. A form of traffic

calming would be recommended within this and other areas to achieve the desired vehicle speeds.

3. Details for checking and approving bridge design will need to be suitably checked as the bridges will provide a link onto the prospective publicly maintained highway.
4. It has been noted that the surface water from the site will drain into existing streams. The applicant will need to obtain written rights to discharge from the owners of the water courses.
5. No discharge of surface water onto prospective publicly maintained highway from this development will be permitted.
6. As this site is to remain private and street lighting columns contained within it, these will have to be lit via private power source. The use of the highway authority power source will not be permitted. In this instance the highway authority street lighting manager must be consulted on any matters relating to street lighting columns located within the existing publicly maintained highway.
7. The swept path of refuse vehicles should be tested within all turning heads within the development.
8. Unobstructive visibility splay of 2.4 x 40 m should be provided for all access roads/car parking areas at their junctions with Mill Street Gardens and Weavers Reach.
9. The siting of three on-street parking bays with the two trees will restrict visibility for motorists emerging from the access serving car park 5. Visibility at the junction of the residential estate named Millstream Garden almost directly opposite may be restricted due to the presence of proposed parking bays. The use of gravel will not be accepted within highway limits. Bonded bitumen material will be acceptable.
10. A condition survey of the existing public highway will need to be carried out and agreed with the highway authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development. The developer should contact the highway service manager to make the necessary agreements.
11. Any planting within the existing prospective public highway must be supported by a commuted sum payable by the developer. It has been noted that trees are to be planted within on-street parking bays and highway limits. A planting schedule will need to be submitted to the highway authority to ensure that suitable trees are planted whereby their leaves do not block gullies. Under Section 141 of the Highways Act, no tree or shrub should be planted within 4.5 m of a centre line of a made up carriageway. Trees are to have a minimum distance of 5 m

from buildings, 3 m from drainage and 1m from the carriageway edge. Trees must be canopied 5.5 m above carriageway level and root barriers of an approved type will be required.

12. Where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be attained from the highway authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.
13. The submitted drawing 30724/S38/OIB indicates the length of roads and footways that are to be offered to the highway authority for adoption. After comparing this drawing with the road records, it appears that there will be a missing link between the proposed and adopted highway. I attach a copy of the road record. It is essential that a continuous link is formed as an adoption in isolation will not be permitted.
14. The first 5 m of each private vehicular access shall be constructed in bound bitumen material.
15. It appears that there are drop-offs at the back of footways against existing buildings on the southern side of the access road leading to Milverton Road with Weavers Reach. The highway authority will need to approve design proposals to rectify this as drop-offs will not be permitted at the back of adoptable footways. The southernmost vehicular access to car park 2 serving Block D should be widened to a minimum dimension of 4.1 m.
16. The applicant will need to prove to the highway authority that the construction of the existing private length of the access road between Milverton Road and Weavers Reach is to an adoptable standard. The following conditions should also be attached to any consent that may be granted:-
 1. The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, Junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

2. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
3. The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans.
4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the dwellings first being brought into use.”

Environment Agency

The Environment Agency Objects to the application on the grounds that Flood Risk concerns have not been sufficiently addressed contravening Planning Policy Statement 25 (PPS 25) and Planning Policy Statement 1 (PPS 1).

Flood Risk Management

For your information we are still in ongoing discussions with the applicants consultant WSP on various aspects of the detailed design stage of the flood alleviation scheme (ref: 43/2006/082). At present we have a number of outstanding detailed design concerns with the scheme that have yet to be resolved to our satisfaction. We are not therefore prepared to recommend the discharge of conditions for the 2004 or the 2006 decision notices to the LOCAL PLANNING AUTHORITY. These issues are described in more detail in our recent letter to TDBC dated 10 October, 2007 in connection to the discharge of conditions. We enclose a copy of that letter for your reference.

With reference to the letter from Boon Brown Architects dated the 16th August, 2007 on the sequential and exception test we can comment as follows. The Agency will need to see evidence that the council has agreed this site has past the sequential test.

Further to this it is the opinion of the Agency that this site does not pass the exception test. As the Flood Risk Assessment (FRA) has not demonstrated the development is safe. This new application involves placing a greater number of people in a flood risk area. We are not prepared to remove our objection or move to conditions until the issues associated with the flood alleviation scheme have been resolved. The relevance of the flood alleviation scheme is essential to ensure that the mixed development is 'safe' from flood risk in accordance with section (c) of the Exception Test of PPS25.

Notwithstanding the above objection on the flood alleviation we have reviewed the revised FRA submitted with this application and can comment as follows:

Section 3.2 - Finished Floor Levels

At this time the proposed floor levels are unacceptable and do not meet the requirements of PPS25. Further discussion are thus required between the Agency and the developer on this matter.

The freeboard provided now for blocks A (east = 220 mm and west = 120 mm) and C (230 mm) below the 1 in 100 year with climate change flood level. This is not acceptable and is contrary to the requirements of PPS25. We strongly believe that other flood mitigation measures should be investigated to protect these units.

We understand that the applicant is promoting a HA HA wall along the length of the flood alleviation channel as a measure to protect Block D. This is not acceptable as these are primarily designed for ornamental purposes and not as means of flood protection.

Section 3.3 - Cafe C

The detail on the decking layout for the above building is required for our approval as it spans across the watercourse. We welcome the replacement of the singular support column with steel beams. However the removal of the column is dependant on the feasibility of removing the weir and hatches upstream of building C7. It has still not been proven if this part of the scheme can actually be carried out from a structural and geomorphologic perspective. Site investigatory work still needs to be agreed between ourselves and the applicants contractor. This exercise will determine the level of structural work likely to be required for the existing concrete retaining walls.

Section 5.2 - Proposed Drainage Strategy

The FRA refers to a private drainage underground pipe network. What is the designed return period for this infrastructure? A standard piped system under Building Regs is only designed for the 1 in 30 return period. What happens for the 1 in 100 year return event? Is there significant flooding on site? Is there any detail on the proposed scheme for us to review and comment on?

Section 6 - Surface Water Management Plans

The site is predominantly Brownfield therefore we do not understand why the IH124 method has been applied to establish the existing runoff rates for the site. IH124 is designed to be used on Greenfield site's only. This method could be applicable if the applicant is proposing to achieve a significant betterment to the brown field sites run off rates by throttling back to the original Greenfield run off rate through a designed attenuation scheme. However this is not the case with this site as the developer is relying on the

existing infrastructure as far as we can understand subject to further information on Section 5.2. The Wallingford Method is normally used to establish the existing runoff rates for an existing piped system.

The surface water drainage strategy should be designed to improve the current runoff rates for the site through on site attenuation or significantly increasing the percentage of permeable areas. We would consider this to be a priority for a site this large. If the site constraints cannot make this possible it is important for the FRA to then demonstrate what the existing run off rates are and that they will not increase as result of the development. In addition a typical surface water piped system is only designed for the 1 in 30 return period therefore surcharging and flooding may occur during the 1 in 100 year storm. It is important to consider where this surcharging will occur, the depths with that storm event and the associated flow paths. Can it be temporarily stored in a lowered area then redirected back into the system when the levels have dropped in the sewers? Have they considered onsite attenuation to mitigate this risk?

