

43/2004/119

COURTLEIGH SECURITIES LTD

CONVERSION OF MILL BUILDINGS INTO RESIDENTIAL (149 DWELLINGS) AND COMMERCIAL UNITS AND ASSOCIATED EXTERIOR WORKS, TONEDALE BUSINESS PARK, TONEDALE MILL, MILVERTON ROAD, WELLINGTON AS AMPLIFIED BY LETTER DATED 12TH NOVEMBER, 2004 WITH ACCOMPANYING TREE SURVEY AND LETTER DATED 24TH MARCH, 2005 WITH ACCOMPANYING DRAWINGS NOS 2157/3/105A, 106A, 120A, 156B, 209B, 210B, 211B,212B, 214A, 228D, 230A, 232C, 233A, 234A, 235A, 236B,237A, 238A, 241A, 250A, 259E, 260C, 269B, 270B, 276B,278B, 279, 287B, 300G AND 305A.

12829/21342

FULL

1.0 **RECOMMENDATION**

Subject to:-

- (i) the further views of English Heritage, County Highway Authority, Conservation Officer and Environment Agency on the amended plans and
- (ii) 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, refurbishment 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 carrying out of a Condition Survey of the buildings, which will identify defects and set out a programme of repairs; and
- (iii) subject to the views of the Secretary of State on application 43/2004/120LB

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 five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 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(B)(1)
- 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 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of 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 the 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 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before 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 part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped,

- topped, lifted or disturbed without the prior written consent of the Local Planning Authority.
- 06 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN7.
- 07 Before any part of the permitted development is commenced, the trees to be retained on 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 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.
- 07 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Revised Deposit Policy EN7.
- 08 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.
- 08 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.
- 09 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 09 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 10 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 10 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.
- 11 The layout and alignment, widths and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority before their construction is commenced.
- 11 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 12 The proposed roads, 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 carriageway and footpath.

- 12 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Revised Deposit Policy M3A.
- 13 The visibility splays shown on the submitted plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
- 13 Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjoining highway in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 14 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 14 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 15 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.
- 15 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 16 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.
- 16 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).
- 17 The commercial premises shall be used for light industry only as defined in Class B1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 as amended by Statutory Instrument 2005/84.
- 17 Reason: To ensure that the proposed development does not prejudice the amenities of the locality in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 18 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.
- 18 Reason: In the interests of the visual amenity of the area and in compliance with Taunton Deane Local Plan Revised Deposit Policy S1(D).
- 19 All services shall be placed underground.

- 19 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F) (Revised Deposit numbering).
- 20 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.
- 20 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 Revised Deposit Policy S2.
- 21 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.
- 21 Reason: The Local Planning Authority consider 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 (Revised Deposit numbering).
- 22 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
- 22 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) (Revised Deposit numbering).
- 23 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.
- 23 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 (Revised Deposit numbering).
- 24 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.
- 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 Revised Deposit Policy S1(E).
- 25 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, before work commences 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 (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).

25 Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Policy S1(E) (Revised Deposit numbering).

26 Prior to the commencement of development, a wildlife survey shall be carried out to ascertain the importance of the buildings for legally protected species. If legally protected species are to be affected, mitigation measures shall be submitted to and carried out as part of the development.

- 26 Reason: In the interests of the wildlife of the area in accordance with Taunton Deane Local Plan Policies EN4 and EN5.
- 27 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.
- 27 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.
- 28 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.
- 28 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 Revised Deposit Policy S1(E).
- 29 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.
- 29 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 Revised Deposit Policy S1(E).
- 30 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
- 30 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 Revised Deposit Policy S1(E).
- 31 No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- 31 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Revised Deposit Policy EN24.

- 32 Details of street lighting columns and lamps shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- 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 Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before the development hereby permitted is occupied/use hereby permitted is occupied.
- 33 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.

Notes to Applicant

- 01 Your attention is drawn to the requirements of the Chronically Sick and Disabled Person Act 1970 with regard to access for the disabled.
- 02 To help conserve the world's energy you should aim to build houses 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 43/2004/120LB
- 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 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 (attached)

which gives more details on the relevant sources of information available.

- 09 With regard to Condition 26, it has come to the Authority's notice that a protected species (lesser horseshoe bats) are using buildings which were on first phase of development at Tonedale. A detailed report is required to ascertain if the proposal would have an impact on the species concerned, during and following development and to establish the presence of any other protected species that may be affected by the development of the site. With regard to bats, a comprehensive survey should include emergence survey work at dusk. This work (optimum time April through to September) will identify areas which bats are using which may not be obvious from internal survey work and for buildings that are unsafe for internal inspection. The Council's Nature Conservation Officer can supply you with contact details of environmental consultants in the area who are qualified to carry out this type of work. You are advised that where the local population of European Protected Species may be affected in a development, a licence must be obtained from the Department For Food and Rural Affairs (DEFRA) in accordance with Regulation 44(3)(b) of the Conservation (Natural Habitats etc.) Regulations 1994.
- 10 With reference to Condition 28 the County Archaeologist is happy to provide a specification for the work and a list of suitable archaeologists to undertake it.
- 11 The following advice is given by th 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."
- 12 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 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.

43/2004/120LB

COURTLEIGH SECURITIES LTD

CONVERSION AND ALTERATION OF MILL BUILDINGS TO FORM RESIDENTIAL AND COMMERCIAL UNITS AND DEMOLITION OF PARTS, TONEDALE BUSINESS PARK, TONEDALE MILL, MILVERTON ROAD, WELLINGTON AS AMENDED BY LETTER DATED 26TH JANUARY, 2005 WITH ACCOMPANYING CONSERVATION PLAN AND LETTER DATED 24TH MARCH 2005 WITH ACCOMPANYING DRAWINGS NOS 2157/3/105A, 106A, 120A, 156B, 209B, 210B, 211B, 212B, 214A, 228D, 230A, 232C, 233A, 234A, 235A, 236B, 237A, 238A, 241A, 250A, 259E, 260C, 269B, 270B, 276B, 278B, 279, 287B, 300G AND 305A.

12829/21342

LISTED BUILDING CONSENT

1.0 **RECOMMENDATION**

Subject to:-

- (i) the further views of English Heritage, County Highway Authority, Conservation Officer and Environment Agency on the amended plans and
- (ii) 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, refurbishment 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 carrying out of a Condition Survey of the buildings, which will identify defects and set out a programme of repairs; and
- (iii) subject to the views of the Secretary of State on application 43/2004/120LB

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 works for which consent is hereby granted shall be begun within five years from the date of this consent.
- 01 Reason: In accordance with the provisions of Section 18(1) 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 redevelopment work.
- 02 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 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 in timber without the express written consent of the Local Planning Authority to 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 Revised Deposit Policy EN18.
- 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 Revised Deposit Policy EN18.
- 06 Before any demolition takes place, a record of features (including photographs) both internal and external shall be produced and a copy record deposited with the Local Planning Authority.
- 06 Reason: To ensure that a record is kept of the building in accordance with Taunton Deane Local Plan Policy EN18.

Notes to Applicant

- 01 Your attention is drawn to the planning permission 43/2004/119 relating to this site/these premises.

REASON(S) FOR 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 Policies EN16, EN17, EN18 and W2.

The two applications are for planning permission 43/2004/119 and listed building consent 43/2004/120LB

2.0 **APPLICANT**

Courtleigh Securities Ltd

3.0 **PROPOSAL**

The proposal provides for the conversion of existing former mill buildings into residential and commercial units together with associated external works.

The application submission was accompanied by Planning and Design Statements, a Flood Risk Assessment, Transport Assessment, Conservation Plan and Financial Viability document.

The initially submitted plans provided for 147 dwellings (1, 2, 3 and 4 bedroom) and the amended proposals provide for 149 dwellings. A total of 2,888 sq m of commercial floor space was originally proposed. This has increased to 3,568 sq m with the amended proposals.

The amended plan, forwarded with the letter dated 24th March, 2005 incorporated the following alterations:-

- (a) The redesign of Car Park 1 to allow for the retention of the whole length of the north wall of Building 92 and the use of the area to the west of Blocks A and B for car parking, together with the provision of a new perimeter wall enclosing the car park.
- (b) The redesign of the access road between Blocks D and E as a home zone.
- (c) The redesign of the access road between Blocks G and H as a home zone.
- (d) The redesign of Car Park 4 so that it is closer to the south end of Building 46 and to provide additional car parking to compensate for the loss of car parking elsewhere.
- (e) The redesign of Car Park 5 to allow for the retention of Building 4.
- (f) The redesign of Car Park 7 to allow for the retention of the later extension to Building 2 and to provide adequate planting along the edge of the existing drive.
- (g) The redesign of car parks 2 and 3 to provide additional car parking.
- (h) The reinstatement of the semi-circular window on the west elevation of Block A.
- (i) Relocation of the rooflights on Block B to reduce the number on the visible sections of the roof.
- (j) Revised proposals for Block D.
- (k) Retention of the existing windows on the north elevation of Block E.
- (l) Revised proposals for the interior layout of Block F to allow for the relocation of many of the existing commercial tenants.
- (m) Additional notes to clarify that all evidence of the former water wheels in Blocks G and H will be retained, as requested by SPAB.

- (n) Revision to proposals for Block H, showing Buildings 7 and 9 for commercial use rather than residential.
- (o) The retention of Building 4 for its existing commercial use.
- (p) Amendments to the design of the door on the east elevation of Building 3 (Block J).
- (q) The retention of the later extension to Building 2, apart from the removal of the south-west corner to allow access to the car park.

