

38/08/0372

MIDAS HOMES & NATIONAL GRID PROPERTY HOLDINGS

CONSTRUCTION OF A BRIDGE IN CONNECTION WITH THE TANGIER RESIDENTIAL REDEVELOPMENT AT THE FORMER GAS STORAGE SITE, CASTLE STREET, TAUNTON AS AMENDED BY LETTER ON 21ST NOVEMBER 2008 AND ATTACHED PLANS

322247.124771

Full Planning Permission

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PROPOSAL

The proposal comprises the erection of a foot and cycle bridge from the former gas works site at Tangier across the River Tone to a location just to the east of French Weir Park.

SITE DESCRIPTION AND HISTORY

Planning permission was granted in 2007 for the erection of flats on the former gas works site at Tangier. The application required the provision of a bridge across the River Tone linking the flats to French Weir Park, giving access to the public open space and children's play areas that already existed there. The provision of the bridge was funded by the open space and children's play area contributions. This application is for the erection of that bridge. The bridge is of modern design providing an open aspect along the river. The bridge would be constructed of tubular steel and would be coloured light grey, in keeping with the proposed residential development of the gas works site. The surface of the bridge would be of a bauxite/resin finish which provides a durable non-slip surface. The height of the bridge is determined by the 1 in 200 year flood levels and will link to the new walkway on the gas works side of the river. However the northern bank of the river is at a lower ground level than the bridge and there are therefore steps and ramps on that side to allow access from the bridge to the park. The ramps necessary are quite extensive in order to accommodate the maximum 1:10 slope that is required. They have gabion walls with sections that overhang the landscaped bank to avoid interrupting the flow of any flood water. The River Tone is a County Wildlife Site and special care needs to be taken to avoid any detrimental impact on wildlife that uses the area especially the various protected species that are present.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

HIGHWAYS DEVELOPMENT, GROUP MANAGER - raise no objection in principle but highlight the need for some minor changes to the scheme

LEISURE DEVELOPMENT TEAM MANAGER -

RIGHTS OF WAY TEAM, SOMERSET COUNTY COUNCIL - No Public rights of way cross this site. I request that public use, mobility scooters, cycles and pedestrians

should be allowed access to the bridge.

LANDSCAPE OFFICER - The ramp, depending how it is constructed is likely to require the felling of two large poplar trees. If the ramp could be cantilevered from the steps this loss of trees could be overcome

NATURE CONSERVATION & RESERVES OFF. - providing that the details of the Environmental management plan are adhered to I have no objection to the proposal.

SOUTH WEST WATERWAY UNIT, MS J HENNELL - The construction of this bridge may require the stoppage of the navigation during main lifting /construction operations and this will need further investigation it may be possible to close the navigation for a period and BW are willing to work with the developers, our partners and customers of the canal in this respect. Prior to formally closing the navigation a formal consultation exercise is required with national and local user groups. This has not yet been undertaken.

THE PLANNING LIAISON OFFICER, ENVIRONMENT AGENCY - no objection subject to conditions and informatives

Representations

TAUNTON CIVIC SOCIETY - The siting of the bridge will not lead directly into French Weir Park and should be relocated to provide access directly into the park; the use of gabions for the walling of the landing, whilst suitable on the southern bank with the new development, and would be unsuitable on the northern bank; furthermore the gabions would be bulky and prone to collect litter; it is a pity that the opportunity to disguise the unsightly gas pipe , which crosses the river, has not been taken.

PLANNING POLICIES

S&ENPP49 - S&ENP - TRANSPORT REQUIREMENTS OF NEW DEVELOPMENT,
STR1 - SUSTAINABLE DEVELOPMENT,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
T2 - TDBCLP - Tangier Major Development Site,
EN25 - TDBCLP - The Water Environment,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
S&ENPP1 - S&ENP - Nature Conservation,

DETERMINING ISSUES AND CONSIDERATIONS

Taunton Deane Local Plan, policy T2 criteria (B), requires the provision of a comprehensive cycle network from Tangier to its surroundings including good quality links to French Weir Park. When planning permission was granted for the redevelopment of the gas works site the Highway Authority required the provision of a footpath from the site across the River Tone to French Weir Park. This bridge was required for three reasons:

- 1) to improve footpath links along and across the river bank of the River Tone for the public;
- 2) to link the development to French Weir so that future occupants could easily benefit from the open space and play facilities at French Weir and finally;
- 3) to provide a flood escape for early occupants of the flats until the permanent

solution is completed with the end of the development.

