

38/10/0204

TESCO STORES LTD

**EXTENSION TO RETAIL STORE AND PROVISION OF NEW CAR PARK,
LANDSCAPING AND ASSOCIATED WORKS AT TESCO STORES LTD, CASTLE
STREET, TAUNTON**

Grid Reference: 322082.124593

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to a Section 106 Agreement to provide land for the cycleway link to Somerset College and a monetary contribution to fund flood storage alleviation and improvements to the pedestrian/cycle route network and provision of an agreed Travel Plan.

The proposal is considered not to have a detrimental impact upon visual amenity, residential amenity or the vitality and viability of the defined Town Centre and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M2 (Parking Provision) EN6 (Tree Protection) and PPS4 relating to the town centre, PPS9 relating to biodiversity and PPS25 relating to flood risk. In addition the proposal does not conflict with Taunton Town Centre Area Action Plan policy Tg3 and complies with policy F1. The access and parking are considered acceptable and in accordance with Somerset and Exmoor National Park policy 49.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A3) DrNo 6527_PL01 Site Location
(A1) DrNo 6527_PL10 Proposed store sections
(A3) DrNo AA TL 02 Tree Categories
(A3) DrNo AA TPP 03 Tree removal plan
(A1) DrNo. 6527_PL12RevC Proposed Site Plan
(A1) DrNo. 6527_PL11RevA Proposed Elevations
(A3) DrNo.ASP2RevF Landscape Masterplan

(A3) DrNo. ASP4RevF Planting Plan
(A3) DrNo.AA_TPP_06 Arboriculture
(A3) DrNo. 6527_PL30RevB

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

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4.
 - (i) The landscaping on drawing ASP4 RevF together with details of the replacement for the TPO trees, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority before work on the new car park commences.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development 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.

5. Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

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.

6. All existing trees on site shall be protected in accordance with details on drawing AA TPP 06 and a method statement to be agreed in writing by the Local Planning Authority prior to work affecting any trees commencing.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN8.

7. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Aspect Ecology 's submitted report, dated June 2010 and updated water vole surveys and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when species could be harmed by disturbance
 3. Measures for the enhancement of places of rest for the species

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

Reason: To protect birds, bats, badgers, water voles, otters and reptiles and their habitats from damage bearing in mind the law protects these species.

8. The new extension to the building shall not be brought into use until the means of vehicular access and parking has been constructed in accordance with the plan 6527 PL30 RevB hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

9. Details of the footway crossing for vehicles including the means of protecting the safety and right of way for pedestrians/cyclists shall be submitted to and approved in writing by the Local Planning Authority prior to the new car park construction commencing and the details shall thereafter be provided as agreed.

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

10. A flood evacuation plan shall be provided and agreed in writing by the Local Planning Authority and shall thereafter be made available in store.

Reason: In the interests of protecting against flood risk in accordance with PPS25.

11. Details of the means of flood resilient design to be incorporated into the store design shall be submitted to and agreed in writing by the Local Planning Authority prior to work commencing and shall thereafter be

included in the construction.

Reason: In the interests of protecting against flood risk in accordance with PPS25.

12. Details of any new lighting to the car park areas shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and thereafter installed as agreed.

Reason: To protect the streamside habitat for bats in accordance with PPS9.

13. The new car park level shall be no lower than 16.27m AOD and agreement to anything higher shall be agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting against flood risk in accordance with PPS25.

14. Details of the levels of the footway/cycleway to the south west of the new car park shall be submitted to and agreed in writing by the Local Planning Authority prior to its construction.

Reason: In the interests of the amenity of the area in accordance with policy S1 of the Taunton Deane Local Plan.

15. Secure covered cycle parking shall be provided in locations identified on the plan or as otherwise agreed in writing by the Local Planning Authority and shall be provided prior to the new store extension being brought into use.

Reason: In order to comply with Taunton Deane Local Plan policy M5.

Notes for compliance

1. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully

protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

PROPOSAL

The proposal is to erect an extension of 1145 sq.m. on the north western side of the existing store and the formation of an extended car park area on the northern side of Steps Water with a bridge crossing. The spaces within the existing car park will be reconfigured and an additional 35 spaces overall will be provided. A new mezzanine level in the extension will provide a new customer café and staff facilities while an extended warehouse and re-configured service yard will enable an extension of the Dot Com delivery service.