As a result of these alterations, the number of residential units has increased from 147 to 149 (including 13 live/work units) and the commercial floorspace has increased by approximately 680 sq m. The number of car parking spaces is now 305 (including 20 disabled spaces), in addition to the 20 existing spaces in car park 6.

A number of aims have guided the proposals as follows:-

- (a) To minimise the demolition of buildings, although some demolition is proposed either because of the condition of the structures, to achieve improvements to vehicular and pedestrian movement across the site or to allow for the re-use of the remaining buildings.
- (b) Achieve an appropriate and economic balance of uses across the site, accepting that some of the proposed uses may be uneconomic and the capital investment for those elements will need to be subsidised by other, more lucrative, uses.
- (c) Identify the optimum uses for the various buildings on the site in order to preserve their cultural significance as identified by the Conservation Plan, subject to achieving other objectives.
- (d) Maintain significant commercial floorspace on the site.

The key elements of the proposal are:-

- (a) Reinforcement of the existing commercial uses close to Milverton Road by the repair and conversion of further buildings for commercial use and the provision of a new car park between Milverton Road and the existing access track leading to Tonedale House. Vehicular access to this car park would be provided by a new road, involving the demolition of part of an existing building.
- (b) Conversion of the largely empty buildings around the main courtyard for mixed use, with commercial activities at ground floor level and residential above. This part of the proposal includes the demolition of two buildings in order to improve the setting and appearance of the adjoining buildings. In particular, this allows the restoration of the original front elevation of Tonedale House.
- (c) A small section of commercial and leisure uses, together with some associated small scale retail, in the buildings to the east of Back

Stream. The applicants anticipate that this will be seen as a tourist destination, providing a focal point for local crafts and manufacturers, including some of the existing tenants already on the site.

- (d) Residential conversion of the remaining buildings, which includes all the buildings to the west of Back Stream.

The proposed development involves the conversion of the majority of the existing buildings on the site to create:-

- (a) 136 residential units, ranging from small one bedroom flats to large four bedroom houses.
- (b) 13 units capable of being used as live/work properties.
- (c) Approximately 3,568 sq m of commercial floorspace (B1), in addition to buildings currently occupied for commercial use.
- (d) A gymnasium for use by the residents and employees on the site.

The proposal also includes parking for 329 cars, including 22 dedicated spaces for the disabled. This is in addition to the 20 existing spaces in the existing parking area for existing users of buildings close to the Milverton Road/Millstream Gardens junction.

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 comprise 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 mills were subsequently acquired by the current applicants.

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. Several 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 adaption.

The site area extends to 5.7 ha, with a relatively high density of development, one building being five storeys high. 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.

The complex was originally purchased by the applicants for major redevelopment (including the demolition of the majority of the buildings). However, following acquisition of the site, the majority of the buildings were listed. As a result, an alternative way of developing the site has had to be sought, which balances conservation of the buildings with economic uses that will ensure their long term maintenance and survival.

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 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.

There have been various other applications for both planning permission and listed building consent, none of which have 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.

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable development

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

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 22 The Government is committed to maximising the re-use of previously-developed land and empty properties and the conversion of non-residential buildings for housing, in order both to promote regeneration and minimise the amount of greenfield land being taken for development.
- Paragraph 41 Conversions of housing, buildings formerly in other uses and the upper-floor space over shops, can provide an important source of additional housing, particularly in town centres. Local planning authorities should adopt positive policies to:
- identify and bring into housing use empty housing, vacant commercial buildings and upper floors above shops, in conjunction with the local authority's housing programme and empty property strategy and, where appropriate, acquire properties under compulsory purchase procedures; and
 - promote such conversions, by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking.
- Paragraph 61 Local authorities should revise their parking standards to allow for significantly lower levels of off-street parking provision, particularly for developments:
- in locations, such as town centres, where services are readily accessible by walking, cycling or public transport;

- which provide housing for elderly people, students and single people where the demand for car parking is likely to be less than for family housing; and
- involving the conversion of housing or non-residential buildings where off-street parking is less likely to be successfully designed into the scheme.

Paragraph 62 Car parking standards that result, on average, in development with more than 1.5 off-street car parking spaces per dwelling are unlikely to reflect the Government's emphasis on securing sustainable residential environments. Policies which would result in higher levels of off-street parking, especially in urban areas, should not be adopted.

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 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.

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.

Paragraph 3.12

Paragraph 3.13

Paragraph 3.15

8.0 CONSULTATIONS

43/2004/119

County Highway Authority

“There is no highway objection in principle to the proposed development. In detail the junction of Millstream Gardens which serves as the major access into the development site with Milverton Road has acceptable geometry and adequate capacity to cater for the increased traffic which would be generated by the proposed development. The development will generate significant additional traffic movements and also many pedestrian movements. It is essential therefore that if the development is going to be sustainable in transport terms that there be ample provision for the residents to make sustainable choices in transport terms and I would recommend that contributions be sought from the development to secure sustainable transport

measures arising from the local transport plan. These would need to be covered in the Section 106 Agreement.

With regard to the internal layout, I notice that the existing access to Tonedale House is to be closed to vehicular traffic. This is welcomed. My colleagues Rachel Turner and Dave Spence have looked carefully at the internal layout details and there are many comments, a copy of which are attached.

We have had a meeting recently with Peter Evans Partnership, Transport Planners for the applicants and invited them to submit revised drawings in order to overcome these issues. I believe the application is a full application and in consequence, until suitable amended plans are available and have been approved, I would be reluctant to see this development be granted full planning permission as I believe there are still some fundamental design issues which need to be overcome. If however, you are able to permit and reserve issues for further consideration, I will provide you with suitable conditions to attach to any consent which may be granted.”

The following was the content of the attachment:-

- “1. Pedestrian links between Blocks B and E. What is the intention, because the majority of the carriageway serving these blocks does not seem to cater for pedestrian movement. Footways throughout the development should be constructed to a minimum width of 1.8 m.
2. To assist possible two-way vehicle movement, the access ways underneath Block B should be increased to a minimum width of 4.1 m.
3. There shall be a minimum vertical clearance of 4.5 m where these access ways pass underneath structures.
4. No visibility splays have been provided at the point where the access ways join the access road.
5. There is a lack of visibility across the junction between Blocks B and C. Vehicles wishing to turn right have their views obstructed by the corner of Block C.
6. The carriageway narrowing between Blocks A and C does not aid vehicle turning movements within this area.
7. The access road between Blocks B and E has an effective straight in excess of 95 m. Will traffic-calming features be introduced? (Desired traffic speed throughout the development)?
8. Will street lighting be required throughout the access road serving Block B and E? If so, lighting units must be set back a minimum distance of 450 mm from the carriageway edge with adequate room for pedestrian movement being made available.

9. The turning head between Blocks A and B is sub standard in relation to ERIS - Design Guidance Notes.
10. A 2.0 m wide service margin will be required at the end of the turning arm south of unit 14.
11. Visibility to the right for vehicles emerging onto the 'Overland Flow Route' south of Block B is restricted due to the presence of boundary walls.
12. Pedestrian access to Block F. Where will residents emerge?
13. Will there be pedestrian movement adjacent to unit 40 (Block G) and unit 20 (Block H)? No footway facility appears to be available.
14. What is the purpose of the 2 no piers either side of the carriageway at the entrance to car park 3? They appear to be partially built within the carriageway and also reduce pedestrian movement.
15. A 65 m effective straight exists within the carriageway serving Blocks G and H. Will a traffic-calming feature be introduced? (Desired speed of traffic throughout development)?
16. Visibility across the junction of the access road serving Block J is obstructed to the left by the corner of unit 5. (Based on 4.5 m back from nearside carriageway edge).
17. There appear to be forms of structures within the footway adjacent to units 1, 3 and 5 (Block J). No narrowing of the footway within these areas shall occur as a result of said features.
18. Visibility splays of dimensions 2.0 m x 33 m (depending upon vehicle speeds) will be required at either end of the cyclepath surrounding car park 6.
19. How will the cyclepath be drained and lit or signed should adoption be required? Any signing must have a 2.1 m clearance overhanging a footway and 2.4 m where they overhang a cycleway. All signs must be located at least 500 mm away from the edge of the footway/cycleway. A 20 m forward visibility splay will be required through the bend south of car park 6. This can be achieved by cutting back existing vegetation behind the boundary railings. Will the cycleroad be segregated or not?
20. How will the overall development be drained? Connections into existing drainage system or will another option be sought?
21. Any trees immediately adjacent to the proposed cycleroad must have a minimum vertical clearance of 2.4 m above the level of the cycleroad.

22. Private surface water from parking areas etc is to be intercepted by ACO drains. Channels/drains etc must be connected into the private water system
23. The ramps at all crossing points where kerbs are dropped should not be greater than 1:12.
24. The minimum width of dropped kerbs at a crossing location is 1.2 m.
25. Any planting within adoptable areas will require a commuted sum. Under section 141 of the Highways act 1980, no tree or shrub shall be planted within 4.5 m of the centreline of a made up carriageway. Trees are to have a minimum distance of 5.0 m from buildings and 3.0 m from drainage/services and 1.0 m from the carriageway edge. They must not obscure any sight lines when mature. Trees must be canopied 5.5 m above carriageway level. Root barriers of an approved type required for all trees that are to be planted adjacent to the back edge of the prospective footway to prevent future structural damage to the highway.
26. No doors, gates or low-level windows/utility boxes/down pipes to obstruct footways/shared surfaces. The Highway limits shall be limited areas of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.
27. All street furniture to be set back a minimum distance of 450 mm from the edge of carriageway.
28. Tactile paving slabs at all junctions/crossing points. They are to be extended across the full width of the flush kerbing provided. No overlap is allowable. Actual tactile paving layouts to accord with the requirements of 'Guidance on the use of Tactile Paving Surfaces' - Dept. of the Environment, Transport and the Regions 1998.
29. All junction radii must be annotated together with carriageway and footway widths. Inner radius of all bends with a through traffic content should not be less than 7.0 m.
30. Parking bays - 5.5 m long when in front of a boundary wall. When parking bays are at 90 degrees to the carriageway and but up against a footway/footpath, a 800 mm overhang strip is required in lieu of the 1.8 m wide path.
31. Radii around bends within the development shall preferably be 6.0 m to aid service vehicle manoeuvrability.
32. Gravel areas - All materials within the prospective public highway area must be bound and therefore gravel cannot be used. If gravel is to be

used on private areas then it must be contained to prevent it from discharging onto the footway or carriageway.