Point 6.4.3 in the FRA goes on to state that surface water run off rates and volumes will remain the same. We would question that this statement is correct. The system must be designed for the lifetime of the development i.e. 100 years when considering a residential development. The effects of climate change on rainfall intensity and storm durations are expected to rise. The FRA puts forward this argument in its opening statement in section 4.1.3. We would strongly suggest the applicant consultant revisit this section again and put forward a suitable drainage strategy for the site.

Water Conservation (Planning Statement Section 7.53-7.54)

There is reference to energy efficiency and plans to meet the Code for Sustainable Homes Level 4 criteria for energy efficiency in the new build elements of the scheme. However, no mention is made as to how the efficient use of water will be achieved by the development.

The Government has recently stated that a minimum standard of water efficiency of 125 l/p/d is to be introduced through revised Building Regulations in 2008. We would encourage the developer to go beyond this minimum standard and to adopt the Code for Sustainable Homes Level 3/4 target of 105 l/p/d, in line with proposed target for energy efficiency. Ideally we would like to see this standard adopted for all proposed dwellings and commercial premises at the site.

With development of this scale and nature, there are opportunities to install rainwater harvesting systems and possibly grey water recycling systems to help reduce use of drinking water supplies for activities such as garden watering. It is disappointing that neither have been explored in the Planning Statement or supporting documents. The installation of a rainwater harvesting would also help to reduce surface water runoff from the site and help manage flood risk.

Groundwater/Contaminated Land

The site overlies a Major Aquifer, as defined by the Environment Agency's 'Policy and Practice for the Protection of Groundwater' Therefore the underlying groundwater resource is considered sensitive to contamination and care needs to be taken to ensure the protection of controlled waters.

Activities carried out at this site may have caused contamination of soil, subsoil and groundwater present beneath the site and may present a threat to nearby surface waters, especially as a result of the proposed development.

Planning Obligation

No works shall commence until a planning obligation has been agreed for the management and future maintenance of the watercourses and their banks including all associated manmade features including weirs and other water control features and all training and river walls and raised river embankments.

This is vitally important as the long term consequences of any works to the stream are remedied or mitigated and to ensure that the future riparian responsibility for watercourses and their maintenance is clearly identified.

Should the Agency's objection to the proposal subsequently be overcome the Agency would seek the application of the following conditions (please note to as a result of our objections being overcome further conditions will be required please re- consult the agency on this matter).

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

REASON: To prevent pollution of the water environment.

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the banded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

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

hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

CONDITION: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:-
 - 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 an assessment of the risk to all receptors that may be affected, including those offsite.
3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

Note: This practice is considered important so that the site operator/owner, the regulatory authorities and other parties, such as the general public, potential purchasers or investors, can have confidence in the outcome, and any subsequent decisions made about the need for action to deal with any contamination at the site.

CONDITION: Development hereby approved shall not commence until a Construction Environment Management Plan has been submitted to and formally approved in writing by the Local Planning Authority.

REASON: To prevent pollution of the water environment.

CONDITION: Development hereby approved shall not commence until a wildlife plan, produced in conjunction with a construction environmental management plan, has been submitted to and formally approved in writing by the Local Planning Authority.

REASON: To protect and enhance the bio-diversity resources on the site.

Note: The plan shall detail how provision will be made for protected and national biodiversity action plan species especially those known to use the corridor of the River Tone. Any plans shall detail maintenance schedule

CONDITION: No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and prudent use of natural resources.

CONDITION: Where works to the watercourses or their banks are proposed this should be preceded by an ecological survey which should identify areas to avoid and areas where appropriate mitigation and enhancement should take place. These recommendations should be implemented in a programme of works.

REASON: To ensure that the proposed development does not adversely impact on the wildlife and fishery interest of the watercourses.

To ensure that proper consideration is given for the conservation and enhancement of features critical to the survival of protected species and national and local Biodiversity Action Plan species.(To comply with the requirements and aspirations of Planning Policy Statement 9 (PPS9).)

The following recommendations should be included in the decision notice:-

Construction vehicles should not cross or work directly in a river.

Temporary bridges should be constructed for vehicles to cross and excavations done from the bank.

Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids.

This Agency must be advised if a discharge to a watercourse is proposed.

Fuel tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

This Agency must be notified immediately of any incident likely to cause pollution.

Storage of fuels for machines and pumps should be well away from any watercourses.

All waste deposited off site must be taken to appropriately licensed waste management facilities in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994. If any waste is to be brought onto site then the appropriate exemption from waste management must be applied for.

The Environment Agency recommends that developers follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination. It provides the technical framework for structured decision-making regarding land contamination. It is available from www.environment-agency.gov.uk.

The Environment Agency also recommends that developers use BS 10175 2001, Investigation of potentially contaminated sites ' Code of Practice as a guide to undertaking the desk study and site investigation scheme.

The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Grey water recycling and rainwater harvesting should be considered.

The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development. Applicants should visit www.environment-agency.gov.uk > Subjects > Water Resources > How We Help To Save Water > Publications > Conserving Water in Buildings, for detailed information on water saving measures. A scheme of water efficiency should be submitted in accordance with the information supplied on the website.

We strongly recommend that the proposed development includes sustainable design and construction measures, which comply with the Code for Sustainable Homes. The development should aim to achieve the highest number of stars possible, preferably six. The applicant is advised to visit http://www.planningportal.gov.uk/uploads/code_for_sust_homes.pdf for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and will soon be compulsory for all housing.

In a sustainable building minimal natural resources and renewables are used during construction, and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced.

Under the terms of the Water Resources Act 1991, an Abstraction Licence may be required from the Environment Agency for the abstraction of water from any inland water or underground strata. This is dependent on water resource availability and may not be granted. The applicant should contact the Environment Agency at the earliest opportunity to discuss the feasibility of such a proposal at the site.

The accompanying Flood Risk Assessment makes reference to altering/controlling water levels and flows at the site and the installation of new, or the improvement of existing, control structures. It should also be noted that under the terms of the Water Resources Act 1991, an impounding licence may be required from the Environment Agency for the impounding of any watercourse, ditch or stream (e.g. by dam, weir etc). An abstraction licence may also be required if the existing flow of water around the site is altered from the present situation, unless this is for the express provision of flood relief.”

Discussions are ongoing with the Environment Agency in order to address the concerns raised.

Wessex Water

Foul Drainage

There is sufficient spare capacity to serve this site. Connection may be made to any point on the 675mm public sewer to the West. A public sewer crosses the site in the Northern corner. There is to be no building within 3m of this.

Existing connections to public sewers should be used where possible.

Surface Water Drainage

Surface water is to discharge to the local land drainage system with the consent of the Land Drainage Authority and the E.A. who will both need to sign off and accept the appended Flood Risk Assessment appended to the planning application. Flows should be controlled at no greater than existing flows.

Surface water must not in any circumstances be connected to foul drains or sewers.

Adoption of New Sewers

In line with Government Policy, the applicant is advised to contact Developer Services to discuss the adoption of new sewers under Section 104 Agreements.

Sewage Treatment

The sewage treatment works and terminal pumping station has sufficient capacity to accept the extra flows this development will generate. However, further new development in the catchment would necessitate sewage works extensions.

Water Supply

The existing system is adequate to serve the proposed development. A new connection should be made to the existing 250 mm main in Milverton Road.”

