

38/13/0477

ABBEY MANOR DEVELOPMENTS LTD & CREST NICHOLSON OPERATIONS LTD

**OUTLINE PLANNING PERMISSION FOR THE ERECTION OF UP TO 99 No. DWELLINGS, VEHICULAR ACCESSES AND ASSOCIATED WORKS AT AREAS H AND I, FIREPOOL LOCK, TAUNTON**

Location: AREAS H AND I, FIREPOOL LOCK, TAUNTON, TA1 1PJ

Grid Reference: 323044.125365

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**RECOMMENDED CONDITION(S) (if applicable)**

1. Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and the proposed strategic road will not be detrimental to the amenity of the occupants of the premises on the completed development.

The applicant shall submit to the Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied.

Reason. To ensure the amenity of residential premises is not adversely affected by noise from traffic and rail sources.

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- 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.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, 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.
- An assessment of the potential risks to
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed

remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with Taunton Deane Core Strategy Policy DM1(f)

and paragraphs 120-122 of the National Planning Policy Framework.

4. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species

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

Reason: To protect and accommodate wildlife

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before before the buildings /are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. (i) Before any part of the development hereby permitted is commenced a phased landscaping scheme which shall include details of species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) Each phase of the landscaping scheme shall be completed before the development of the following phase commences unless otherwise agreed in writing by the Local Planning Authority.
- (iii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the use of the site discontinues.

Reason - In the interest of highway safety

8. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason - In the interest of highway safety

9. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason - In the interest of highway safety

10. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason - In the interest of highway safety

11. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that the site can be accessed by foot and cycle.

12. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interest of highway safety

13. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason - In the interest of highway safety

#### Notes to Applicant

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
- . Note. Re noise  
Guidance on suitable internal noise levels can be found in British Standard BS8233 1999. This recommends that internal noise levels arising from external sources should not exceed 40 decibels LAeq in all living and bed

rooms during the day (0700h to 2300h) and 30 decibels LAeq during the night (2300h) to 0700h). In addition a 45 decibel LAm<sub>ax</sub> applies in all bedrooms during the night (2300h to 0700h).

The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal.

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

## **PROPOSAL**

This is an outline application for residential development with only the means of access to be determined at this time. Appearance, landscaping, layout and scale are reserved for subsequent approval should planning permission be granted. Indicative plans have been submitted to show the type of development envisaged which is very similar to the Crest scheme that is currently under construction of the adjoining site to the East. The plans show apartment type accommodation on Area I – between the Northern inner Distributer Road (NIDR) and the railway line to the north. The plans show a mix of houses and apartments on Area H – to the north of the canal lock and on the site of the former Denmans Electricals building. In total, up to 99 dwellings are proposed.

Access to Area I would be from the existing access to Area J from the NIDR, with the access road running along the northern boundary of the site and adjacent to the railway. Access to Area H would also be from the NIDR where the proposed access to the existing Pumphouse is located. A central access road is proposed in Area H which has apartment blocks facing onto the NIDR and semi-detached houses facing onto the lock.

As part of the processing of the application, it has been necessary to commission a viability appraisal with regard to affordable housing and other Section 106 contributions. Both the applicant and the Council jointly commissioned an independent viability report and as a result of its findings, no affordable housing or other S106 financial contributions are proposed. Community Infrastructure Levy (CIL) is not negotiable through the viability assessment and would be due, should development be granted permission and proceed.

## **SITE DESCRIPTION AND HISTORY**

The site is in the central area of Taunton and crosses both the allocated Firepool and East Goods Yard sites. Through the centre of the site, between areas H and I, runs the constructed part of the NIDR that accesses both Waterside House and the

Crest Firepool Lock site. The Crest development is under currently under construction with 3 storey semi-detached houses fronting onto the canal and 3 and 4 storey apartment blocks facing the NIDR.

East Goods Yard was previously operational railway land that has since been decontaminated, levelled and developed in part. All buildings have been removed from Areas H and I other than the listed Pumphouse which has consent for a change of use to a Public House and Restaurant.

### Relevant Planning History

An outline application was submitted in 1999 to redevelop the former East Goods Yard for a mix of uses including residential, B1 employment, conversion of pumphouse, access road and new canalside walkway. Permission was granted in August 2004 (ref 38/99/0394).

In 2006 a further application to vary the time limit and masterplan conditions was submitted and subsequently approved. This extended the time period for the submission of reserved matter applications for 6 years until 19 May 2012 and required the submission of an indicative masterplan. (ref 38/06/0135).

In 2007, following a public consultation and presentation to the Regional Design Review Panel, a masterplan was submitted and agreed by TDBC. This document was referred to as the Design and Access Statement and allocated/zoned 10 areas for a mix of uses that were predominantly residential. It proposed 460 dwellings comprising 443 apartments and 17 houses at an average density of 140 dwellings per hectare.