The applicant has submitted a Planning Statement, a Design & Access Statement, a Flood Risk Assessment, Landscape Statement, Ecological Assessment, Environmental Sustainability Statement, Energy Statement, Transport Assessment, Travel Plan and Statement of Community Involvement with the submission.

SITE DESCRIPTION AND HISTORY

The application site lies to the north-west of Castle Street and south of the Millstream and consists of an existing Tesco store and car park, while the land to the north-west across Steps Water consists of unused agricultural land and the former ATC temporary buildings, recently vacated for a new site.

An outline application for a retail foodstore together with associated parking, servicing, access improvements and recycling centre was granted in January 2000, reference 38/98/0007.

A full planning permission for erection of a retail foodstore, together with parking and recycling areas, service and access roads and off-site improvements was granted in February 2001, reference 38/00/0370.

An application 38/05/0221 was submitted in 2005 for the erection of an extension to create additional retail floorspace, an atrium and traveller lobby and erection of a decked car park. This proposal however was subsequently withdrawn.

The erection of a bulk store and van canopy at the rear of Tesco was granted in October 2006 reference 38/06/0346.

The construction of a lobby extension to act as a wind break to the store entrance and adjustments to street furniture was granted full permission in July 2008, reference 38/08/0255.

The construction of a lobby as a wind break to the main entrance to the store (an amended scheme to 38/08/0255) was granted permission in December 2008, reference 38/08/0471.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - I have no objection in principle to the proposed development. The details however are very important. You will be aware a significant amount of correspondence regarding technical issues around the store access, pedestrian and cycle access points, the car park extension and overall levels of car parking. I consider that these issues are resolved. Discussion with Tesco's Transport Consultant has resulted in agreed alterations and they are included on drawing 6527-PL30 Revision B which is attached.

A Travel Plan has been submitted which is as yet not approved and there are outstanding issues. This must be amended and approved prior to commencement of any work on site and be included within and attached to a Section 106 Agreement. I have mentioned the new area of car park, the western end of this incorporates an area of footway/cycleway which is the southern end of the route to SCAT. It has been agreed between Tesco and Somerset County Council that this land is dedicated to Somerset County Council as Highway as part of a land swap with some land on the Castle Street frontage.

Discussions have taken place regarding Planning Obligations to provide either infrastructure or contributions to sustainable travel. These are the footway/cycleway across the new car park extension which should be re-shaped to the final levels and the provision of a new cycle/pedestrian bridge across the Mill Stream at the northern corner of the main site. It is my view that both items should be a requirement of this development and therefore based on costs provided by colleagues and the developer's transport consultant I would require a contribution of £135K which will fund both pieces of work.

In addition to this it is essential that the proposed widening of Marshalsea's Walk and works to existing public highways are appropriately constructed and adopted. These alterations will need to form part of the Section 106 agreement. Provided the applicants enter into a Section 106 agreement to deliver, implement and monitor an approved Travel Plan and the financial contributions outlined above I have no objection to the proposed development.

BRITISH WATERWAYS - After due consideration of the application details British Waterways has no comments to make.

ENVIRONMENT AGENCY - As you will be aware, we have had concerns regarding the proposals and the known risk of flooding at the site which is located in Flood Zone 3, at a high risk of fluvial flooding. In accordance with the requirements of

PPS25, the new development should be adequately protected from flood risk (in this case up to and including for the 1 in 100 year fluvial flood event with an allowance for climate change), and seek to provide a betterment of the existing situation.

We have discussed several measures with the agent to secure this level of protection from flooding, including the widening and diversion of the Steps Water (which would have significant detrimental impact on the biodiversity value of this watercourse) and a flood defence scheme (wall / bund) to protect both the new and existing development. The developer has concluded that the latter option would compromise the financial viability of the development and we understand from your letter of 06 January 2011 that your LPA supports this view.

The application as submitted will not ensure that the new extension is protected to the 1 in 100 year level with an allowance for climate change, nor will it offer any additional flood protection to the existing store. The scheme will however, offer some betterment by formalising and improving evacuation procedures during a flood event, albeit with an increased number of users on site.