Somerset and Avon Constabulary

- The Design & Access Statement does not indicate any awareness of potential crime and disorder issues that could affect this development and any measures taken to mitigate them.
- The block nature of the development should mean that the majority of public areas are well overlooked "which is beneficial from a crime prevention point of view.
- The majority of the residential blocks appear to incorporate an element of defensible space in the form of physical or symbolic barriers e.g. change of road surface/colour/texture which should also be beneficial in this respect. Any walls/railings or similar at the front of the blocks should be kept low to assist resident surveillance.
- In order to prevent unauthorised access, all walls/fencing at the side/rear of residential blocks i.e. private gardens etc., which border the public realm, should be minimum height 1.8 m. Any gates should be the same height and lockable.
- The lighting schedule indicates that lighting of public areas i.e. car parks etc will conform to BS 5489, being a combination of columns and low level bollards, which is necessary to deter crime/disorder and reduce the fear of crime for residents.
- I have concerns regarding the lack of natural surveillance of car parks 4 & 7, which appears to be limited from the nearby residential blocks. Landscaping/planting bordering these car parks should be maintained below 1 m in height and trees pruned up to 2 m from ground level in order to improve the visibility of vehicles parked in these car parks.
- I also have concerns regarding possible unauthorised access to vehicles parked in car park 1 from the adjacent meadow area, albeit this car park is overlooked by a residential block. I note that the existing wall bordering this car park, which is to be retained, is 1.5 m in height. I recommend that the height of this wall should be increased to 1.8 m to deter access to the car park. The access point in this wall should also be fitted with a lockable gate for use at night.

- The bin/cycle store located in car park 1 appears to be in an isolated position with limited surveillance and is a potential target. Ideally, this store should be relocated to an area with better surveillance or, failing that, built of substantial materials and lockable. All bin/cycle stores on the development should be similarly constructed and lockable.
- The communal garden/open space adjacent to block D has surveillance from this block only and, if accessible from the public realm, has potential for anti-social behaviour. It is not clear to me whether this is the case. If so, I recommend that alternative use be considered for this open space.
- Communal entrances to each of the residential blocks should be fitted with a suitable access control system e.g. electronic lock release and entry phone to each flat or similar. The communal 'front door' and flat entrance door sets should comply with 'Secured by Design' guidelines.
- The applicant is advised to formulate all physical design measures of the development in accordance with the ACPO 'Secured by Design' award scheme, full details being available on the SBD website - www.securedbydesign.com."

Devon & Somerset Fire & Rescue Service

Means of Escape

Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

Access for Appliances

Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

Water Supplies

All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards."

English Heritage

This application relates to an important site comprising both grade II and grade II* listed buildings which are currently on English Heritages Buildings at Risk Register. We have previously advised on, and accepted, a major application for the reuse and redevelopment of the site for a mixed residential and commercial use. That scheme involved significant change and some demolition but was regarded in the light of an enabling development scheme which was ultimately granted consent to secure much-needed repairs to and reuse of the listed buildings. This revised application has arisen due to a

change of ownership, pre-application discussion with the new owners has been very constructive and we are encouraged by their enthusiasm for the historic interest of the site. Whilst this application represents a more intensive residential use of the site it also takes a more sympathetic approach to preserving some of the special characteristics of the site and is likely to present a more realistic prospect for the beneficial reuse of these important industrial buildings. However, there are still some detailed aspects of the design which we believe need addressing and a rather more fundamental issue regarding the conversion of the former boiler house which we would wish to see resolved before offering support for the application.

English Heritage Advice

We do not intend to provide highly detailed comments on this scheme as a whole given the previous permission for a mixed-use conversion of the site and the general acceptance that a viable solution must be found to preserve the listed buildings as a whole. Equally, we have not re-examined the financial justification for the level of development at this stage since a principle has already been established. We have, however, discussed with the Council's Conservation Officer the design approach to conversion of the historic buildings and suggested a number of amendments, mainly to their external treatment, which have been incorporated by her into an itemised schedule dated 25 September, 2007 which we would wish to see put forward to the applicants as the basis for revised drawings and/or clarification.

Aside from those detailed matters our main concern with this scheme relates to the former Boiler House, denoted Block F in the applicants plans. This represents virtually the sole example on the site of a building surviving with its fabric relatively well-preserved and the majority of its historic machinery still in situ. Sadly much of the machinery recorded by the Royal Commission for Historical Monuments in the mid 1990s within the buildings at Tonedale no longer survives, although we are not aware of approvals having been granted for its removal. The Boiler House is, therefore, an important survival and deserves special treatment as its state of preservation allows a much better understanding of how the industrial buildings at Tonedale functioned than other buildings on the site. We are very concerned, therefore, that the proposed reuse of the building shows significant alteration to its fabric and layout and removal of all of its machinery and contents. Whilst we would commend the reuse of part of the building and the surviving chimney for a communal boiler installation serving the whole site, and consider that the incorporation of a cafe with museum area could work well within the building, the inclusion of four residential units within it does not allow for the flexible use of space which we believe is required to allow historic machinery and fittings to be retained. If those residential units were omitted then it should, we believe, be possible for the new boilers to be installed alongside, and to the east of, the two historic boilers in the southern part of the building. The cafe/museum area could occupy a larger area to the north that would allow the important steam turbine and associated fittings in the north west of the building to be retained in situ. If those elements are retained then other later engines could potentially be removed without affecting the special interest of

the building. Another benefit of omitting the residential element would be to allow the retention of the former fire station - the room at the north-west corner of the building- which has fittings of some architectural interest and could convert to the 'management office' shown within the exhibition and community space on the proposed plans. The reason for proposed partial demolition of the western addition to the boiler house is not entirely clear and we would encourage the applicants to reconsider its retention and incorporation into the cafe. Generally this building preserves significant elements of historic fabric including the roof structures, wall features/fixtures and door/window joinery. Clarification is needed at this stage as to whether these elements are to be retained within the building's proposed reuse.

We are aware that the omission of four residential units from the building will have financial implications for the applicant but that has to be weighed against the fact that this application proposes a significantly increased number of residential units from the previously approved scheme and therefore offers, we believe, some scope for negotiation. The proposed mixture of uses in this building is a slightly uncomfortable one and there is a strong conservation and operational case for keeping it entirely non-residential to allow a more flexible use of the space.

Recommendation

We would ask that the applicant considers amends the scheme according to the suggestions within this letter and the schedule prepared by the Council's Conservation Officer in order that the special historic interest of this nationally important industrial site can be better preserved and English Heritage can support this application."

The further views of English Heritage following the submission of amended plans is awaited.

Natural England

Natural England received a 4 page consultation document for the above proposal on 30th July,2007. As you will remember from our previous correspondence the proposal impacts upon protected species. Natural England expects the applicants to have submitted up to date ecological evidence obtained from protected species surveys that we understand were undertaken in 2007. If the information confirms the presence of protected species then we expect a robust method statement and mitigation strategy that protects those species through all stages of the development."

Health and Safety Executive

To be included on update sheet

Landscape Officer

“Subject to detailed landscape proposals the overall scheme looks good both in terms of ‘soft’ and ‘hard’ landscaping. There are a number of trees that require felling but the reasons for this are well justified.”

Nature Conservation and Reserves Officer

Initial observations:

“Pending any further information from Natural England I am concerned that there is insufficient information on bats to determine the application - see below.