The bridge has been sited in approximately the same position as shown on the approved planning permission. Its route and final landing position have been largely dictated by the need to ensure that the structure does not impede water flows along the River Tone, especially during flood periods, and the electricity sub station, located adjacent to French Weir Park. The bridge has a modern form, in keeping with the design approach and materials to be used in the development of the Tangier site on the opposite bank of the river. Due to the levels required to prevent flooding etc the bridge platform would be significantly above the ground level at French Weir, as a result the landing platform is bulky with an extended ramp to the road level, in order to provide the 1:10 slope required for safe access. The design of the bridge itself is modern and in my opinion visually pleasing. It will give a light clean and modern appearance in keeping with the upgrading of the River Tone envisaged in the Local plan. Accepting that there is a proven need for the provision of the bridge in this location, I accept that difficulties of the levels inevitably result in a large landing structure at French Weir and I consider it appropriate to tie the design into the Gas works redevelopment theme.

The section 106 agreement (attached to planning permissions 38/07/183 and 184) requires the provision of a foot and cycleway bridge. The Section 106 allows for the developer to either provide the bridge or in default to provide monies up to £180,000 to enable the council to provide the bridge.

The developer has worked with the Environment Agency, County Ecologist and Highway Authority in order to provide a foot and cycle bridge link across the River Tone. The Environment Agency and Ecologist are now satisfied with the proposal. County Highway Authority are in agreement with the principle of a bridge across the River Tone but, in order to provide for both foot and cycle use they require 1) a bridge that is a minimum width of 3.5m whereas the proposed bridge is only 2.4m in width and 2) a lighting scheme that provides standard levels of illumination.

- 1) The developer has been unable to redesign a scheme with the 3.5m clearance width that is required, due to the design constraints from land ownership on the northern bank, impact of the lighting on the County Wildlife site and protected species and Environment Agency requirements regarding flood level clearance.

Accepting that these constraints prohibit the provision of the wider bridge, there are three options available; a) refuse the application and accept the contributions for the Deane to build the bridge (all development of the gas works would be delayed until the bridge is designed and provided by the Deane); b) accept the footpath cycle bridge at a reduced width, deemed unsafe by County Standards or c) accept the proposed bridge as a footbridge only.

- a) If refused the developer would be likely to pay the Council £180,000 open space contribution and devise an alternative flood escape route to enable the development to go forward. The developer has claimed that the proposed bridge would cost around £200,000 to build (figures not verified) and that an increase in width to 3.5m would require even greater sums of monies. Irrespective of this monetary consideration, there is no doubt that, were the Deane to be left to design and build the bridge, there would be a significant delay in its provision and therefore a delay in the ability for the development of the gas works site to be occupied, at a time when there is a great need for new

housing provision.

- b) The lighting for the bridge has been carefully designed to avoid increasing the levels of lighting along the River Tone as both at and Otter species which frequent the River are detrimentally affected by higher light levels. As a result Taunton Deane has agreed to adopt the bridge. It is therefore possible to accept the provision of the bridge for use by both cycle and pedestrians with a 2.4m width. The applicants have provided details of many locations throughout the Country where narrower bridges have been provided and are being used by both. However I consider that this may pose a risk for accidents in the future that ought to be avoided if possible.
- c) The Taunton Vision document originally envisaged that the new Third Way would provide the primary vehicle/cycle crossing of the River Tone with a network of smaller bridges. Planning permission has now been granted for the bridge and I consider that this will provide a purpose built cycle link between the North and south banks of the river in the vicinity of the site. I therefore do not consider it essential for the proposed bridge to be dual use. The proposed bridge would link the residents to French Weir Park and provide a flood escape route for the residents of the development and in accepting a footbridge only the residential units would be provided in a timely manner as originally proposed.

In my opinion it is important to ensure that a new footbridge is provided across the River Tone to French Weir Park and one which takes full account of the flooding, recreation and wildlife issues associated with the site. As a consequence I consider that option c) is acceptable

RECOMMENDATION AND REASON(S)

That the Planning Committee authorise an amendment to the Section 106 agreement to enable the provision of a footbridge as proposed in this application.