Given that the development is the extension of an existing store (and therefore flood defence and mitigation measures are limited) and confirmation that the LPA are happy with the principle and need for the development, we consider it appropriate to WITHDRAW our previous OBJECTION subject to CONDITIONS

IMPORTANT: The following provisions must be secured as part of any permission:

- Maintenance responsibilities and regimes for the Steps Water and River Tone along both banks at the site, the new bridge and the surface water drainage system; and
- Off site flood compensation to offset the impact of raising levels at the new car park.

It was discussed on site that the applicant would be willing to take on responsibility for maintenance for the watercourses, which are currently maintained by your LPA on behalf of us. Provided that this can be agreed, we would have no access requirements along this stretch and the revised Site Plan (Rev C) is acceptable. Flood compensation agreements must be agreed with Project Taunton. Our legal advice has indicated that these matters are most appropriately secured through a separate legal agreement. We would be happy to assist in the wording of any such agreement.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written Flood Defence Consent of the Environment Agency is required for any proposed permanent or temporary works or structures in, under, over or within 8.0 metres of the top of the bank of a designated 'main river'. This includes the River Tone, and the Galmington Stream (the Steps Water). This is separate from obtaining planning permission. Any queries in relation to this matter should be directed to our flood risk engineer Sam Capel (01278 484 810).

The landowner has a duty to ensure that the surface water drainage regime is not adversely affected as a result of works on site, and this should be considered should any further works be proposed that are likely to impact on this aspect.

HERITAGE AND LANDSCAPE OFFICER - Generally supportive of the proposals

subject to further detailed tree comments; substitution of Hornbeam for Ash or Oak and amendment of eastern corner of service yard to reduce encroachment on to Mill Stream landscape corridor.

Subject to a method statement showing how impact on tree roots can be minimised the proposals may be acceptable.

DRAINAGE ENGINEER - Comment awaited.

SCC - RIGHTS OF WAY - I can confirm there is a cycle track which crosses the area of the proposed development highlighted on your plan at the present time (footpath no. T33/29). This path is also a cycle track. The developer needs to be informed that the grant of planning permission does not entitle developers to obstruct a cycle track or public right of way. Development insofar as it affects a cycle track or right of way should not be started and the way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the way is built on or is otherwise interfered with.

If the work involved with carrying out the proposed development would make a cycle track less convenient for continued public use or create a hazard to users of a cycle track then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper.

Further comments applicable to this application are

1. Priority should be given to users of the cycle track at the new crossroads that will be created where the existing car park links to the new area of car park.
2. The provision of a cycle link to SCAT will be of great benefit.
3. There is no reference to improving access over the bridge marked with a red star over the Mill Stream. This bridge is inconvenient for two way use by walkers and cyclists that wish to access the site from the French Weir side of Taunton and as such should be improved or replaced to allow enough width.

WESSEX WATER - The development is located in a sewered area with foul and surface water sewers. The developer proposes to dispose of surface water to surface water sewers. It will be necessary for the developer to agree points of connection onto our systems for the satisfactory disposal of foul and surface water flows generated by the proposal. This can be agreed at detail design stage. In respect of water supply there are water mains within the vicinity of the proposal. The developer should check with Wessex Water to ascertain whether there are any uncharted sewers or water mains within or near the site. If any such apparatus exists, applicants should plot the exact position on the site layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement to carry out diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

SOMERSET WILDLIFE TRUST - No comment received.

NATURE CONSERVATION OFFICER - The application is for the extension of the Tesco store with associated parking and landscaping at Castle Street Taunton.

The site comprises of the store itself with hardstanding and an area of rank grassland and scrub to the north separated from the main store by a watercourse and a shared foot and cycle path. The area to the north also contains a gas compound and a number of buildings, now empty but, formerly associated with Taunton Air training Corps (ATC).

The development also involves the demolition of the buildings north of the watercourse, the construction of a bridge over the watercourse and the felling of some of the trees.

Aspect Ecology carried out an ecological assessment of the site from May 2009 -May 2010.

This assessment included extended phase 1 habitat survey work, reptile surveys and emergence bat surveys undertaken in October 2009 and May 2010. The date of the subsequent report is June 2010.

Bats - No signs of bats were found during the internal and external inspection of all the buildings on site at the time of survey. The trees on site were inspected for features such as cracks, cavities etc that could support roosting bats. One Lombardy poplar was noted to support a split that could offer potential for bats. I support the surveyor's recommendation that this tree should be thoroughly inspected before soft felling. The emergence surveys indicated that bats forage along the site watercourse as well as visiting the site itself. I support the recommendation that vegetation along the watercourse should be reinforced in places with additional landscaping using native species (existing open spaces should be mown to encourage grasses and water voles). Lighting in this are should be kept to a minimum and carefully designed to lessen impacts on the bats.