Wildlife reports have been received for the following species:- Bats, otters reptiles, badgers, crayfish and water voles.

There is evidence of other protected species using the site and I recommend that if permission is granted then a condition is made to protect these species, including breeding birds, through the development phase. This should include the need for updated surveys as necessary.

BATS - The submitted ADAS report dated Dec 2006, discussed the need for further survey work to be done in buildings 1-7 between May and August 2007 and further survey of culverts. The results of this work, if carried out, should now be submitted to the LOCAL PLANNING AUTHORITY to inform determination of this application (and an EPS Licence application).

ADAS did emergence survey work in Sept and Oct 2006, expanding earlier survey by Ecosulis; ADAS hibernation survey Jan 2007. ADAS report concluded that Buildings 8-18 are not bat roosts - it should be noted that underground area of Building 8 may be used by hibernating bats.

OTTERS - 2 Surveys in 2006. ADAS survey identified otters use the Back Stream but no holts were identified within this application area. Otters may use the Mill Stream (difficult to survey effectively).

CRAYFISH - Survey Oct 2006. No evidence of crayfish were found.

BADGERS - Surveys Sept and Nov 2006. Badgers use the site but it is considered that there will be no construction work within 30 m of the sett identified on site.

REPTILES - Survey Sept & Oct 2006 1 juvenile found by Tonedale House mitigation discussed.

WATER VOLES - Surveys 2006 and May 2007. No evidence found. (7th August, 2007)

A further bat survey was carried out and report submitted and the further response was received.

“Bats

Further to the submission of results of ADAS survey information on bats two Lesser Horseshoe bat roosts have been confirmed. Mitigation includes the improvement of existing roosts and a new roost in Building 17 (Bat Report Ref)/ Block E. An EPS bat licence will be needed to develop the site Timing of works and specification of the roosts will form part of the MS for the licence application, (the lighting of areas where bats access and exit the roosts must be agreed).

Note: I have asked ADAS for clarification on possible typo on p.10 of bat report.

The other protected species to be considered are:-

Otters - I recommend no night working in areas of Back and Mill Streams. I also advise that the lighting of paths etc adjacent to the streams should be agreed. On advice so far I do not anticipate the need for an otter licence for this site. Badgers - forage in the area and I recommend that all trenches are protected or have a means of escape for badgers. The proposals should not impact on setts to the south of the site Slow worms - there is a small population on site at Tonedale House (ADAS report Dec 06) and a MS detailing their protection through the development should be submitted and agreed Breeding birds - works to clear buildings or shrubs must be done outside the main nesting season unless the LOCAL PLANNING AUTHORITY is satisfied that appropriate checks have been made.

I suggest the following condition:-

The development hereby permitted shall not be commenced until details of a strategy to protect species protected by law and their habitat has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the results of the submitted ADAS survey information detailed in reports on Bats, September 2007; Badgers, December 2006; Otters, June 2007; and Reptiles, December 2006 and shall include:-

- (a) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- (b) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- (c) Measures for the retention and replacement and enhancement of habitat for the species;
- (d) Measures for the long term commitment to the security and maintenance of the agreed habitats. The plan shall include the specification of management of all habitats on site and the means of securing that management;
- (e) Persons responsible for compliance with legal consents relating to bats and otters, including applying for European Protected Species Licences in respect of bats; compliance with planning conditions relating to wildlife conservation: implementation and regular inspection of physical protection measures and monitoring of working practices during construction;

provision of training and information to all construction personnel on site about the conservation significance of the protected species present and the importance of protective measures and practices being employed.

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

Reason: To secure the necessary ecological mitigation, enhancement and management measures to offset the potential adverse effects of the development hereby permitted, on important wildlife species and habitats, in accordance with Taunton Deane Local Plan Policy EN5.

In addition, after discussion with Ian Clark, I would like to discuss possibility of adding to the condition the submission to the Local Planning Authority of the results of 5 year monitoring of bats (associated with the licence).

Suggested Informative:-

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant 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. Bats and otters are European Protected Species within the meaning of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended 2007). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with Regulation 44 (3) (b) of the above regulations.

Natural England requires that the Local Planning Authority must be satisfied that a derogation from the Habitats Directive is justified prior to issuing such a licence." (4 October, 2007)

Rights of Way Officer

No observations to make.

Conservation Officer

Views awaited.

Environmental Health Officer

Noise

It is noted that the application is for a mixed residential and commercial use. The plan of the site does show that most of the commercial units are at the northern (Milverton Road) end of the site. However, there are some areas where the commercial and residential units are adjacent, or part of the same

block. Therefore, there is the potential for noise from the commercial units to disturb future residents.

- (1) It is recommended that the blocks where there is a mixed commercial/residential use or where the commercial use is adjacent to residential units the commercial use is restricted to those that are less likely to cause noise problems (e.g. A1, A2, B1).
- (2) If the commercial units are to be leased/rented out by one company it would be good practice for them to prepare a noise management plan to cover activities and plant/equipment on the commercial areas of the site. Could this be required by a planning condition? If it is possible we can try and draft something.
- (3) There should be a restriction on the hours of deliveries to the commercial units adjacent to or below residential units (e.g. no deliveries between 8:00 p.m. and 7 a.m. the following morning).
- (4) A condition could also be used to restrict the noise level from any plant or equipment in use on any commercial premises so that this is unlikely to cause a nuisance to residents.

(I have attached some suggested conditions)

Contaminated Land

The site has a history of industrial uses that are likely to have caused contamination of the underlying ground. Therefore, it is recommended that before the application is determined the applicant shall provide a preliminary site investigation report. This should detail the history and current condition of the site and include an assessment of the likelihood and nature of any contamination that could be on/under the ground. This will confirm that the applicant is aware of the potential risks that could arise from contamination on the site.

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

NOISE CONDITIONS

Noise Levels

Noise emissions arising from plant and equipment at the commercial premises on any part of the land to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 2 Min Leq, when measured at any residential or other noise sensitive premises.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this

permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Noise From Deliveries

No deliveries shall be made to the commercial premises in the mixed-use blocks (Block H), or commercial units in blocks adjacent to residential premises (Blocks F/G) after 8:00 p.m. and before 7:00 a.m. the following day.

Noise Note (Construction Noise)

Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800, Saturdays 0800 - 1300. All other times, including Public Holidays - No noisy working.

CONTAMINATED LAND

Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:

- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations.
- (b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action.
- (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site.
- (e) Submission to the Planning Authority of 2 copies of the Consultants Written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the

remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented.

- (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority.
- (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority.
- (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance.
- (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

Reason: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site.

Note to Applicant

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

Drainage Officer

I note that it is predicted that this development will nominally reduce the areas of impermeable paving thereby meeting PPS25 requirements that surface water run off rates are not increased. I also note that it is proposed to install soakaways to deal with run off from car park 7. Notwithstanding this, Part H of the Building Regulations 2000 encourages the use of sustainable drainage systems (SuDs) for surface water disposal. I therefore enclose a copy of Guidance Notes for Developers on Surface Water Issues - Somerset Version

and would advocate that the provision of sustainable drainage techniques be investigated further and made a condition of any approval given.