In April 2007 a reserved matters application for B1 office development on Area I (with additional surface level car parking on Area J) was submitted. This included 7,200 sq m of B1 office space in a building ranging from 5 to 7 stories. Permission was granted in December that year but has not come forward. (ref 38/07/0193).

A reserved matters application for 100 apartments and 4 town houses was submitted in 2008 for Area A. This had a Planning Committee resolution to approve subject to a variation in the Section 106 Agreement, but was subsequently withdrawn once planning permission was granted for an alternative development.

In 2009 a reserved matters application was submitted by Knightstone Housing Association for 108 apartments that was compliant with the approved masterplan and is under construction. This provided the affordable housing element of the outline planning permission. (ref 38/09/0190)

In December 2011, two applications for 240 houses and apartments were submitted by Crest on Areas A,B,C,D and J. Planning permission was granted and these are currently under construction.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**



The proposal is for outline application for 99 residential units.

### Traffic Impact

The proposal was accompanied by a Transport Statement (TS), which has been assessed by the Highway Authority and our observations are set out below.

From the information provided it is understood that TRICS datasets have been used to calculate trip generation. Table 5.1 shows the calculated trip rates for the 12 houses. Having studied the output, the AM departure rate seems slightly low. This seems to have been caused by the dataset used in TRICS, which is not the fault of the report. However given these rates apply to 12 residential units this is not considered to be an issue for the Highway Authority. Table 5.2 shows the forecast trip rates for the 87 flats, these trips are considered to be acceptable to the Highway Authority.

The total vehicle trips for the 99 dwelling development is shown in Table 5.3. This shows that in the AM peak there will be 37 two-way trips (8 arrivals and 29 departures) and the PM peak shows 43 two-way trips (28 arrivals, 15 departures).

In terms of trip distribution this is covered in section 5.3 of the TS. Although there appears to be very little information actually provided. It is accepted that traffic travelling to/from the development will utilise the Northern Inner Distributor Road (NIDR). Paragraph 5.3.3 states that the development distribution would have been reflected in the Atkins modelling for the NIDR however this is a little misleading as the development types tested were different. Paragraph 1.2.8 states that Area I has reserve matters consent for offices whilst paragraph 1.2.9 states that Area H has reserved matters consent for pub/restaurant.

Regarding traffic impact paragraph 5.3.3 have not provided any modelling as this would have been considered in the Atkins modelling for the NIDR. However as with trip distribution this was based on the assumption that the site would be used for different development types. The volume of traffic is unlikely to be worse as a result of the land use changes given the offices would have been likely to generate similar volumes of traffic. The effects on nearby junctions would not be expected to be significantly different from that shown in the SATURN modelling.

Paragraph 3.2.1 states that the site is located in close proximity to a comprehensive network of footways and footpaths. In addition the site is located within 800m of the town centre. Therefore the Highway Authority is satisfied that there is the potential for a modal shift. Paragraph 3.4.1 states that the nearest bus stops are located outside Taunton Railway Station, which is approximately 480m walk from the application site. The existing bus service, which is located outside the station, is shown in Table 3.1 and provides a regular service. This is likely to encourage a modal shift through both rail and bus services.

As this is an outline application the applicant has not provide definitive parking numbers. However specific parking standards have been correctly identified from the Somerset County Council Parking Strategy. Furthermore the applicant has indicated that the final parking layout might be below the required standards. The

applicant should be aware that any deviations from the Parking Strategy would need to be justified as part of any future submission.

Therefore to conclude the proposal is unlikely to have a significant impact on the surrounding highway. As a consequence it would be hard to object to this proposal on traffic impact grounds.

### Travel Plan

The proposal would need to provide a Travel Plan as part of a reserved matters application. This would need to be in accordance with Somerset County Council's Travel Plan guidelines and secure via a S106 agreement.

### Layout

It is appreciated that this proposal is for an outline application as a consequence the internal layout of the site has not been finalised. As such at this stage the Highway Authority is not in a position to provide detailed comments on the layout. However there are some generic points that they should take account of.

Firstly in terms of topography the Design and Access Statement indicates that Area 'H' will have a significant slope from North to South across the site. As a result the construction of this phase might require retaining/sustaining walls to be provided. Somerset County Council as the Highway Authority will require assurances as to the safety and durability of any form of structure, whether it is to be offered for adoption or remain within private ownership, built within 3.67m of the highway boundary or which has a retained height of 1.37m. The applicant will be required to submit any drawings/calculations for approval prior to any works commencing on site.