Badgers - Two badger latrines were found on the land to the north of the watercourse but no badger setts were found on site. Given the presence of badgers in the vicinity, I support the surveyor's recommendations with regards to badgers.

Reptiles - The rank grassland was found to support slow worms. I agree that reptile translocation between April- September is necessary to clear the site prior to the commencement of construction works.

Water voles - The presence of water voles utilizing a section of the watercourse to the north of the existing store car park was confirmed on site during the survey work. The locations where the water voles are present are to be retained and protected under the proposals, however I agree that the works, in particular the new bridge crossing, has potential to affect water voles. I support the surveyor's recommendation that a detailed method statement be drawn up for the detailed construction of the bridge to ensure that water voles are protected during the works.

I agree that update survey work will also be necessary immediately prior to construction works.

Otters - The surveyor noted that the watercourse offers potential opportunities for otters. In fact wildlife surveys carried out in connection with planning applications on nearby sites found evidence of otters in the vicinity. Otters should be fully safeguarded during the construction in line with Natural England guidance

Birds - The site is likely to support nesting birds. Demolition of buildings and clearance of vegetation should take place outside of the bird-nesting season.

As with all developments of this nature there are opportunities for biodiversity gain. In accordance with PPS9 I would like to see wildlife protected and accommodated in this development

I suggest a condition to secure the submission and implementation of a strategy to protect wildlife.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - No comment received.

TOWN CENTRE MANAGER, - No comment received.

SOMERSET & AVON CONSTABULARY -

NATURAL ENGLAND - The protected species that are impacted upon by this proposal are the water vole, the otter and bats. All three species are present in the area and are a material planning consideration when determining the application. Natural England requests that the recommendations of Taunton Deane Borough Council's Nature Conservation and Reserves Officer, The Environment Agency Conservation Officer and Somerset County Council's ecologist are also taken into consideration when determining the application and attaching conditions. The officers have visited the site for a meeting and they have discussed the impacts of this development upon protected species, and the River Tone Wildlife Site. Natural England was not at the meeting although it is a site well known to us as it is adjacent to our Taunton office.

Representations

2 Letters of objection raising the following issues:

- The extension would be first step in changing the store size to it becoming a full size town centre development.
- The development increases the development footprint of the store overall.
- The land appears to be green belt on the far side of Galmington Stream (Steps Water) and not within the town development area.
- There is no need as there is wasted space within the store and plenty of space internally for a first floor covering all the extra floor area they need.
- The new parking area and access across a footpath is a potential death trap with poor visibility for drivers.
- The crossing is equivalent to a railway level crossing that would have flashing lights and a safety barrier. There is no existing demand for additional parking, the car park is rarely full and space available could be increased by limiting the use by linking it to purchases in the store or by charging.
- Additional parking would increase traffic problems and danger on exiting the site onto a busy link road. There is no need as the town is already well served by supermarkets, including more than one Tesco, and further expansion is likely to reduce competition.
- The banking for the cycleway would impeded run-off and may lead to flooding, it would obstruct views, destroy privacy, decrease security and lighting and

noise would be an intrusive nuisance.

1 Letter of reservation on basis of safety with cars crossing cycle and footpath to the bridge. Impact on oak tree with boundary to Steps Way and loss of trees, an oak and four poplars subject to a Preservation Order.

PLANNING POLICIES

S&ENPP49 - S&ENP - Transport Requirements of New Development,
S&ENPP60 - S&ENP - Floodplain Protection,
S1 - TDBCLP - General Requirements,
PPS1 - Delivering Sustainable Development,
PPS 1 SUPP - Planning and Climate Change,
PPS4 - Planning for Sustainable Economic Growth,
PPS9 - Biodiversity and Geological Conservation,
PPG13 - Transport,
PPS25 - Development and Flood Risk,
STR1 - Sustainable Development,
STR4 - Development in Towns,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP21 - S&ENP - Town Centre Uses,
S&ENPP44 - S&ENP - Cycling,
S&ENPP48 - S&ENP - Access and Parking,
S2 - TDBCLP - Design,
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,
M3 - TDBCLP - Non-residential Development & Transport Provision,
M5 - TDBCLP - Cycling,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
EN25 - TDBCLP - The Water Environment,
EN28 - TDBCLP - Development and Flood Risk,
T1 - TDBCLP - Extent of Taunton,
TG3 - TTCAAP - Tesco,
F1 - TTCAAP - Developments within the Floodplain,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the proposal are the compliance with policies in government guidance in PPS4 to safeguard the town centre, compliance with the Taunton Deane Local Plan and Town Centre Area Action Plan policies, consideration of the flood risk issues involved, the wildlife issues and landscape, tree and amenity issues. The issues of the access, parking, safety and cycle and pedestrian access are also important matters to be considered.