Housing Officer

The Housing Officer welcomes this new application and would require 25% of the total number of residential units for affordable house. This is based on the need in the area and the registered need in Wellington itself. The 25% should cater for a mix of 50% social rented homes through a registered social landlord, 25% affordable shared ownership homes and 25% low cost outright purchase valued at 40% below market value with the low cost held in perpetuity with nominations initially coming from Taunton Deane Borough Council.

Asset Holdings Manager

Concur with the figures and conclusions contained in the latest Financial Viability Report. The provision of 12 reduced cost housing units together with a contribution of £200,000 to off-site affordable housing is in my view the best that the Council could hope to achieve through a Section 106 Agreement. Clearly, the provision of affordable housing units on site is not a financially viable proposition and this is consistent with any thoughts when I considered a previous Financial Viability Report for Tonedale Mill in April 2005.

Leisure & Development Manager

The application has not made provision for either play or active recreation on the site. If possible on-site play provision for young children should be made. Play provision for older children and for active recreation is acceptable as an off-site contribution. The off-site contributions are £1,023.00 per dwelling for active recreation and £1,428.00 per 2 bed+ dwelling for older children and young peoples' play (£357.00 for young children's play).

Arts Officer

The application indicates sensitive redesign on these buildings. However, considering that TDBC has now adopted a public art and design policy as far as I am aware, no artist has been contracted to develop this scheme, neither has the percent for art been requested towards public realm improvements.

Forward Plan

Policy W2 of the Taunton Deane Local Plan sets out a number of specific criteria relating to the regeneration of the Tonedale Mill site.

In general terms the proposal appears to be in conformity with the overall objective of maximising the re-use of existing buildings and minimising the amount of demolition, although in this respect English Heritage and the conservation officer need to be satisfied.

I am please to see that a greater amount of space is proposed for employment and commercial activities than in the scheme approved previously. Also, the inclusion of a café and small-scale convenience store, are welcomed, as is the inclusion of a limited amount of affordable housing.

A scheme of flood mitigation will need to be agreed and implemented in accordance with the Environment Agency's requirements, and appropriate provision will also need to be made for important wildlife assets on the site.

Subject to the financial viability appraisal being accepted as demonstrating the need for the mix of uses proposed, any demolition required, and any reductions in the normal levels of provision of (or contributions towards) affordable housing, recreation

TOWN COUNCIL

In favour subject to further constraints of the operation of the proposal convenience store and its signage and the potential to accommodate additional visitor parking.

43/2007/093LB

Somerset Industrial Archaeological Society (Transfer of Items)

As you are aware from the SIAS submission to the application, the society has drawn particular attention to items in the Boiler House Complex, has suggested that further assessments should be made and proposed that a select sample should form part of the site's historical exhibition space.

SIAS is therefore disappointed that the industrial heritage of Somerset and more particularly that of Tonedale should be deprived of these artefacts and fittings. In arriving at our judgement on this issue we observe that

- (a) These items have been recognised as being of significance to organisations involved in heritage protection.
- (b) The organisations have official status which is in accordance with the SIAS recommendation of an ethical disposal policy.
- (c) Had the items been removed from their present locations to the historical exhibition space they would have remained on static display. The removal to these museums provides an opportunity for restoration to working condition.
- (d) The items have been recorded as part of the photographic register being compiled by Exeter Archaeology.

SIAS would therefore have no objection in principle to the transfer of these items from Wellington to Tanygroes and Uffculme. The only proviso SIAS would make is that this transference does not contravene planning legislation as interpreted by officers of Taunton Deane Borough Council, Somerset Heritage Services and English Heritage."

Garden History Society

No comment to make

The Georgian Group

“Thank you for consulting the Georgian Group on an application for listed building consent for works to the former mill buildings at Tonedale Business Park. These works are part of a wide scheme for the conversion and redevelopment of the site to mixed residential and commercial use. The Group visited the site and commented on a similar scheme in November 2004.

We have not been able to consider the full extent of the existing scheme and we therefore do not wish at this stage to offer detailed comments on this application. However we understand that the current scheme is generally similar to the earlier scheme which we commented on. As such we would like to extend those views and comments to the existing application.

Furthermore we recommend that the detailed advice that has been offered by English Heritage and by your Conservation Officer in respect of the current application be accepted and that amendments be made in light of these comments.”

9.0 **REPRESENTATIONS**

Three letters of objection have been received raising the following issues:-

1. Should take account of proposed lighting scheme as light pollution is becoming more of a nuisance as the town expands, impacting outlying villages at night. Light fittings should be designed to reduce light emitting upwards, pointing lighting properly and directing it downwards. Unnecessary lighting should be switched off. Light pollution can impact on wildlife in a number of ways and disrupt tree and plant habits. Unnecessary and ill directed light is also a waste of energy.
2. Increase in traffic along Milverton Road - it is very busy at present and the traffic very fast moving along this stretch. Speed should be reduced to 20 mph.
3. Roads will become congested as inadequate car parking proposed.
4. Appropriate pedestrian crossing facilities should be included.
5. Concern at convenience store - will bring general disturbance in the form of parking and the congregation of its patrons and its associated problems. It is unnecessary as we already have perfectly good shop

nearby. If there is a need for a store, it should be more centrally located in association with the cafe and museum.

6. Car parking areas should be provided for contractors first, to prevent congestion on existing roads.
7. Access to some of car parking areas too close to junction of Millstream Gardens and Milverton Road.

One letter of representation has been received raising the following issues:-

No objection with certain provisos - the area is in such need of regeneration.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposal comply with the relevant Local Plan Policies? POLICY
- B. Is the proposed access to the site and parking arrangements acceptable? ACCESS AND PARKING
- C. The constraints that work against a continuation of the existing pattern of use and under-use? CONSTRAINTS
- D. The possibility of a viable scheme for the site? VIABILITY
- E. Does the proposed development make adequate provision for affordable housing AFFORDABLE HOUSING
- F. Does the proposed development make adequate provision for other contributions towards off-site works, such as highways and recreation? OTHER OFF-SITE CONTRIBUTIONS
- G. Are adequate surface water drainage and flood mitigation measures incorporated in the proposed development? SURFACE WATER DRAINAGE AND FLOODING
- H. Have appropriate measures been included in the proposal to protect wildlife interests? WILDLIFE
- I. Is adequate commercial floorspace being provided as part of this mixed use development? COMMERCIAL USES
- J. Do the proposed conversion works respect the character of the buildings? IMPACT ON CHARACTER
- K. Is the extent of demolition of buildings appropriate? DEMOLITION
- L. Will the proposal have a detrimental impact on the amenity of occupiers of nearby dwellings? IMPACT ON RESIDENTIAL AMENITY

M. Is the proposal sustainable? SUSTAINABILITY

N. OTHER ISSUES

A. Policy

The most relevant policies in the Taunton Deane Local Plan is Policy W2, which is specifically concerned with the Tonedale Mill site. This policy provides guidance which seeks to strike a balance between the conservation of the site's important heritage and encouragement of appropriate development proposals. It proposes a mixed use development subject to various criterion being met. Policy H1 of the same Plan has an allocation of 150 dwellings for the site.

It is clear that the proposed development provides residential units at a greater density than that previously envisaged for the site. However, the supporting text to Policy W2 recognises that any residential development on the site will need to be of a high density. The proposed density on the site will be approximately 50 dwellings per hectare, which is considered to be appropriate, particularly in the light of minimum density expressed in national policy guidance.