33. Private drainage covers should not be located within prospective public highway areas.
34. Any entrance gates erected, shall be hung to open inwards and shall be set back a minimum distance of 4.5 m from the carriageway edge.
35. Private drainage pipes/chambers within prospective public footways. All covers for access chambers must be of the correct vehicular grade and be accessible by key or similar.”

Many of the detailed points have been covered in the amended plans.

County Archaeologist

“I have reviewed this proposal and on archaeological grounds I believe that as long as the development takes place with heritage as its main driver this is an acceptable scheme. I note from the SIAS report that there are specific aspects of the archaeology which require investigation as part of a mitigation strategy. Obviously, the archaeological aims need to be tied into the development plan so I would advise the developer to commission a consultant archaeologist to design a scheme which addresses the issues raised by the proposal. In particular the scheme should seek to preserve significant elements where possible and record those which will be impacted.

For this reason I recommend that the applicant be required to carry out archaeological field investigations and produce a report on any discoveries made. This should be secured by the use of model condition 55 attached to any permission granted:

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

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

Environment Agency

“The Agency must formally OBJECT to the proposed development, as submitted, on the following grounds:

The Agency has concerns regarding the submitted Flood Risk Assessment (FRA). The Agency is of the view that a number of issues have been omitted and that anomalies exist within parts of the submitted assessment.

The Agency will be writing separately to the consultants, to discuss specific issues in respect of the FRA.

Until this matter has been satisfactorily resolved, the Agency must maintain its objection to this proposal.”

Subsequently the following observations were sent to the applicants consultant:-

“The Agency received a copy of your food risk assessment for the above site from the local authority in September this year. We have some concerns with the assessment that we have made clear to the local authority. The purpose of this letter is to outline the questions we have with regard to the assessment. Whilst the overall approach of the FRA may be reasonable there are a number of key issues which the Agency feels need to be addressed. I have listed these below:

1. In summary the hydraulic model of the system has shown that the lower western area of the site is at flood risk, and flooding occurred in 2000. The identified solution to the flooding is to provide a small upstream flood detention reservoir and a small flood channel to the west of the site. Some on-line improvements are also recommended. There does not appear to be any recommendations regarding finished floor levels.
2. In paragraph 9.2 it is stated that in June 2001 a hydraulic analysis was submitted to the Agency the report was entitled 'Tonedale Mill and Weaving Sheds Sites Hydraulic analysis' (contained in Appendix J). It does not appear that this report has been amended in the August 2004 report. While, presumably, the previous HEC-RAS model used for the June 2001 report has been used to determine the hydraulic design of the system, little appears to be reported. As a minimum a plan showing the design split of flows, and a long section showing 'with development' flood levels would be included (There is an existing 1 in 100 year profile contained in Appendix K, but no 'with development' levels).
3. It appears that flooding of the site was recorded in 2000, but the severity of this event was not discussed in the report. It is likely that the event was significantly less than the 1 in 100 year event, and much of the FRA considers how to reduce peak flows only marginally. Consideration of the 2000 event and the severity could be reported in the FRA, to give confidence in the solutions identified.
4. It is unclear what improvement in capacity can be attributed to clearing of the Back Stream and Mill Stream.
5. Paragraph 11.3 discusses the storage lagoon and overland flow route. With respect to the overland flow route (which is discussed in paragraph 19.15 and shown in appendix P), it is unclear what flow would be taken in the 1 in 100 year event. Appendix P appears to

indicate that it would be designed simply to offset climate change. The capacity is stated as 4 m³/s (ref paragraph 19.18), and this would be sufficient to take the additional flow determined for climate change (Paragraph 17.2). Drawing 11090300/02 (appendix P) includes a cross section of the channel in Typical Section A-A. A note on this section states 'minimum distance between finished floor level and channel to be 400 mm'. This appears to imply that the bed of the new channel is only 400 mm below the finished floor level. Water levels at capacity could certainly be at finished floor level. It is stated that as a minimum the channel will intercept overland flow from the west (paragraph 7.16).

6. It appears that the temporary impounding lagoon is designed to reduce the peak flow to 16m³/s, the maximum stated in-channel capacity of the Back stream. The storage capacity is limited to less than 25,000 m³, and the lagoon appears to have a very limited impact on flows reducing peak flows from 17.4 m³/s to 16 m³/s. It would be very difficult to design a system to 'skim off' such a low flow. The rating for the outflow would be very difficult to establish accurately (see Appendix M and O). If it were slightly over sized it would have no impact on flows, slightly undersized and the impact would also be negligible because the spillway would overtop. It is unclear whether a range of durations have been run to check the effectiveness of the system for different events.
7. The temporary impounding lagoon is shown in drawing 11090300/01. A fixed 2.4 m wide x 1.5 m high culvert is proposed as the control. There is no flexibility in the system without an additional sluice or other control (although it would remain difficult to design the system to work effectively). The spillway would allow flow to run into the toe of the railway embankment which is only 13 m from the toe of the spillway.
8. There appears to be no recommendations on finished floor levels, or on access/egress issues.
9. There appears to be a risk that if the capacity of the Back Stream is lower than expected, or blockage occurs or if the lagoon does not operate as expected then flood levels in the overland flow route will be close to finished floor levels. It is unclear what freeboard there will be to other buildings through the site because of a lack of a 'with development' long section.
10. In conclusion, there are a number of concerns. What is the flood history of the site and are the applicants confident that the small reduction in flow achieved with the upstream lagoon is sufficient and technically practical? What freeboard is proposed through the site and could excess flows or blockage cause high flood levels in the overland flow route, potentially causing flooding? A long section with the development and flood defence measures through the site appears to be a minimum requirement.

11. Further reporting of the capacity improvements through the site may give confidence that the system will function as proposed given an event more significant than the one in 2000.

I appreciate there are a lot of questions here, however it would be beneficial to get these sorted out and agreed upon to ensure the site is fully protected from future flood events.”

Wessex Water

“The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

There are surface water sewers in the vicinity of the proposed development, and the Development has been in contact with Wessex Water to discuss the capacity of our system. The precise point of adequacy for connection may be determined at the detailed design stage.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It will be necessary to submit the contamination report to Wessex Water in order that an assessment can be made to determine the required materials for both the supply and sewerage pipes.”

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.”

The following further response was received following the receipt of amended plans:-

“We Confirm our observations as follows:-

Foul Sewerage

There is sufficient spare capacity to serve this site. Connection may be made to any point on the 675 mm 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.

Surface Water

Surface water is to discharge to the local land drainage system with the consent of the Land Drainage Authority (Taunton Deane Borough Council)

Adoption

In line with Government protocol the applicant is advised to contact Developers Services to see if any of the on-site or off-site drainage systems can be adopted under a Section 104 Agreement.

Sewage Treatment

The Sewage Treatment Works and terminal pumping station has sufficient capacity to accept the extra flows this development will generate.

Supply

147 properties and unspecified no. of commercial units. We have allowed for 2.5 l/s. If this scheme is connected to the 250 mm main in Milverton Rd there will be no significant impact on the Distribution system (taken in isolation)."

Chief Fire Officer

"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."

Somerset Wildlife Trust

"We have studied the response of the Somerset Environmental Records " Centre. This response indicates that there are records of bats, including Lesser Horseshoe bats, from the application site itself.

The Somerset Wildlife Trust therefore recommends that a survey be requested to ascertain the full importance of this site for protected species in advance of any decision.

We would also recommend that if bats are to be affected any necessary mitigation measures are secured and incorporated into the proposals prior to the granting of any planning permission. Such measures might include avoiding work during the roosting/hibernation period and amending the plans to accommodate bats in the roof void.

English Nature can provide further advice on bats and all other protected species and may be able to recommend a list of suitable consultants to undertake the survey work and, if necessary, develop mitigation proposals. Contact: Linda Tucker Species Protection Officer, English Nature, Roughmoor, Bishops Hull, Taunton TA1 5AA, Tel. 01823 283211.”

Somerset Environment Records Centre

“**Statutory & Non-statutory sites & species at the application** – none.

Statutory & Non-statutory sites & species within 1 km

Statutory: Legally Protected Species
One or more Legally Protected Species have been found

Non-Statutory: County Wildlife Sites

File Code	Name	Description
ST02/004	River Tone & Tributaries	Biologically rich river and tributaries with a variety of associated habitats and legally protected species.
ST12/046	Stedhams Covert	Broadleaved plantation on ancient woodland site.
ST12/059	The Basins	Urban Conservation area with mosaic of habitats.
ST12/123	Church Fields Park	Parkland with veteran trees, also garden and ponds with legally protected species.
ST12/011	Winsbeer	Unimproved marshy grassland, willow carr and heavily silted pond.

Statutory: 1990's Badger Data
One or more 1990's Badger Data have been found.”