Policy Issues

The proposal involves the extension of the existing retail store on this site, which has been identified in the Taunton Town Centre Area Action Plan (Policy Tg3) as a site for a replacement food store. The Area Action Plan allows for a gross floor space of 7000 sq.m. while the current proposal would provide only 5665 sq.m. An assessment of the scheme in respect of PPS4 has been carried out by the applicant and the conclusion that the scheme for the extension of this edge of centre store complies with PPS4 and its development management policies is agreed. The development

will enhance the retail offer of Taunton while not impacting on the town centre or prejudicing the opportunity to comprehensively redevelop the site at a later date.

The development provides for an extension to the side of the existing store (approximately 14 x 42m), a minor re-configuration of the service yard with an extension 10m towards the road and a new area of parking across the northern side of Steps Water. Land on this side of the stream was previously allocated for development through the Taunton Town Centre Area Action Plan. This allocated land was for a new food store under policy Tg3. The policy sets out a number of requirements to be met as part of such a development. While the current scheme does not provide a replacement store on the site, it is necessary to ensure that the proposal does not prejudice any future scheme. Included in the requirements of Tg3 are vehicular access from Castle Street, a landscaped surface car park north of Steps Water, improvements to Marshalsea Walk along the northern site boundary and the footbridge over Mill Stream and provision of a new pedestrian and cycle routes from Marshalsea Walk and French Weir to Somerset College. The car park north of Steps Water is provided as part of the current proposal as is an improvement to Marshalsea Walk and provision of the land for the County Council to provide the footpath/cycle route to Somerset College. Consequently the scheme provides elements of policy Tg3 and does not prejudice its future implementation and it is therefore considered an acceptable scheme that complies with government guidance and Development Plan policy in terms of its retail impact.

Flood Risk

The site lies within a flood risk area and a Flood Risk Assessment (FRA) has been submitted with the scheme and detailed discussion with the Environment Agency has taken place. As the site has been identified for redevelopment under the Taunton Town Centre Area Action Plan the principle of use of the site has been considered under the Strategic Flood Risk Assessment carried out by Black and Veatch. The site falls within Zone 3a and it is accepted that there is no alternative option to providing a store extension on the site and there is therefore a need to look at options for controlling and mitigating flood risk. The Environment Agency's preferred option is the control of flood risk at the site through providing a flood defence around the existing and proposed site consisting of a wall and bund. The option of providing this has been considered by the developer. One implication of providing such a bund and wall would be the need to provide compensatory flood storage for area created. It is accepted by the Local Planning Authority that the cost of such storage, at over one and a half million pounds, would make the development an unviable one. There are also issues in terms of impact on the TPO trees on the site boundary and landscaping impacts adjacent to watercourses.

The mitigation approach put forward for the scheme is through flood warning and evacuation for the site and ground raising of the proposed new car park with limitation of surface water run-off. Car parking is deemed acceptable on land subject to flooding in line with the recommendations of the PPS25 Practice Guide. This is on the basis that the proposed car park is designed to a safe level of flooding. This will entail the raising of ground level to 16.27m AOD and providing compensatory flood storage. This can be provided at Long Run Farm and the provision will need to be secured through a Section 106 or unilateral undertaking.