Policy H2 states that housing developments and conversions of a substantial scale should provide a reasonable mix and balance of housing types, particularly low-cost housing types. The increased provision of smaller one and two bed units will provide more lower cost housing units compared to the previously approved scheme.

The proposed mixed use development of the site will provide on-site amenities for residents of the development and will also offer a range of employment opportunities within the boundary of the site. The provision of the cafe and convenience store in particular will provide facilities within walking distance of the residential area, thereby reducing the reliance on the private car for shorter journeys.

Policy EC9 of the Taunton Deane Local Plan indicates that proposals for the loss of employment uses will not be permitted unless the overall benefit of proposals outweigh the harm caused by the loss of the use. I consider that the proposed scheme, which does involve loss of employment floor space, provides for the regeneration and renovation of this historic site, resulting in significant benefits for the long term future of the site and the wider community. It is also recognised within Policy W2 that in view of the high costs required to renovate the listed buildings on the site, the use of the site entirely for employment purposes is unlikely to be viable. Furthermore, the previous permission accepted the principle of a loss of a proportion (higher) of commercial uses.

Policy EC11 supports the provision of individual shops outside the main town centres of Taunton and Wellington, provided that there is no adverse impact

upon the vitality and viability of defined local centres. It is not considered that the proposed convenience store will have any such impact. Competition with the existing nearby convenience shop is not a planning issue.

B. Access and Parking

Millstream Gardens provides the access to the site. The Transportation Report submitted with the application indicated that the existing Milverton Road/Millstream Gardens junction has adequate capacity to accommodate the proposed development.

At present Millstream Gardens suffers from uncontrolled on-street parking. A hard landscaping scheme is proposed, which will formalise the parking whilst having the benefit of tidying up the streetscape. It is proposed that roadside parking spaces are formalised by creating kerb build-outs, with tree planting accommodated within the build-out where possible. Lighting columns will be replaced with units of a more sympathetic nature to the existing buildings.

The on site highways will remain in the ownership of the developer and will be maintained by a management company. The proposals are sympathetic to the existing buildings in that they retain existing paving materials for re-use where possible. They are also designed with the principles of the new Department of Transport design guide "Manual for Streets" firmly in mind in that they are designed to firstly complement the buildings in creating a 'sense of place' rather than designed solely for the needs of car users. To this end, there are no kerbs, highway signage or road markings proposed.

Sustainable transport policies aim to minimise the need for car parking and seek parking requirements as maxima. Car parking provision for the employment uses on the site is provided within two parking areas at the eastern end of the site, totalling 72 spaces.

The proposed development allocates 275 car parking spaces for the 223 residential properties, which equates to a ratio of 1.23 spaces per household. The maximum parking provision for residential properties is stated at a ratio of 1.5 per dwelling within Policy M4 of the Taunton Deane Local Plan, although the policy indicates that a significant reduction in the maximum parking provision is expected in cases of conversion. A further nine car parking spaces will be provided for visitors. A management require is to be established by the applicant to regulate the overall operation of the site. In this regard there will be significant spare car parking capacity within the commercial car parking areas at weekends which can accommodate visitor parking.

Then proposed development will also include provision for traffic calming and the marking out of 16 new car parking spaces along Millstream Gardens. These spaces have not been included in the parking provision calculations as they are not directly allocated for the site itself.

The County Highway Authority do not raise objection to the principle of the development. The detailed points raised will be agreed with the County Highway Authority during the Section 38/278 process under the Highways Act.

C. Constraints

- (a) The majority of the space within the buildings is vacant. Even where the buildings are occupied, the uses are often low intensity at very low rental levels. The uses have tended to reflect the very poor condition of both the buildings and the infrastructure (roads, parking areas, services, etc.) and the lack of even basic amenities (toilets, kitchens, etc.) within the industrial buildings.
- (b) The susceptibility of the lower (western) section of the site to flooding.
- (c) The listed status of the buildings and the restriction this places on the level of demolition and alteration that will be acceptable.
- (d) The density and close proximity of the existing buildings, particularly on the lower part of the site.
- (e) The presence of asbestos and other contaminants, the remediation of which imposes an additional cost on any development.

Virtually all of the present buildings are far below the standard that modern industry requires. As a result substantial renovation and decontamination works are required, along with sub-division to create realistically sized units. The renovation works will also need to achieve the appropriate modern standards, together with ancillary accommodation such as office areas, toilet facilities, loading and service yard areas.

It is clear that the vehicular access space, parking, turning areas, etc are so restricted throughout the majority of the site that limited demolition of a number of the less significant buildings has to be considered.

D. Viability

Against the constraints set out above, the proposed development seeks the creation of a mixed use scheme providing for a wide range of affordable units. The fundamental principle has been the need to devise a viable scheme, which is capable of being implemented and will fund the necessary repairs to the listed buildings, the de-contamination of the buildings and the flood alleviation proposals. In order to achieve an economic development it has been necessary to propose a high number of residential units, as all the non-residential elements are fundamentally uneconomic because of the high cost of repairs and conversion in relation to the low returns received in this location. Details of the development costs have been provided on a confidential basis to justify the need for the level of residential conversion.

This Financial Viability Report is available for inspection by Members of the Committee.

The proposed development is for a high-quality, mixed use scheme, with a high proportion of residential units. The applicants advisors see this approach to be the only way in which this important complex of listed buildings can be restored and given a viable long-term future.

Within the constraints set out above, although the proposed development is considered to be viable, it shows a low return for a scheme of this nature and risk significantly below industry standard. The scheme cannot therefore afford a reduction in the numbers and type of accommodation offered, the provision of further on-site affordable accommodation or further off-site and other contributions.

The Council's Senior Valuer has given consideration to the details in the Financial Viability Report and concurs with the view that the scheme is a high risk proposal financially.

E. Affordable Housing

Policy H9 of the Taunton Deane Local Plan states that on suitable housing sites, the provision of affordable housing will be sought. In assessing the level of provision on individual sites, regard is paid to the need to balance the requirement to provide for the identified affordable housing need with other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its financial viability. In terms of Tonedale Mills, Policy H10 sets an indicative target of 20% of any dwellings being affordable housing. Having discounted the targets to take account of site specific costs and constraints and viability considerations, the supporting text of the Local Plan indicates that the Council would not normally expect to have to make further reductions.

Policy W2 of the Local Plan states that, in association with development, affordable housing provision will be sought in accordance with Policies H9 and H10, subject to the recognition of a flexible approach. The supporting text to Policy W2 recognises that the limitations and costs associated with the site have a significant impact on the economic viability of development proposals. Given the previous need to ensure that the long term future of the site is secured through the implementation of proposals that are able to provide investment in the buildings, it is recognised that a flexible attitude needs to be adopted towards the scale of contributions sought towards affordable housing and other similar benefits.

The previous planning permission included a requirement, through a Section 106 Agreement, for a contribution to off-site affordable housing of £200,000. It is proposed that this contribution will remain, with the additional provision of eight reduced cost-housing units offered at 75% of their open market value. This will be secured through the recommended Section 106 Agreement.

Specialist advice to the applicant on the residential element of the scheme indicates that the provision of on-site affordable housing in accordance with Policy W2 will have a significant negative impact on values. This is in terms of both the sale value of the affordable units to a Registered Social Landlord (RSL) and the loss of value of the private units due to the proximity of affordable housing.