Landscape Officer

“Except for the northern car parking area, the development appears to be well contained with limited wider countryside impact. However there are limited details of existing trees so it is difficult to judge their health or amenity value. Trees of most concern and possibly under threat are those near to plots 12 and 13 and 14 and the eastern boundary of the 36 car park.

The relationship of the northern car park to the Back Stream is poor and possibly dangerous and no consideration has been given to its edge of countryside character.

There are no proposals indicated for LEAP's or NEAP's and no indication of a landscape design statement.”

The following response has also been received to the amended plans accompanying the letter dated 24th March, 2005.

“This is a better layout for car parking that avoids damaging existing trees. However, the western boundary car parking of car park 1 should be softened with hedgerows, i.e. the car parking should be moved at least 1 m closer the blocks A and B. Otherwise subject to landscape details.”

Wildlife Species Co-ordinator

“We know there are protected species (Lesser Horse Shoe Bats) roosting in adjacent buildings I advise that a survey is undertaken as soon as possible. The optimum time for emergence surveys is coming up.”

Economic Development Officer

No observations.

Rights of Way Officer

“S.3.06 (feasibility study) the key to the unresolved issue of a footpath claim 269 m through the whole site, but in particular this one.

As long as the stated intentions of providing a footpath along Back Stream is consistent between the public footpaths to the north and south then the claim may will be discharged.

I would have thought that a S.106 could be obtained to repair the old bridges/works associated with the stream and an amount of minor landscaping.”

Housing Officer

“We expect 20% of the total number of units which represents 29 social housing units as a minimum requirement.

Alternatively we would expect a full subsidy for the minimum 29 social housing units in the form of a commuted sum for use elsewhere.”

Leisure Development Manager

“The Development should make the following contributions for play and sport:-

Play: on site play is required:-

1. LEAP level facility adjacent to car park 3 on the amenity area; and
2. creation of safe access route from the development to the play area planned for land adjacent to car park 1, and an off site sum for upgrading of the facilities in that play area for teenagers.

Sport: a contribution of £777.00 per dwelling.”

The following further response was received following the submission of the amended plans:-

“The development should make the following contributions for play and sport:-

Play: On site play is required.

1. LEAP level facility adjacent to car park 4 on the amenity area instead of car park 3; and
2. the creation of safe access route from the development to the play area originally planned for land adjacent to car park 1. If creation of a safe access route is not possible a sum to improve local provision for older children and create safe access is required.”

Environmental Health Officer

“The main areas where we would have involvement would be regarding contaminated land (before and during the development) and noise issues as the development is for mixed commercial and industrial uses. Below are some comments on these issues, and also suggestions for planning conditions. The noise conditions may need to be amended when further information about the development is obtained.

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, and in some blocks it is proposed to have commercial units on the lower floor and residential above. 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 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.

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.

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 (attached) which gives more details on the relevant sources of information available.”

Planning Policy

”As a result of the scale and complexity of this proposal a significant number of policies of the Taunton Deane Local Plan, relating to a range of issues, are relevant to its consideration. However, the main issues are detailed in the policy relating specifically to the site (policy W5b of the Revised Deposit, W2 of the Adopted Plan, copy attached), which sets out a range of requirements.

However, by far the most important consideration is that any proposals for the site's future use respect its historical and architectural importance. Whilst it is for others with specific expertise to make formal judgement on this, it appears to me that, as amended, the current scheme generally satisfies this requirement, and is therefore to be welcomed. Of prime importance in this respect is the extent to which it is proposed to retain, convert and re-use the existing buildings, and to limit the extent of demolition, thus satisfying criterion (A) of the policy.

It is disappointing that provision for employment uses isn't greater. However, I recognise that this is due largely to the need to include a large proportion of higher value uses, primarily residential, in order to produce a financially viable scheme, given the high costs of restoring and converting the existing buildings. I also understand that the Economic Development Officer is now satisfied that revised proposals for employment uses are sufficient to meet the needs of those existing businesses that it is considered appropriate to retain on the site. It will be important to require that the replacement, refurbished premises for the retained businesses are made available before they are forced to vacate the buildings that they currently occupy.

The comprehensive nature of the proposals is welcomed, and allows the relationship between individual elements to be assessed properly, thus ensuring that proposals for one part of the site do not prejudice the potential of others, in accordance with criterion (B). It should also enable appropriate measures to be put in place (probably including a bond) to ensure that the site

as a whole is dealt with and that 'problem' areas are not abandoned following the development of the most profitable. This would conform with the requirements of criteria (G) and (L).

Another important requirement of the development of this site is the need for the timely provision of an acceptable scheme of flood mitigation, as covered by criterion (F) of policy W2. As the current application does not include the flood scheme it is important that a 'Grampian' condition is employed to ensure that development is not commenced until such time as the details of the scheme are agreed to the satisfaction of the Environment Agency. Appropriate provisions should also be incorporated within the Section 106 agreement to ensure that the phasing of implementation of the flood scheme is in accordance with the requirements of criterion (F). This requires the scheme to be constructed in parallel with the development of those parts of the site that lie outside of the floodplain, and to be completed before development commences on any part of it within the floodplain. The policy also requires a bond to be lodged to secure the funding of the flood scheme.

In view of the significance of the nature conservation value that the site is thought to hold, it is important to ensure that suitable provisions are made for timely investigation and the protection of any valuable species that are found to be present. As species of European importance are believed to be present. the content of the attached meeting note should be noted.

Decisions in relation to the provision of affordable housing, recreational open space and education and transport contributions can only be made in the light of a comprehensive economic appraisal of the proposed development. It is clear, however, that even with the scale of housing proposed the scheme has problems from a viability perspective. Given the priority that must be given in this instance to the need to secure the long-term future of these historically important buildings, the reduction or even waiving of these requirements appears to be justified.

I note that the application is for residential and 'commercial' uses. In respect of the latter it is important to ensure that the uses being permitted are defined by reference to specific use classes, and that these either exclude or impose limitations on uses that would be inappropriate either completely or at a significant scale in this location, in particular Classes B1 (office), A1-A3 and D2.”

43/2004/120LB

English Heritage (original submission)

“Tonedale Mills is one of the largest surviving textile mill sites in England whose area and quantity of buildings is greater than any other textile site in the south-west. Nationally, it is one of the very few mill sites which retains major buildings dating from c1800 up to the early 20th century and the fact that it was established in the 1790s and then continuously occupied by the same firm until the 1990s, with the family living on site, is unprecedented. In

the late 1990s the range of surviving structures within the complex, both in terms of function and date, was unparalleled in England. The national significance of the site was highlighted in a report produced for English Heritage by the RCHME on the Buildings of the Sough West Textile Industry, following which the grading of the complex at Tonedale and Tone Works was reviewed. This triggered the involvement of English Heritage South West Team in discussions about the long-term future of the two Tonedale sites.

Whilst, regrettably, the complex is not now in such a complete state Tonedale retains good examples of most of the historic building types associated with the development of textile mills. However, many of these structures are in a deteriorating condition which has led to the site being included on English Heritage's Buildings at Risk Register and the organisation engaging in discussions with the site owner, local planning authority and other interested bodies.

Whilst generally the uses that fit most happily in historic building terms with large textile mill sites are ones such as commercial or leisure the level of financial liability at Tonedale means that the need for cross subsidy from some level of residential use is almost inevitable. We recognise this not only in relation to the cost of building but because of the additional and necessary expense of flood alleviation works, de-contamination of buildings and upgrading of infrastructure on the site. Difficult decisions therefore need to be made which involve careful balancing of competing, and sometimes conflicting, demands.

Because of the complexities of this application, and the need to take into account evidence of financial viability, English Heritage has needed to involve a number of different professionals in order to make an informed assessment of proposal and this is necessarily taking some time. We are not, therefore, in a position yet to give a definitive view in relation to the application. However, the purpose of this letter is to advise what stage our assessment has reached, identify what further information would assist that assessment, and express some initial views, which are, however, at this stage only provisional.

English Heritage has always encouraged the owners to take a comprehensive approach to the site and we are pleased to see that this application has done so.

English Heritage advice:-

This application, whilst offering a much-needed opportunity for refurbishment of the listed buildings at Tonedale, also raises some difficult issues in relation to the level of demolition and alteration required in order to bring about that refurbishment. In our view the critical issues are the principle of what use the buildings should be put to, whether the level of demolition proposed can be justified and how evidence of the building's original functions would be preserved by the changes. The circulation, highway and parking requirements of the scheme are also a significant factor. Finally we need to be satisfied that

a robust financial case underpins the scheme and take account of this when weighing up the issues.

In relation to the proposed mix of uses English Heritage accepts that a realistic scheme is likely to include some element of residential units since they generate the highest return for a developer and can subsidise the repair of buildings in less profitable uses. Residential conversion of large, open span mill buildings and weaving sheds inevitably involves significant changes which in an ideal world we would wish to see avoided. The applicants have argued the need for a high level of residential use based on a financial case which identifies a certain level of both costs and values. It also makes assumptions about the demand for both commercial and residential accommodation in the area. As you know English Heritage is currently making its own assessment of the costs put forward and we understand that the Council will be making a comparable assessment of the values. We would be particularly interested to know the views of the Council's Economic Development Officer regarding the likely demand for commercial space and whether his view concurs with that of the applicant in this respect. The balance of residential to commercial space on the site is a concern to English Heritage in terms of its impact on the site overall and on individual buildings and this is why the viability question needs to be rigorously tested. In general terms, if residential development is required as part of the scheme then there is a logic in concentrating it at the lower end of the site beyond Back Stream. This in itself raises some difficult issues regarding the conversion of buildings, in particular the very large north light shed that is Block D but we recognise that the solution put forward is an imaginative one which maintains much of the significant elements of that building. The loss of the north light shed to the north of the five storey building is something that English Heritage have concerns about, particularly since all the north light sheds in the complex will be altered to some degree in the proposal. However, if our concerns elsewhere on the site were addressed then we would be prepared to countenance the loss of this building subject to more extensive retention of walling at ground floor level to provide evidence of its footprint.