It is noted that vehicle access to Area 'H' will be via the recently constructed access that serves the pumphouse. This access will be required to provide adoptable visibility splays based on minimum dimensions 2.4m x 43m in both directions. The full extent of which will be adopted by Somerset County Council as the Highway Authority. Furthermore the gradient of the access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with the NIDR. Detail drawings of the access arrangements will need to be submitted to the Highway Authority for approval.

The statement indicates that the southern boundary of the site will contain bat flight paths. As a result, the appropriate specification of highway lighting will need to be designed into the scheme that will not effect the movement of bats within the site boundary.

Where both areas will tie into the NIDR a S171 licence will be required. These are obtainable from the Highway Authority and would need to be obtained prior to works commencing on site.

The applicant should make allowances for the resurfacing of the full width of the NIDR where it has been disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the NIDR to ascertain the existing depths of the bituminous macadam layers. In terms of sewer connections where works have to be

undertaken within or adjoining the public highway a Section 50 licence will be required. These licences can be obtained from the Streetworks Co-ordinator on 01823 483135.

Regarding the design detail the applicant should take note of the Highway Authority's design standards. The Design and Access Statement indicates that the proposed internal estate road will be 5.5m with 2.0m wide footways provided through out. This design approach is considered to be acceptable. However please note any block paved shared surface carriageways should be constructed to a minimum width of 5.0m with 500-1000mm wide margins provided. The longitudinal gradients with channel lines of shared surface carriageways should not be slacker than 1:80. It is noted that a proposed carriageway width of only 3.7m will be provided for the lowest category roads. The Highway Authority will require that this is amended to a 4.1m wide carriageway, which would be in keeping with the design guidelines set out in Manual for Streets. Finally all proposed adoptable carriageways must include turning heads designed to the dimensions as set out within 'Estate Roads in Somerset – Design Guidance Notes (Section 3.15). The swept path of an 11.7m long 4 axle refuse vehicle should be tested throughout all turning heads and carriageway bends.

Paragraph 5.3.3 of the Design and Access Statement indicates that the existing Winkworth Way cycleway route will be extended through the site. At points where the proposed cycleway will intersect with the existing carriageway suitable adoptable visibility splays based on dimensions of 2.0m x 20m will be required. The full extent of the splays will be adopted by Somerset County Council and there shall be no obstruction to visibility within these areas than exceeds a height greater than 300mm above ground level. In addition proposed cycleways should be constructed to a minimum width of 3.5m.

Although the applicant has confirmed that parking levels will be in accordance with the Parking Strategy no details have been provided on parking layout. They will need to note that private drives serving garage doors should be constructed to a minimum length of 6.0m as measured from the back edge of the public highway. Tandem parking bays should be 10.5m in length, again this will need to be measured from the back edge of the public highway and parking bays that abut any form or structure (planted, boundary walls of footpaths) should be 5.5m in length.

Finally any planting within adoptable areas will require a commuted sum payable by the developer. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage services and 1.0m from the carriageway edge. Root barriers will need to be approved by Somerset County Council and would be required for all trees that are to be planted within or immediately adjacent to the back edge of the prospective public highway. Any planting either within or immediately adjacent to the highway must be supported by the submission of comprehensive planting schedule to Somerset County Council for approval.

### Flood Risk Assessment and Site Drainage

In terms of surface water drainage strategy the applicant has indicated that the surface water sewer installed as part of the NIDR would serve to collect the surface

water runoff. This approach is considered to be acceptable to the Highway Authority. In regards to the contaminated land, it is understood that this was remediated as part of the NIDR development. As a consequence the Highway Authority would hold all the relevant documentation relating to this should the proposals extend to include adoptable roads on these development areas.

### Conclusion and Recommendation

To conclude the traffic impact on this proposal would not be significant enough to warrant an objection on highways grounds. The applicant is urged to take account of the comments relating to the internal site layout. Finally the Highway Authority is satisfied that that the proposed drainage system, which has been proposed.

Therefore based on the above information the Highway Authority raises no objection to this proposal and if planning permission were to be granted I would require conditions to be attached.

### *LANDSCAPE –*

No masterplan or detailed landscape plans provided. However there are significant areas of open space and difficult levels to plan and I would recommend that these are considered at an early stage so that opportunities for exciting landscape spaces are not lost.

No details of boundaries have been included.

It is not clear at this stage how much open space will be provided and who will manage it.

Analysis: the level of landscape detail provided is poor. Given the opportunity for significant landscape benefit I would recommend that this is addressed as early as possible.

If the application is to be approved I recommend the conditions:

### *HOUSING ENABLING –*

*Comments on original submission prior to viability study being carried out:*

The Housing Enabling Lead does not support this application. 25% of the new housing should be in the form of affordable homes on areas H and I, the current application, within the affordable housing statement advise 12 of the dwellings will be affordable equating to 12% affordable housing provision.