The Financial Viability Report demonstrates that if affordable housing is provided on site, the scheme shows significant deficit and it becomes unviable.

F. Other Off-site Contributions

As set out in the previous two sections of this Report, there are high costs involved in developing this site and securing the future of the listed buildings on the site. Any requirement to provide contributions to other off-site works will reduce the viability of the scheme. Contributions have been sought by consultees towards highways and leisure. These could only be achieved by increasing the number of dwellings at the expense of commercial. Against the background of a number of the buildings being currently occupied by commercial tenants, additional displacement of these is not considered appropriate. It is also of paramount importance that a viable scheme is brought forward to ensure the future of this significant complex of buildings. I consider that the current scheme will ensure this takes place.

G. Surface Water Drainage and Flooding

About half of the site is low lying and at risk to flooding by water from the Back Stream as a result of the mill buildings constricting the flow of water during major storm events. A flood mitigation scheme is proposed involving both on-site and off-site works. The scheme shows that in principle those parts of the site that flood can be satisfactorily protected. These proposals comprise:-

- (i) clearing out the existing watercourses in order to increase their flood conveyance characteristics;
- (ii) constructing an attenuation lagoon, upstream of the complex to the south of the railway line; and
- (iii) constructing a purpose built overland flood channel to the west of the buildings.

Surface water drainage is designed on the basis that all run-off is discharged direct to the watercourses, using existing outfalls where possible. This reflects the existing situation. In terms of Sustainable Drainage (SuDs) principles, ground conditions on the site mean that it is not suitable for infiltration drainage and the Flood Alleviation Scheme provided in tandem with this development provides attenuation for flood waters. The provision of

gardens to some blocks will help to balance the increase in impermeable area taken by the proposed car parks.

At the time of compiling this Report, the Environment Agency's holding objection remains in place. On-going discussions are continuing with the applicant's consultants and the Environment Agency with a view to resolving the outstanding issues.

H. Wildlife

The site has considerable wildlife interest, including the presence of protected species.

Policy W2 of the Taunton Deane Local Plan, which is specific to the application site, highlights the wildlife considerations for the development of the site and requires that before any development takes place a wildlife survey of the site should be carried out and a scheme agreed to ensure that satisfactory measures are taken to protect lesser horseshoe bats, badgers, tawny owls and other wildlife. As a result, a condition was attached to the previous planning permission seeking wildlife surveys, an assessment of impact and proposed mitigation and avoidance measures.

All the required surveys have now been carried out and Reports submitted, with the following conclusions:-

Crayfish - none found, therefore no mitigation proposed.

Water Voles - none found, therefore no mitigation proposed.

Great Crested Newts - none found in ponds within 500 m, therefore no mitigation proposed

Otters - found throughout Back Stream. Two potential holts found in flood alleviation area. Two artificial holts will be built (this areas is outside the current application site). No holts or nesting places present in section of Back Stream passing through the current site, so no mitigation proposed for this section.

Reptiles - one juvenile slow-worm and grass snake in the flood alleviation area north of the railway (not relevant to this application). These will be translocated. The area of the proposed car park 7 will be re-surveyed prior to works starting because the area has grown up with scrub and may now be unsuitable for reptiles. A Reptile Mitigation Report has been submitted.

Bats - various bat surveys have been carried out. Lesser horseshoe bats are present in Blocks H and J. Mitigation will include:-

- an extra bat roost created in Block E;
- alteration of the roost, but retention of the bats in Block H;

- improvement of the roost in Block J by creating new access, limiting current disturbance by the roost by the occupants and internal baffling to create more suitable dark areas.

Bats are not present in Blocks A - G and therefore no mitigation is proposed for works to these buildings. A new bat roost has been designed into a suitable position in Block E as pre-emptive mitigation for bats in Block H.

Badgers - one sett present on the railway line between the mill and the flood alleviation area. This sett is more than 30 m from the proposed works and therefore will not be affected by the development proposals.

I. Commercial Uses

The site currently comprises a total of 22,480 sq m of commercial floor space. The current proposal, as with the previously approved scheme, will result in the loss of some of this employment space, in favour of residential. The current commercial units on the site fall well below modern standards, thereby reducing their marketability to new users. The proposed renovation of these buildings will provide updated and high quality business units, predominately in Block J, whilst retaining their historic character.

The current scheme proposes to retain a gross floor space of 5,539 sq m in B1, B2 and B8 employment uses. This compares with 3,040 in the extant permission. When the previous scheme was being considered only 5,360sqm (24%) of the total floor space was occupied. Many of the existing units on the site are still unoccupied; however those users who wish to remain on the site will be accommodated within the allocated commercial blocks on the site.

The recommended Section 106 Agreement requires a Phasing Plan to be prepared incorporating a programme of restoration of the retained employment buildings to ensure that as far as is practical, refurbished premises are available for existing tenants who have expressed a wish to remain at Tonedale Mill.

A café is proposed, between the residential and employment areas of the site. The café will provide a service not only to those working or living on the site, but to the wider community. A historical interpretation and community space area is to be provided within the café building, to provide information and interpretation on the history of the mill and its importance to the development of the town of Wellington.

Provision is made for a number of artisan studios/workshops, providing smaller units. The siting of these units in Block G, near to the café aims to encourage users of the café to visit the artisan workshops and view the crafts being undertaken.

A local convenience retail unit is proposed within part of the main commercial building, Block J. The unit will provide a valuable service for the commercial

units, the new residential units and existing dwellings in the immediate vicinity. The shop has been positioned to increase its visibility from the road to ensure that it is also used by the wider local community. The provision of the store will help to reduce the need for small car journeys and therefore meets with sustainability objectives.

J. Impact on Character

Whilst most of the individual buildings are of interest in their own right, the major significance of the Tonedale Mill complex is the variety of buildings, each constructed and in many cases subsequently adapted for part of the manufacturing process, and their relationship to each other.

The general approach of the proposed development of the site is to retain as many of the buildings as possible, although some demolition has been necessary for a variety of reasons. Also, the aim has been to minimise external alterations to the buildings. For some of the buildings, it has been considered appropriate to adopt a 'restoration' approach to their external appearance, removing damaging alterations and extensions and reinstating the former appearance. For other buildings, the pattern of previous alterations is retained and further alterations that are necessary for the development are proposed as clearly identifiable interventions. With new openings or where existing openings are to be altered, the proposal is that the alteration would be designed in such a way that it would be clear that an intervention has occurred. Similarly, where original openings cannot be used, the approach has been to block or alter them in such a way that their original form can be clearly identified.

The existing buildings obviously have a very industrial style to the architecture. The proposals embrace the industrial heritage of the site and provide design solutions which are as undomesticated as possible so that the site maintains its industrial character. It is intended to provide a subtle uniformity to the site by staining all external timber such as windows, barge boards, etc. in the same colour and by using the same rainwater goods throughout the site. The new build element in Block D will be a modern contemporary industrial style building, which will be obvious that it is from the 21st century whilst blending with the current concept of the site at the present time.