Our concerns at demolition and alteration are most acute in relation to blocks F and G which are the former power station, boiler house and engineering workshops and building 15. Blocks F and G contain, we understand, the greatest concentration of surviving machinery, which was certainly in situ at the time of listing review. The applicant's own conservation plan identifies these buildings as being of special interest due to their in situ machinery and we do not consider the current proposal just to sweep it away to be acceptable. We would therefore urge the applicant to review the use and conversion of these buildings to retain both more of the structure and more of its contents. Also of concern in this complex of buildings is the level of demolition of building 46 which assumes a very truncated form, partly to adapt it to residential use and partly to facilitate the passage of traffic past it. That is also partly the justification for the complete demolition of building 15 which is the only dry house on the site and pre-dates many of the other structures as well as representing an unusual form of construction on site with its weatherboarding.

The level of alteration and demolition in this area seems to be dictated partly by the demands of residential use and partly by the need to get cars past the buildings into a new car park which would colonise an area of undeveloped green space. That suggests to us that both the level of residential use in this area and the need for that car park should be reassessed since both requirements are putting undue pressure on the historic buildings. If blocks F and G were retained entirely for commercial or leisure use and the need for car park 3 could be omitted then the need for such extensive demolition could potentially be averted. It might even be possible to incorporate car parking in the north light shed which forms part of Block G which could still give it a beneficial use. The retention of one north light shed intact at Tonedale is an important objective for English Heritage which we would wish the applicants to take on board.

Another area of demolition which needs to be further investigated is that of building 47 which is close to the site of the disused waterwheel adjoining the engineering workshop. We would want to be assured that demolition of this structure does not damage any surviving evidence of the wheel and associated mechanisms.

The partial demolition of block J also results from a requirement for additional car parking. We would value the view of the Council on how essential to the viability of the scheme this area of parking is and whether it could be reduced in size. This range of buildings is part of the later development of the site and we would reluctantly accept the demolition along with the removal of buildings 4 and 6 if our concerns about blocks F and G could be addressed. However, quite apart from the need for demolition the car park will be highly visible from the historic drive to Tonedale House and a greater buffer of planting is certainly needed to protect that approach from a totally urbanised setting. The design of parking areas will need further thought to integrate them successfully with both the robust character of the buildings and their landscape setting and more imaginative solutions will be needed.

The presence or absence of historic machinery in the buildings is not at all clear from the application and we would ask that the applicant provides a statement for all the buildings to be converted stating what machinery currently exists within or in close proximity to them and where it survives what impact the proposals will have for it.

We recognise that some of the suggestions made in this letter will have financial implications that the applicant will need to review. We are currently in the process of assessing the costings put forward for the whole project and further clarification is being sought from the applicant on a number of points. Once that process has been concluded we will contact the Council for a further discussion on the overall financial position since we understand that you are taking advice on the valuation aspects.”

The following response was forwarded by the applicant’s agent:-

I refer to the letter from Jenny Chesher to Taunton Deane Borough Council dated 17th November, 2004. During December 2004, I have met with officers of the Council to discuss various issues that arise from the applications, including the observations set out in Jenny's letter. I therefore thought that it would be useful for you to have a note of our response before our meeting with the Council's officers in January.

As the result of a meeting between Paul Schurer of English Heritage and John Styles of the Bailey Partnership (QS for the applicant), there appears to be general agreement on the level of costs shown in our Financial Viability document. In fact I understand that Paul considers that some of the figures may be on the low side and other costs need to be included. I also understand that Paul has requested a full development appraisal and this will be provided shortly.

We have not yet received any comment from the Council regarding the valuation figures that we included within the Financial Viability document. However, I would be surprised if this undermines our justification for the proposed level of residential development. As a result of the meeting with the Council's officers it appears that they are happy with the proposed level of commercial space that will be retained on the site.

We are pleased to note that Jenny's letter indicates that our approach to Block D, "... is an imaginative one which maintains much of the significant elements of that building."

Whilst I can understand the concern about the proposed demolition of Building 92 (the north-light shed to the north of the five-storey mill), I draw your attention to the fact that this is one of the latest buildings on the site and has been altered both internally and externally. Also, in the present proposals Building 2 (the north-light shed close to Milverton Road) would remain almost unaltered and we are currently investigating whether the later extension to that building can also be largely retained. Thus, contrary to the impression of Jenny's letter, an effort has been made to ensure that one of the north-light sheds on the site remains largely unaltered and in commercial use.

We note the concern about the machinery on the site and enclose a schedule, which notes all surviving items and the proposals for their future. We have previously asked you to advise on the significance of some of these items (particularly those within Block F - the boiler house) but have not had any response. We trust that you or one of your colleagues will be able to assist us in this matter in the near future.

The aim has been to retain machinery wherever this is possible without adversely impacting upon the use of the buildings. The retention of the large items of machinery within Blocks F and G would limit the potential of these buildings to accommodate either commercial or residential space. This would, in turn, impact adversely upon the economics of the scheme and lead to a need to achieve a higher number of residential units and a consequential loss of commercial space. This would also be detrimental to the character of

the buildings and would be contrary to the Council's wish to maintain a significant element of commercial activity on the site.

Jenny's letter is correct in stating that the proposed demolition of Building 15 and the scale of demolition/alteration to Building 46 are primarily because of the need to achieve vehicular access and car parking in this section of the site, although its removal also assists the re-use of Buildings 14 and 46. During the meeting with the Council's officers this aspect of the scheme was reviewed in some detail but it is extremely difficult to change the proposal because of a number of inter-related factors, as follows:

- (a) The level of proposed residential use on the site has been set by the need to achieve an economic proposal. As a result, if Building 46 is to be used for any other purpose (such as commercial space or car parking), there is a need to find residential space elsewhere on the site.
- (b) If Building 15 is to be retained, it would need to be for commercial use as it is unsuitable for residential conversion. As a result of the close relationship between Buildings 13, 14 and 15, the retention of Building 15 will mean that Building 14 and the lower ground floor of Building 13 (both of which are currently proposed as residential units) will need to be commercial space. This will mean that there would be a need to find further residential space elsewhere on the site.
- (c) The commercial use of buildings increases the level of car parking space needed on the site. We currently anticipate on the provision of one car parking space for each one and two-bedroom unit, while the equivalent area of commercial space will require three or four car parking spaces. Thus the use of the northern end of Block G, Buildings 14 and 15, and the lower ground floor of Building 13 for commercial use will result in the need for an additional 20-25 car parking spaces in this section of the site.
- (d) The original interior layout of Building 46 has been altered by the removal of columns behind the eastern elevation and the introduction of large section steelwork at roof level. Thus, even if it were to be used for commercial or car parking use, it would not represent an intact north-light shed. In any event, as already indicated above, Building 2 will remain as an intact north-light shed.
- (e) Whilst it may be possible to use the north-light section of Building 46 for car parking (at a cost), the column layout in the western section is very tight for such a purpose. As a result (and in view of the additional car parking requirement), it is unlikely that the need for the parking provided by Car Park 3 would be avoided.
- (f) The site is very short of car parking space generally and the available areas for on street parking are very limited. It is therefore important that the levels of car parking are not reduced to a point where residents, workers and visitors are tempted to park in dangerous locations on the access roads and Milverton Road. The loss of Car Park 3 cannot be compensated for elsewhere on the site without adversely affecting the setting of other historic buildings.
- (g) If Car Park 3 has to be provided, access is only possible if some demolition of either Building 15 or 46 is accepted.

In view of all the above it is considered that the demolition of Building 15 is the most appropriate way forward for this section of the site. Whilst this building is the only drying shed on the Tonedale site, a larger drying shed survives within the wider complex, at Tone Mill.

We note the concern regarding the possible impact of the demolition of Building 47 on the site of a disused waterwheel. However, we consider that there has been a misunderstanding about the location of the waterwheel. We know that there was a waterwheel with Building/Courtyard 45, which lies some distance to the north of Building 47. Whilst Building 47 is close to the culvert under Building 46, we have no evidence that there was a waterwheel in this location. We believe that the partial demolition of Building 47 (and all the proposed demolitions) can be undertaken in such a manner that damage to other elements on the site can be avoided. We would expect any listed building consent to include an appropriately worded condition to cover such work, possibly requiring a method statement for all the proposed works of demolition.

We also believe that there may be some misunderstanding regarding Building 6, which is not to be demolished. Is it possible that Jenny's letter should have referred to the removal of Buildings 4 and 8, rather than Buildings 4 and 6? The removal of Building 8 is being proposed in order to provide an appropriate setting for Tonedale House and to allow for the restoration of the north elevation (which was the principal entrance front) to its original appearance.

Following discussion with the Council's officers we are currently considering the following:

1. The redesign of Car Park 6 to avoid the demolition of the later extension to Building 2, and to limit the extent of hard surfacing and increase the level of planting. This may be possible if the ground level of this area can be lowered without adversely affecting the trees along the Milverton Road frontage. Such an approach may help to mitigate the visibility of the car park from the existing drive. However, this is likely to result in some loss of car parking spaces, which will put pressure on car parking spaces elsewhere on the site.
2. The possible retention of Building 4. This building is currently used as offices and this would remain unaltered. However, one consequence of this is that Buildings 7 and 9 (Tonedale House) would need to be converted for commercial uses (instead of the present residential proposals). This change will increase the level of commercial space on the site and lead to a need for further car parking. Also, the loss of two residential units may have an adverse impact upon the financial viability of the project.
3. The redesign of Car Park 3 and the associated turning head to the east of Building 46 in order to reduce the impact of the car park on the landscaped area in this location.
4. The redesign of Car Park 1 to allow more of the north wall of Building 92 to be retained. However, this will mean that the surface area of

the car park will need to be significantly increased. One suggestion is that the impact of this car park on the surrounding countryside might be reduced if it was enclosed by a high wall similar to the wall that links the west ends of Blocks A and B.”