CONDITIONAL PLANNING PERMISSION BE GRANTED for the proposed bridge, to provide a footbridge across the River Tone.

The proposal, in combination with the Third Way, would result in the provision of a comprehensive cycle and pedestrian network within the Tangier site as required by the Taunton Deane Local Plan policy T2(B)

RECOMMENDED CONDITION(S)

Time limit, Materials, upgrading of the flood defence wall, retention of access along the River bank for all protected species, submission of method of working, contaminated land, storage of oils etc, no lighting of site or storage compound, landscaping, public use.

Awaiting conditions from Highway Authority therefore full summary of conditions to be attached to update sheet.

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

date of this permission.

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

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

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

3. No development approved by this permission shall be commenced until a scheme for the upgrading of the existing flood defence wall within a 200 metre radius of the proposed footbridge has been submitted to and approved in writing by the Local Planning Authority. The flood defence works shall be completed in accordance with the details and timetable agreed unless a variation thereto is first agreed in writing by the Local Planning Authority.

Reason: In accordance with the aims of Planning Policy Statement (PPS) 25, new development must be safe over its lifetime. The existing flood defence wall is not currently to a sufficient standard to provide a 1 in 100 year event defence plus provision for climate change.

4. No development approved by this permission shall be commenced until a scheme for the provision and implementation of the method of working has been approved by the Local Planning Authority.

Reason: To prevent pollution of the water environment in accordance with Taunton deane Local Plan policy EN25.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To protect controlled waters, given the historic land-use of the surrounding area (Tangiers Gasworks) and associated remedial works in accordance with Planning Policy Statement 23 Planning and Pollution Control.

6. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents,

gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment In accordance with Taunton Deane Local Plan policy 23.

7. All works shall comply fully with the Environmental management plan submitted and approved in association with planning permissions 38/2007/0183 and 0184 and referred to in your letter dated 31st July 2008 unless a variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to protect the wildlife and protected species that inhabit and frequent the River Tone in accordance with Somerset and Exmoor National Park Structure Plan policy 1 and Taunton Deane Local Plan policy EN3.

8. (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 each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

Notes for compliance

1. Please refer the applicant to Pollution Prevention Guidelines for Works in or Near the Watercourse (PPG5). If the applicant is planning to use coffer dams and pumping activity, they must ensure appropriate pump rates are used to avoid disturbance of the bed or bank. The maximum rate should be set after consideration of the flow of the river, the location of the discharge and the risk of erosion.
2. The minimal amount of ground should be exposed, as soil stripping and vegetation removal at the start of the project can increase the volume of contaminated surface water run-off.

3. Pollution prevention measures should be taken to ensure the minimal amount of debris enters the watercourse by using crash decks and nets to catch falling debris.
4. Storage of fuels for machines and pumps should be sited well away from any watercourses.
5. All waste disposed of off-site must be taken to appropriately licensed waste management sites in accordance with the Duty of Care and the Environmental Permitting Regulations 2007. Carriers transporting waste from the site must be registered waste carriers.
6. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, Flood Defence Consent (previously known as Land Drainage Consent) is required from the Environment Agency prior to any proposed works or structures in, under, over or within 8 metres of the top of the bank of a designated 'main river'.
7. The applicant/developer is advised to contact John York and John Dewar, Third Party Works Engineer and Estates Surveyor respectively, in order to ensure that any necessary consents are obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".
http://www.britishwaterways.co.uk/images/Code_of_Practice_for_Works_Affecting_BW.pdf 1) The final bridge details must be confirmed with British Waterways. 2) The construction of this bridge may require a stoppage of the navigation during main lifting/construction operations and this will need further investigation it may be possible to close the navigation if necessary for a period 3) Environmental Impacts of the bridge crossing should be considered and all works must comply with our code of Practice 4) Care must also be taken to ensure that no contaminants are allowed to enter the watercourse during construction works. Cement in particular is very damaging to aquatic life and great care is needed to ensure that no materials are washed or blown into the watercourse during construction.
8. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained in writing from the Highway Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

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

In preparing this report the Planning Officer has considered fully the

implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467