Transport

The proposed store extension, altered service yard and new car park are works that the County Council's Transport Development Group are satisfied with in principle. There are outstanding issues however which the County request are addressed through a Section 106 Agreement. These issues include the agreement of a revised Travel Plan for the site, the dedication of land for the footway/cycleway, the adoption of the highway improvements and monetary contribution to provide infrastructure improvements in the area. The main issue here is the level of contribution required. The scheme is not a total redevelopment of the site and therefore it is not reasonable to require all of the highway improvements required in policy Tg3. The cost of £135k required by the County Council would fund a replacement bridge over the Mill Stream and the footway/cycleway route through the edge of the new car park site. However the funding for the footway/cycleway to SCAT no longer exists and there is no way of knowing when this would be provided in the future. It is therefore considered that rather than spending money on a section of footway/cycleway that doesn't lead anywhere, the offer of £50k from Tesco be better spent towards the replacement bridge over the Mill Stream which is a well used route to the site. The recommendation is therefore made on this basis as it is considered a reasonable one.

Local concern and objection has been raised in respect of the car park and the crossing of the footway to access it. The Highway Authority are satisfied with the proposed car park extension north of the Steps Water including the means of access across the public right of way and the number of spaces to be provided. The parking increases the number of spaces only by 35 due to the loss on the existing site due to the store extension and access route re-configuration. This increase however does satisfy the provision in policy Tg3 in not exceeding 1 space per 14 sq.m. of floor space.

Landscape Issues

The proposal will have an impact on landscape in the area as the store extension will encroach towards the TPO trees on the existing site boundary and this will require protection works, while the new car park will result in the loss of vegetation, including 4 Lombardy Poplar trees, part of a TPO in this area. The scheme makes provision for tree protection works during construction and planting on the frontage is partially retained and provided to assist in the screening of the new boundary to the service yard. The planting scheme has been amended to accord with the species requested by the Landscape Officer and an element of existing planting has been retained adjacent to the Mill Stream.

With the new parking provision it is unfortunate that the existing poplar trees cannot be retained. However an arboricultural assessment of these trees has been made which recognises that they are a non-native ornamental species with a propensity for structural failure. Given their maturity and size it is unlikely that they will not experience structural decline in the future and in order to retain them the only form of appropriate management would be ongoing and significant pruning. This would result in a significant reduction in amenity value and loss of visual impact. The arboricultural advice is that the trees not be a constraint to the development, despite their existing value, and that their removal would represent an opportunity to replace with sensitive replanting. This advice is agreed with by the Landscape Officer and a condition to address the landscaping scheme is proposed.

Wildlife

The applicant has submitted an ecological assessment of the site and this has identified a number of species within the area. The watercourses in the area are County Wildlife sites and in line with PPS9 and the Habitats Directive it is necessary to ensure there is adequate protection and enhancement of habitat. Alternatives to the current new car park scheme have been considered including re-routing Steps Water around the car park. However this was deemed to have a negative biodiversity impact, particularly on water voles, as well as being too costly. There are two main elements of the development affecting wildlife, the new bridge provision and the removal of vegetation. The site of the new bridge over Steps Water is in a location that already has engineered banks and the provision of a bridge here would not directly impact on species using the stream in the long term. Necessary protection and mitigation during construction will be required and this can be secured by condition and is recommended by the Nature Conservation Officer. The removal of trees and bushes to provide the new car park will be compensated for by replacement planting around the site and this is designed to safeguard wildlife habitat. A condition also addresses this provision and a further condition controlling lighting is also considered necessary to safeguard bats using the watercourse or hedge boundaries.

Sustainability

The proposal is the extension to an existing store which is considered to be in a sustainable location with access available to a range of modes of transport. In addition the applicant has produced an energy statement in relation to the site and the provision of a combined heat and power (CHP) plant to service the site will be provided as the means of reducing energy consumption at the site. This envisages a reduction in carbon dioxide of 44% in comparison to the Building Regulations and a reduction in emissions for the store as a whole by 21%. A range of alternative renewable options has been considered and the most effective solution for the site selected and these involve energy efficiency measures incorporated into the design, such as energy efficient lighting, and the provision of the CHP plant. Water conservation measures are also incorporated into the design.

Summary

In summary the proposed store extension is considered to be suitable one in terms of amenity, wildlife and highway safety impacts. The retail impact is also acceptable and does not prejudice the Town Centre Area Action Plan policy Tg3. The scheme provides for elements of the Tg3 policy including the new car park provision, improvements to Marshalsea Walk and pedestrian/cycleway infrastructure and the potential future provision of the footway/cycle path link through the site. The contribution for improvements to the pedestrian/cycle route network are considered reasonable and subject to the other legal requirements and conditions set out in the recommendation the development is supported.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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