As a result of this consultation response, further discussions took place and consequently amended plans were forwarded. To the date of compiling this Report, the views of English Heritage on the amended plans had not been received.

The Georgian Group

“The Group's interest in the site relates to the buildings that were constructed before 1837, namely the Mill, Tonedale House & the wool shop, the wool warehouse, the fireproof mill and the Old Mill. We defer to the Victorian Society for comment on the later listed structures.

The Group is keen to see a new use found for the site to secure the future of the listed buildings. We broadly welcome the approach to the refurbishment, repair and conversion of the buildings as set out in the Design Statement. In particular we support the approach of minimising external alterations and internal subdivision. With regard to the proposals for the individual buildings we would like to offer the following observations:

We note the proposal to use the Mill (building 3) for office use which has minimised the alterations to the interior.

The Group welcomes the demolition of Building 8 and the restoration of the original facade of Tonedale House. Internally the Conservation Plan refers to a dog leg staircase providing access to the attic, if this is of historic interest the Group would prefer to see it retained.

We welcome the decision not to insert new staircases within the fireproof mill and the use of the ground floor of this building and that of the wool warehouse for commercial use which have allowed the space to remain largely undivided.”

Society for the Protection of Ancient Buildings

The writer is very familiar with this important mill complex, having been one of the investigators who carried out an analysis of the Tonedale Mill buildings about ten years ago for the Royal Commission on the Historical Monuments of England. This integrated woollen mill was identified as being the finest survivor in the whole of the area of our study - an enormous triangle including Cornwall, Gloucestershire and the Isle of Wight. Since then some very important parts of this unique complex have been destroyed. The present proposals appear to be relatively sympathetic to the most significant remaining buildings.

Block H (buildings 7-28) is of some concern. The large waterwheel-pit, for the former 30 ft. diameter waterwheel, even has the original cast-iron feeding-tank still in position, and is a most important survival. It is situated in the ground and lower ground floors of the N part of building 19, although it is not shown on the "as existing" plan. This huge waterwheel was fundamental to the evolution of this mill complex, and we urge that the retention of this dramatic, historic and educational feature be made a condition of the conversion.

We are also concerned about the treatment of Block G (buildings 38-46). Not shown on the drawings is a second waterwheel, the frame of which survives in good condition in a small enclosed yard. This locally-built waterwheel is important, and its survival must be assured preferably in-place. If it cannot remain in place it should be dismantled and removed with care for re-erection elsewhere. Such a wheel is a significant asset and, if it is decided that it should not remain at Tonedale, there is always a demand within our membership for an unwanted and endangered waterwheel, for reinstatement at some other suitable mill.

On the information we have, we do not wish to comment on the proposals for Block A (buildings 66-70), Block B (buildings 62-64), Block C (buildings 36 & 65), Block D (buildings 54-61), Block E (buildings 48, 50-53 & 90-91), Block F (buildings 30-35) or Block J (buildings 1-6)."

Somerset Industrial Archaeological Society

As a preliminary, it should be stated that SIAS has for some years taken a major interest in this company, and in the extensive range of industrial buildings which constitute its legacy. This site has received national recognition as to significance by its listing by the Department of Culture, Media and Sport (DCMS) following advice from English Heritage (EH).

This response is based on our long-term interest in the site which includes a study of EH and Royal Commission (RCHME) papers and the statutory listings. We also have involvement with the extensive collection of Fox Bros. archival material at present held at Coldharbour Mill, Uffculme. SIAS is familiar with the layout of the Tonedale site, the historic functions of the buildings and was able very recently to have a guided visit with the architect of the present planned development. In addition we have examined the Conservation Plan and other documents submitted by Woodhall Planning and Conservation (WPC). Based on the above and on the position that SIAS is the only society in Somerset which is solely concerned with the industrial history and heritage of the county, SIAS hopes that its comments will receive due consideration.

We believe this development plan makes a very serious attempt to preserve the appearance and completeness of the Tonedale site, and this is reflected in the fact that we have kept our appended comments to a relatively small number of specific aspects which concern us most. As you are aware, when the initial scheme was outlined for this site several years ago, SIAS was highly critical of the lack of an overall approach and respect for the industrial

heritage. On the basis of the documentation supplied for this planning application we feel that the time has come to move forward but acknowledge that there will be points of detail requiring further discussion and agreement and of the key role that English Heritage will play in this process.

We are concerned for the deterioration in the fabric of the buildings that will be occurring on site, particularly to the older 19 century structures as this could present serious conservation as well as financial problems if they are permitted to remain in their present condition for a further indefinite period, it should be possible to proceed on an agreed strategy for a phased programme of redevelopment, perhaps block by block, as long as the 'big picture' is kept fully in focus.

In conclusion SIAS is, in general terms, supportive of the proposals but wishes to see an enhancement of the heritage at Tonedale by:

- (a) a comprehensive programme of archaeological investigation and additional historic building recording before and during the development. This would be carried out by archaeological units under the overall supervision of Somerset Heritage (Somerset County Council);
- (b) the retention of original machinery in the 'powerhouse' buildings;
- (c) the provision of an interpretive aspect within the complex which would provide the resident and visitor with an insight to the past, a 'heritage trail' to this significant industry, one of the largest and longest-lived manufacturing concerns in the West of England.

Our stance on this application is therefore one of conditional approval. “

The following further response has been received following the submission of the amended plans:-

“SIAS would make the following points:-

Building 92 adjacent Block A - from a strictly heritage standpoint, the reduction of a Grade II* building to one wall does seem excessive and unacceptable. In order for this to be permitted, SIAS would wish to see an overwhelming case based on strong social and economic criteria presented by the developer to English Heritage.

Buildings surrounding Mill No.3, Block J - the retention of an additional building (No.4) is to be welcomed but part of Building No. 1 (period 1837-1867) would still be demolished for the construction of the roadway. For this to be approved SIAS would favour as a constraint additional recording under an archaeological watching brief before and during its removal.

Buildings 54-57, Block D - It has always been recognised that the former yarn mill presents a challenge to any redevelopment proposals and this solution, albeit retaining structural elements of the original, is as drastic as the one

previously submitted. SIAS feels that in the final analysis the impact of the new design as seen from ground level is the critical factor as it should reflect the scale and character of the old mill as closely as possible.

Block F - the inclusion of drawings illustrating a projected commercial use fails to address the issue SIAS raised previously over the status of the powerhouse engines, generators, switchgear et al. The society believes these to be of high technological significance and as an integral part of the buildings they also ' have statutory protection. Clarity is required here.

Waterwheel Evidence. Blocks G and H - SIAS is supportive of this proposal which emanated from SPAB and hopes that due notice has been made of the surviving long bed lathe also in Block G.

Our concerns and suggested archaeological strategies, as expressed in our letter of 2nd November, 2004, we consider to be of paramount importance in ensuring that the industrial heritage at Tonedale Mills is both enhanced and adequately recorded during the extensive redevelopment programme of works.

The SISA stance on this application remains one of conditional approval.”

Victorian Society

“The site is a large area with a complicated collection of buildings of various dates. Part of the site is listed Grade II, much of the Victorian work is listed Grade II*. The Society recognises that the buildings on site require considerable work to improve their current condition, they also require intervention to enable new uses. The site is also complicated by such issues as the possibility of ' flooding, contamination, and the need to protect against the possible impact of blast from adjoining areas of the town.

We have two comments on specific elements. Firstly, the Committee saw photographs of building 15, identified as a former Yarn Warehouse in the Conservation Plan, which has ventilated weatherboarding to the gables. They felt this was an interesting and characterful building which it be a pity to lose. They recognised the need to create vehicle access through the site at this point and would be grateful if consideration could be given to truncating building 46 to do this rather than losing the Yarn Warehouse.

An important part of the character of the site is the spaces between the buildings and the hard surfacing. Clearly the existing surfaces are uneven and not suitable for modern requirements but it would be regrettable if the replacements did not continue the strong workmanlike existing character.

Apart from these elements the Society feels that the current proposals are generally an acceptable way forward for the site.”

Conservation Officer

The following observations on the initially submitted scheme, based on an E-mail to the applicant's agent:-

General:

Repairs spec in general lacking in detail. It is intended to require by way of condition, specific repair schedules for each building. In this respect CI rainwater goods need to be specified.

Block A:

What is meant by pressurised stairways and corridors? What does this entail in practice? Question significance of vaulted ceiling to be lost as a result of introduction of lift.

West elevation (plan 259D) - reinstate half round former window to 4th floor.

Block B:

Existing section required, in order that impact of proposed inserted floor can be more accurately assessed. Number of rooflights excessive.

We have yet to assess the significance of existing doors.

Block C:

What is the significance of internal columns/beams/stairs? South elevation, righthand end - reinstate door surrounds to match existing.

Block D:

Volvo graveyard. Submitted plans not looked at in detail, as revised scheme anticipated. (Your tel call re revised financial situation, refers).

Block E:

The sash windows on the north elevation should NOT be removed. Obscure glaze or such other means to ensure integrity of sashes.

Unit E7 - double garage shown on plan 280B, single garage shown on plan 287A.