The amended plans address the concerns initially raised by English Heritage with regard to Block F (the former boiler house). Of particular interest in this part of the building is the internal structure supporting the two in situ Lancashire boilers. These are early replacements of the original boilers. They are unusually well preserved, complete with most of their attachments, the flue control mechanisms and the automatic coal and oil feed mechanisms. The survival of a boiler house with this level of detail is highly unusual.

The amended plans provide for the retention of the two historic boilers in the southern part of the building, together with the retention of associated plant and steam turbine. The existing chimney is to be re-used and the former fire

station is retained. The plans still provide for the partial demolition of the southern addition to the boiler house as was also approved on the previous scheme. The structural reports and PPG15 justification report confirm that this structure is completely beyond repair. Furthermore, its removal facilitates important pedestrian permeability of the site from east to west.

Various items of industrial archaeological interests contained within various buildings are to be carefully removed and transferred to other suitable locations. A schedule of these has been agreed with the County Archaeologist and Somerset Industrial Archaeological Society.

The approach to the roads and other spaces around the buildings is to retain the hard, industrial character of the site. As a result, external spaces are proposed to be predominantly hard paved.

The signage shown on the submitted plans is for illustrative purposes only and as and when an operator is identified, then it will be necessary to submit the appropriate advertisement consent application at that time.

K. Demolition

The demolition of a number of buildings is proposed. Although all the buildings on the site are of significance, the aim in making decisions on demolition has been to ensure the retention of all the key buildings and to minimise the level of demolition that is necessary. In some instances the reason for demolition is to enable access to car parking areas or to bring other buildings into beneficial use. In a few cases, demolition of later additions is proposed in order to allow for the restoration of the earlier appearance of some buildings.

L. Impact on Residential Amenity

It is inevitable that there will be some adverse impact on the amenity of occupiers of nearby dwellings, in particular Tonedale House and properties in Millstream Gardens. The development will result in additional traffic passing along Millstream Gardens to access the site, when compared to existing flows. However, the site and buildings are currently underutilised and have the potential to generate considerably more traffic, particularly heavy goods and other commercial vehicle, if they remain in their current industrial use. Also the impact of greater housing use generally is likely to be less than intensified industrial use. Also if the site were to intensify its existing commercial use without recourse to planning control there would be implications in terms of increased parking demands. The parking provision is comparable with the ratio in the previously approved scheme and is in compliance with the current policies.

The impact of the proposal on residential properties has to be balanced against the overriding aim of securing the long term beneficial use of this important complex of listed buildings.

Some concern has been expressed by residents in regard to the proposed convenience store and the potential for improper use of the proposed commercial car parking areas at the eastern end of the complex. However, I do not consider that there is likely to be such a serious amenity issue to justify a revision to the scheme in this respect.

There is some element of overlooking from the southern elevation of Block H, which has outlook into the garden area of Tonedale House. This elevation contains windows which currently allows direct views into the garden of Tonedale House. In commercial use under the existing established use of the building, these windows cannot be controlled and overlooking can occur uninhibited. The proposed use of this section of Block H is residential. The internal layouts have been devised to provide for bedroom areas to be mainly at the northern elevation in order to protect the intended occupiers from noise and disturbance associated with the commercial activities of Tonedale House. The living areas have been provided at the southern elevation and will be lit by the subject windows. It is proposed to fit the windows with obscure glass to head height and thereafter provide a clear glass band incorporating the high level fan lights. With this treatment, the issue of overlooking and loss of privacy is mitigated to an acceptable degree.

The northern elevation of Block E contains a number of large arched windows spanning across the ground and part of the first floor. These windows directly face the south elevation of Block C which also contains a number of windows. Both blocks are proposed for residential use and the distance between elevations is only 5.3 m. The space between the buildings is proposed to accommodate rear amenity space to Block C and a 1 m wide walkway. The boundary between the intended walkway and the rear of the amenity space is proposed to be formed by a 1.5 m high brick wall. Whilst this in itself will provide a degree of privacy, it is proposed to fit the relevant windows to Block E with obscure glass to eliminate any possibility of overlooking.

M. Sustainability

The site is in a sustainable location within the settlement limits of Wellington, and as such, the principle of the proposal conforms to the main thrust of PPS1.

The proposal also provides for the refurbishment and re-use of existing buildings, many of which are currently under used and in poor condition.

The developer is agreeable to offering free bus passes for travel to Taunton for residents of the development for the first year of occupation. This will help to encourage suitable travel to the site.

A central boiler will provide heating for the sites hot water system, with a supplementary gas fired boiler provided. The proposed central boiler system will re-utilise the large industrial chimney on the site.

Whilst there is such cost and difficulty involved in providing insulation and energy saving measures to the listed buildings without intrusive intervention to the fabric of the buildings, the potential to provide the highest quality thermal values is being pursued. Where real environmental gain can be achieved is with the new build element of these units proposed at Block D. Here it is intended to achieve the very highest standards of sustainable construction and limit the CO2 footprint to a minimum in line with the Eco-Homes Excellent standard, now known as Level 4 as set out in the Code for Sustainable Homes issued by the Department for Community and Local Government.

N. Other Issues

Foul drainage is designed to discharge to the Wessex Water combined sewer situated in the field to the west of Block D. A new pumping station is being provided on-site to enable this.

There are a number of trees throughout the site. In order to fully access their health and significance and to guide the landscape master plan, a detailed Arboricultural Report was commissioned and submitted with the application.

An Environmental Assessment of the site has been carried out to address contamination on the site – both within the buildings and in the external areas. Remediation options have been produced.

11.0 CONCLUSION

Tonedale Mill is an important feature of Wellington's industrial, historical and architectural heritage. Its importance goes well beyond the local level. English Heritage recognises that it is thought to be the largest and most comprehensively representative textile manufacturing site in the south-west, with a range of surviving structures unparalleled in England. Consequently, the remaining buildings are either Grade II or II* listed and the site is also a designated County Archaeological Site. The site is generally under-utilised, and many of the buildings are vacant and in poor condition. However, in terms of the local economy, the site has an important function in providing a variety of rented space for small businesses.

There is an urgent need to secure the future of the site through the implementation of an appropriate and economically viable scheme of restoration and development that will protect and conserve its heritage and enable its considerable potential to be realised. I consider that the current proposals respect the site's historical and architectural importance and provide a realistic basis for long-awaited regeneration of the complex. It is therefore to be welcomed. Safeguards are in place through provisions in the Section 106 Agreement to ensure that as far as possible existing commercial tenants at the complex are given the opportunity to relocate within site complex.

The Financial Appraisal Report makes it clear that even with the relatively large scale of housing proposed; the scheme has problems from a viability

prospect. It is considered of paramount importance that the long-term future of this complex of historically important buildings is secured. Although contributions towards affordable housing, recreation and transport are sought, in the circumstances it is considered appropriate that other than some contribution towards affordable housing, these requirements are waived.

Although any proposals for new uses of this complex will inevitably have some impact on the architectural and historical character and significance of the buildings, I consider that the current proposal provides a realistic opportunity to achieve an economic proposal which will secure the long-term future of the majority of the buildings on the site, whilst reducing to a minimum such impacts.

Further discussions are continuing to resolve the details of the required flood alleviation scheme. The formal response of English Heritage to the amended plans is also awaited and my recommendation makes allowance for this.

I consider that the proposal provides the best prospect of bringing the site forward for refurbishment and regeneration and is therefore supported. My recommendation is therefore a favourable one.

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

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