Block F:

The design of proposed window openings on the west elevation requires to be in keeping with the rest of the building with segmental arches.

Details required on how the proposed inserted upper floor will be carried out.

Block G:

No questions.

Block H:

Clarification needed on where re-use of removed flagstones will be resited.

Further clarification required with regard to the impact of building no.7 proposals which was not surveyed. Proposed external stairs ground floor building 19 not shown on existing plans.

Block J:

Justification required in respect of loss of existing section of wall at ground floor.

Earlier mill building- doors with glazed side lights would appear inappropriate design. Plans 241, 232B and 119 refers. Access to first floor, Buildings 1-6 (plan 233), not shown!

West elevation - plan 241 (section b/b), fenestration should match early mill building.

North elevation - why not utilise existing openings in ,early mill, rather than draw new ones - plan 237, section c/c refers.

Why is new staircase specified in place of existing? Plan 237, building JX6 refers.

Plan 119 - survey does not provide details above staircase.”

9.0 **REPRESENTATIONS**

5 letters of representation have been received making the following points:-

1. Concern at proximity of one of proposed car parks to property with impact on outlook from property.
2. Tonedale Mills is a unique working environment for small businesses and craftspeople, which is not easily replaced in a form which will engender the same community of excellence.
3. Upper courtyard area should stay as business use, suitable for woodworking and noisy businesses, not just office space.
4. The old boiler house should be business space with plenty of parking.
5. The complex is ideal for affordable starter flats.
6. Extra traffic will add to the ever increasing congestion in the centre of Wellington.
7. Residential accommodation can be established on many other sites in the locality. If residential development is essential at Tonedale, it must be subsidiary and in the form of ‘workers dwellings’, affordable by people of modest means who will contribute to the growth of Tonedale business concept and not commute to other areas.
8. Increasing gentrification of the town as working areas are being changed into residential ones.
9. Demolition of buildings will seriously compromise the integrity of the group.

8 letters of objection have been received making the following points:-

1. Mixing workshops and new houses would be disasterous. The new homeowners will object to people having to work unsociable hours, which many small businesses and self-employed people have to do and may result in noise and dust. A conflict many occur which may

only be resolved with the workshop being told to move. They therefore need to be designed separately from the new houses.

2. Insufficient details of the internal layout of the workshop units. If the workspaces are not suitable, the empty buildings may eventually be converted to more housing, losing the working heritage of this unique site.
3. Workshops may be smaller than the existing ones with higher rents, which means local self-employed people will have to look elsewhere for affordable space. The history of local producers, local jobs and the craft aspect of the work done here should not be lost.
4. Once these specialised industrial buildings have been knocked about to convert them to modern flats they will never be the same, contributing to the destruction of our local heritage.
5. Inadequate car parking for new residents, which will result in parking on the only access road to the site. This road at the moment, with only a few workshops at the top of the site, is full every day leading to traffic problems. The new housing development that has just finished is adding to that problem. Furthermore the workshops may not have car parking near them, with nowhere for employees and visitors to park and delivery lorries to stop.
6. Loss of employment floorspace in the area.
7. Loss of income to occupiers during move within the site.
8. Insufficient space being provided to accommodate all the tenants currently working at Tonedale.
9. The current businesses feed into the local economy in many ways due to the size and type of business and most of the employers and employees live in the immediate area.
10. There should be amenity provision for the new residents to include work opportunities, leisure facilities, schooling and transport. Development needs to be beneficial to the area and sustainable.
11. Proposed demolition of buildings opposite property to enable access to a large car park will have a devastating effect on local residents. Proposed car park will be accessed day and night (including for wedding receptions at Tonedale House) and demolition of building will reduce acoustic barrier against noise pollution. Alternative access to car park other than demolishing building should be sought.
12. The financial rewards of all interested parties to this development are gained at the expense of the innocent resident, who will be burdened with the consequences of this development should it proceed.

13. Buildings are totally unsuited for residential development
14. Society should be encouraging the retention of skilled workers, working in small units, rather than the development of large mass production factories on a distant industrial site. The site is ideally suited to nurture the many skills of the people involved.
15. Right of access continually blocked by employees of existing office units, together with consent stream of delivery vehicles and commercial vehicles.
16. Cars parked either side of driveway obscure view of highway and poses a safety hazard accessing driveway. Also park on pavement blocking right of light to property.
17. Speed of motorist along road is excessive.
18. Right of support of property is being undermined by heavy influx of HGV's and traffic. Cracks are appearing externally in the stonework and internally. This will become worse as a result of the proposal.
19. Fundamental requirement for enjoyment of property is being deprived in many ways.
20. Depreciation in value of property.

A letter of objection has also been received from The Big House Company, which occupies Tonedale House. It is understood that copies of this letter and its supporting documentation have been forwarded direct to the Committee Members.

The following representation has also been received from the Prince's Foundation:-

"Thank you for consulting us on the final Conservation Plan and recent amendments to the submitted application at Tonedale Mill. As you know from our previous correspondence Regeneration Through Heritage has been concerned to see that an holistic approach is taken to the Tonedale and Tone Mill complex to ensure a long term sustainable future for the heritage assets at Wellington. In previous correspondence, mostly recently a letter from the Chief Executive on the 10th February, 2005, the Borough Council gave a commitment to seeking a solution for all three elements of the mill complex. We believe that the current application from Courtleigh Securities Ltd at Tonedale Mill is a crucial opportunity to secure this objective.

We wrote on 26th January, 2005 expressing concern that a Conservation Plan had not been submitted. The completed Conservation Plan for the whole complex is to be warmly welcomed and it provides a strong statement of the national significance of the mill complex. We of course accept that a pragmatic solution has to be found to create new uses and fund conservation at

Tonedale Mill, and it is crucial that the Conservation Plan is used to guide decisions over demolition and conversion. It is perhaps for your Conservation team and English Heritage to offer a detailed view on the suitability of the proposals with regard to the selective demolition and impact of conversion to new uses.

The Conservation Plan does of course deal with the whole complex, and therefore it seems justified and in accordance with the statement of significance, to consider the future of the whole complex and not just the Tonedale Mill site.

As you know, the applicant, Courtleigh Securities Ltd, have offered to gift the Tone Mill dyeworks buildings to the Trust for £1. This is not a viable proposition and belittles the liability of the owner towards the maintenance of these Listed buildings. The owner needs to accept that the costs of conservation and securing new uses in the Tone Mill dyeworks are substantial. In our experience there will be a heritagedeficit, i.e. the capital costs of conversion do not return a profit or break even, which makes this an unpalatable project for the private sector. This why we are keen to offer a community-led Trust solution.

The Tone Mill Trust is seeking funding to appoint consultants to carry out a feasibility study of the Tone Mill dyeworks. It us unfortunate that the results of this study are not available for us to share with the Borough Council at this time of determining the planning application. However in the considerable experience of Regeneration Through Heritage, we are confident that the feasibility study will demonstrate a solution to the Tone Mill dyeworks which secures revenue-generating uses, and a business case that will help the Trust access public grants towards carrying out the capital works. However it is also our view that the whole of the brownfield land and buildings at the dyeworks will be need to be gifted to make the project viable.

Of course it is possible that the owner will bring forward proposals for the Tone Mill dyeworks in the near future. However this is not a certainty and the existing planning application is an opportunity to secure benefits for the whole complex. Without the security of a planning obligation Tone Mill dyeworks may stay empty and in deteriorating condition for a long time. This of course could put the Borough Council in the position of needing to serve Urgent Works Notices and potentially fund repairs should the owner default. It would be far better to secure reasonable planning obligations now.

Therefore we recommend that if you are minded to grant consent for this application at Tonedale Mill, that you secure through Section 106 legal agreement or planning condition, the requirement to submit a master plan for the Whole complex (including Tonedale, Tone Mill dyeworks and the grease works) and a timetable for implementation of the approved master plan. A suggested condition might be: No development or demolition shall take place within the site, until the applicant has prepared a master plan for Tonedale Mill, Tone Mill dyeworks and grease works, which has been submitted and approved in writing by the local planning authority.

Regeneration Through Heritage and the Tone Mill Trust will continue with a feasibility study of the dyeworks, and to liaise with Courtleigh Securities Ltd, English Heritage and the Borough Council to pursue a community-led solution, to the dyeworks, which in the event may become a component of a master plan.“

Regeneration Through Heritage is offering a community-led Trust solution to the renovation and bringing back to use of the former Tone Mill Dyeworks building, which is part of another complex of former Fox Brothers buildings. They are concerned to see that an holistic approach is taken to the Tonedale Mill and Tone Mill complexes to ensure a long-term sustainable future for the heritage assets at Wellington, and they see the current application as a crucial opportunity to secure the objective of seeking a solution for all elements of the mill complexes. The Tone Mill Trust is seeking funding to appoint consultants to carry out a feasibility study of the Tone Mill Dyeworks. It is the view of Regeneration Through Heritage that the whole of the brownfield land and buildings at the Dyeworks would need to be gifted to make the project viable. The owners of the Dyeworks (the applicants for the current application) are not prepared to gift the whole of this area. Regeneration Through Heritage see the current planning application as an opportunity to secure benefits for the whole complex. It recommends that if the Authority is minded to grant consent for the current application, a requirement to submit a Master Plan for the whole complex (including Tonedale Mill, Tone Mill Dyeworks and the Greaseworks, and a timetable for implementation of the approved Master Plan, should be secured through a Section 106 Agreement or condition.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. The constraints that work against a continuation of the existing pattern of use and under-use? CONSTRAINTS
- B. Is there the demand for the large areas of floor space for commercial use? DEMAND
- C. The possibility of a viable scheme for the site? VIABILITY
- D. Does the proposed development make adequate provision for affordable housing? AFFORDABLE HOUSING
- E. Does the proposed development make adequate provision for other contributions towards off-site works, such as highways, education and playing fields/recreation? OTHER OFF SITE CONTRIBUTIONS
- F. Does the proposal comply with the relevant Local Plan Policy? POLICY
- G. Are adequate flood mitigation measures incorporated in the proposed development? FLOODING

- H. Have appropriate measures been included in the proposal to protect wildlife interests? WILDLIFE
- I. Are the requirements of the commercial users currently occupying the buildings met. COMMERCIAL USERS
- J. Is the proposed access to the site and parking arrangements acceptable? ACCESS AND PARKING
- K. Do the proposed conversion works respect the character of the buildings? IMPACT ON CHARACTER
- L. Is the extent of demolition of buildings appropriate? DEMOLITION
- M. Is it appropriate for the current proposal to proceed in isolation rather than as part of a comprehensive package incorporating development at Tone Mill Dyeworks and the Greaseworks as well? COMPREHENSIVE DEVELOPMENT
- N. Will the proposal have a detrimental impact on the amenity of occupiers of nearby dwellings? IMPACT ON RESIDENTIAL AMENITY
- O. Is the proposal sustainable? SUSTAINABILITY

A. Constraints

Constraints affecting the site are as follows:-

- (a) The majority of the space within the buildings is vacant. Of a total available floor space of approximately 22,480 sq m on the whole of the site approximately 5,360 sq m (24%) is occupied.
- (b) Even where buildings are occupied, the uses are often low intensity at very low rental levels. For example, a number of buildings on the western section of the Tonedale Mill site are occupied by car maintenance and storage operations. Also, a number of these are 'bad neighbour' uses, as a result of high levels of noise or the low quality of the operation. These uses 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 individual buildings.
- (c) The extremely poor condition of the majority of the buildings on both sites, together with the poor condition of the infrastructure.
- (d) The susceptibility of the lower (western) section of the site to flooding.
- (e) The listed status of the buildings and the restriction this places on the level of demolition and alteration that will be acceptable.

- (f) The density and close proximity of the existing buildings, particularly on the lower part of the site.
- (g) 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.

B. Demand

As part of the Feasibility Study referred to earlier, a Demand Study was undertaken. This indicated that the potential level of new commercial occupants that might be attracted to Tonedale Mill is 3,700 - 4,650 sq m over the next five years. There is also virtually no demand for office accommodation in Wellington. Only a small proportion of the available floor space is currently occupied.

It is accepted that it would be unrealistic to expect that there would be sufficient demand from employment uses to occupy all the available space at Tonedale Mill. Also, the lower western section of the site is remote from Milverton Road and has no visibility from the main road. This section of the site can only be accessed through the rest of the complex and many of these vehicular routes are restricted. The most attractive commercial locations are those adjacent to Milverton Road and the site access.

C. Viability

Against the constraints set out above, the proposed development seeks the creation of a high-quality mixed use scheme. 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. However it does depend on achieving residential values well in excess of those normally achieved in Wellington and as such it is perceived by the applicants as a high risk strategy.

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.

D. 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 applicants Financial Viability Report, submitted with the application, indicates that the provision of on-site affordable housing would have a significant impact on the overall economics of the scheme. This is because of the aim of achieving a 'high-value destination location'. If affordable housing is provided on site, the cost of development would exceed the anticipated end values by about £1.5m and the proposal would therefore not be viable. An allowance of £200,000 has therefore been made by the applicant, towards the construction of off-site affordable housing.

E. 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, leisure and education. 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.

F. Policy

The most relevant policy 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 proposed a mixed use development subject to various criteria being met. It is considered that the proposed development is generally in line with the criteria contained in the policy, although as set out in other sections of this Report, contributions towards community benefits would render the scheme unviable.

G. Flooding

About half of the site is low lying and at risk of 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 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 complex.

Further discussions are taking place between the applicant and the Environment Agency with a view to resolving detailed points.

With these flood alleviation measures in place, the Tonedale Mill complex will no longer be at risk from a 1 in 100 flood.

H. Wildlife

The site has considerable wildlife interest, including the presence of protected species. The requirements of Taunton Deane Local Plan Policies EN3, EN4 and EN5 are therefore applicable. Policy W2 also 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 any other wildlife. The Wildlife Species Co-ordinator has requested that these surveys be carried out prior to determination of the application. However, in view of the content of the Taunton Deane Local Plan Policy W2, I consider that a condition requiring surveys to be carried out prior to commencement of conversion works is appropriate.

I. Commercial Users

A considerable number of small businesses are located in the many buildings within the complex. Although it is unlikely to be possible to accommodate all the existing businesses in the proposed scheme, particularly the 'bad-neighbour' and large space users, a substantial amount of employment floor space is provided in the scheme. Furthermore the amended plans increase this provision. Refurbishment and conversion of buildings for a range of employment generating uses will help to safeguard the condition of these buildings. The proposed Section 106 Agreement ensures that as far as possible, existing tenants can be accommodated in the refurbished units.

J. Access and Parking

A Transport Assessment was submitted with the planning application. This indicates that the existing Milverton Road/Millstream Gardens junction has adequate capacity to accommodate the proposed development.

Vehicular access within the site is proposed from the spine road leading into the site from the existing Millstream Gardens along the northern edge of the site. From this spine road, spur roads will lead between the various blocks. There will also be separate pedestrian routes through the site. These include a new public footpath along Back Steam.

In addition to the 325 vehicle parking spaces proposed, 43 cycle stands are proposed across the site providing spaces for 86 cycles.

K. 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.

Conversion of the buildings, particularly for residential use, inevitably results in the sub-division of the present large open spaces of the interiors. The proposed residential units have been designed to respond to the configuration of the existing buildings, particularly the window patterns, even if this means ignoring some of the preferences expressed by the applicants' residential marketing consultant. Within the residential units, the aim has been to minimise the level of sub-division consistent with their general size. The majority are proposed with an open-plan living/dining/kitchen space, albeit with some definition of the kitchen areas. This maintains some sense of the open, industrial character of the interiors, particularly where there are columns or other features within the units.

The one building where a more dramatic approach is proposed is the large former spinning mill at the western end of the site, colloquially known as the 'Volvo Graveyard'. The building has a narrow two storey range to the east and a large north-light shed to the west. The external walls are of red brick and the roofs are covered with slate. Much of the glazing to the north-light shed is missing and the roof structure over this section is in a very poor condition. The re-use of this building poses a number of problems. Although at first sight it would appear to be suited to commercial or industrial use, the structural grid of columns is very restrictive for modern uses. It provides a floor space of over 5,600 sq m, which is far more than the total commercial uses that it is anticipated can be attracted to the complex over a 5 year period. Furthermore any commercial or industrial users of such space would require easy access for large vehicles and significant areas of yard and car parking. Such provision could only be made by the demolition of other adjacent buildings or be encroaching into open countryside outside the historic limits of the complex. In view of these factors, the proposal provides for a radical approach to be adopted in allowing the building to be used for residential use. The external walls and the two storey range would be retained, but the majority of the roof and structure of the north-light shed would be removed to allow for a central car parking area and garden courtyards. Although the internal alterations necessary for residential use constitute a major change to the single interior space that existed on the ground floor of this block, the open space of the car park, together with the retention of part of the north-light roof form, allows for some appreciation of the scale of the original space. As a result of this approach, the exterior of the building would remain largely unaltered, although the interior would be radically different.

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 generally hard paved with no soft landscaping. Where garden

areas are provided, these are proposed to be enclosed by stone or brick walls, so that the impact of planting and the visual clutter often associated with garden spaces is minimised. However, there are a number of areas within and around the site, such as along the exiting drive to Tonedale House and the banks on either side of Back Stream, where extensive tree cover and other soft landscaping currently soften the hard industrial character. In these areas, a different approach is proposed, with the existing landscaped character being retained or reinforced. A series of new pedestrian dominated spaces is also proposed throughout the development, linked by a pedestrian route.

L. 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.

The rationale for each demolition is set out in the Design Statement submitted with the applications.

M. Comprehensive Development

The Authority is aware of need to avoid 'cherry picking' by ensuring that the most profitable parts of the whole of the former Fox Brothers complex are not developed at the expense of the less profitable ones. Regeneration Through Heritage has made representations suggesting that any development of the current site at Tonedale Mill should be tied up through a Section106 Agreement or condition with development at the Dyeworks.

However, although the Dyeworks are within the settlement limits and comprise brown-field land, there are no specific proposals in the Taunton Deane Local Plan for their development. There are implications for flood relief. The Feasibility Study prepared previously, covering both Tonedale Mill and Tone Mill, concluded that proposals put forward were not viable. However, the study was welcomed as a basis for further work to produce a viable proposal. The Financial Viability Study submitted with the current proposal indicates that it is only marginally viable, and that is without providing for normally required community benefits.

N. 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

traffic flows. However the site and buildings are currently underutilised and have the potential to generate considerably more traffic, particularly heavy goods and other commercial vehicles, if they remain in their current industrial use. Also the impact of housing use generally is likely to be less than intensified industrial use.

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. Impact of traffic vibration on buildings and effect on value of property are not planning issues.

The County Highway Authority do not object to the principle of development and raise no specific problems in relation to parking and speed of cars on Millstream Gardens.

0. Sustainability

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

The proposal is in accordance with the principles of sustainable development in providing the opportunity to make journeys to and from the proposed development by foot, cycle and public transport.

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 a 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 provides 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, transport and education are sought, in the circumstances it is considered appropriate that other than a 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 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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