The offsetting of the affordable housing obligation against Parcels E and F within the Firepool Lock development is not acceptable.

Area E did provide 95 affordable homes, which was based on the planning

application at the time covering housing parcels A,B,C,D and E. To facilitate the delivery of the site in difficult economic times the affordable housing was delivered in two blocks of flats in one area of the site in advance of the open market housing with the assistance of public subsidy.

Subsequent to the completion of these homes a revised application for the remaining open market housing in parcels A,B,C and D was submitted reducing the number of flats within the scheme in response to the change in the housing market resulting a reduced density. The proactive building of the affordable housing and agreement to the affordable housing unit types to initiate the Firepool Lock development should not result in the loss of affordable housing on Phases H and I.

A planning application has not been determined for Firepool Area F. Discussions have taken place between Knightstone and the Housing Enabling team resulting in public funding being secured to provide additional affordable homes over and above the S106 planning obligation. These units can not be offset against the affordable housing planning obligation.

The affordable housing tenure split is 60% social rented 40% intermediate housing. The unit mix should be predominately 2 and 3 bed houses with a smaller proportion of 1 bed units with individual access to each unit.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3 or such Standards which may supercede at the date of approval of the reserved matters application.

The affordable housing scheme, including details of the unit mix, layout, tenure and location of the affordable housing must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

## *LEISURE DEVELOPMENT –*

I have the following observations to make on this application:-

In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings.

### Area H

- A contribution of £2,904.00 for each 2 bed+ dwelling should be made towards the provision of children's play. The contribution to be spent on additional facilities for the benefit of new residents within the vicinity of the development.
- A contribution of £1,571 .00 for each dwelling should be made towards the provision of facilities for active outdoor recreation.
- A contribution of £209.00 per dwelling should be sought for allotments provision along with a contribution of £1 .208.00 towards local community

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

#### Area I

- I have no observations to make as there is signed Section 106 Agreement in place for this area.

#### *WESSEX WATER –*

Thank you for the consultation in respect of the above proposed development. Drainage Strategy is in development for the area and as such we have no specific comments on this site.

The site will be served by separate systems of drainage constructed to current adoptable standards.

*THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS) –* no comments received

#### *ECONOMIC DEVELOPMENT –*

This development will form another crucial “link in the chain” to create a natural extension to the town centre at Firepool, therefore I am happy to support the application.

#### *ENVIRONMENTAL HEALTH - NOISE & POLLUTION –*

Thank you for consulting on the above application.

#### Noise

The site is close to the railway line and the Northern Inner Distributor Road and so there is the potential for noise to disturb any future residents. Some of this site (Area I) has the railway less than 20m to the north, and the road immediately to the south.

The developer should provide a noise assessment to determine what will be needed to minimise any disturbance to future residents from noise from the railway and road. I attach a condition that could be used.

The report should determine the likely noise level on the site from the railway and the road, and identify what measures may be necessary to ensure an acceptable noise level in the proposed apartments. Noise should be taken into account in the design and layout of the buildings. It is likely that a high standard of noise attenuation may be required which could include higher specification windows and

attenuated ventilation to avoid residents having to open their windows. Noise mitigation should be considered in the design and layout of the development.

Even with noise mitigation it is very likely that noise from the railway and road will be audible inside the flats on this site.

I am aware that noise assessments have been submitted for other parts of the development at Firepool. However, the developer should be aware that the modelling/assessment for some of these reports assumed that the areas of the site closest to the railway line were to be used as offices, rather than housing.

### Contaminated Land

Information regarding contamination has been provided with the application:

- Contamination Statement, December 2013, JE Gannon Property Solutions.
- Detailed Remediation Method Statement, October 2008, Hydrock

The Statement confirms Area I and part of Area H are subject to the outline planning consent 38/99/03984 and that a detailed remediation method statement was prepared for these areas and has been implemented, with the exception of the construction phase capping layer where the site has yet to be developed. The larger part of Area H has not been intrusively investigated.

The 1999 development did include a number of conditions relating to contamination, most of which have been met, although, as mentioned, the capping of some areas of the site needs to be carried out. The developer of any areas covered by the 1999 application will still need to provide a validation report confirming that the required works have been carried out in line with the remedial method statement (as required by part g) of planning condition 32). It would be acceptable for the developer to provide a validation report for each stage of the development rather than one report on completion of the whole site.

As a large part of the site is not covered by the previous application of conditions I would recommend that a planning condition is used to ensure that a suitable investigation and risk assessment is carried out (suggested condition attached). It would be acceptable to use information previously submitted regarding the areas of the site covered by the 1999 application.

### *HERITAGE –*

Whilst the application is in outline only, illustrative street scenes and 3D's have been submitted.

Layouts appear acceptable and buildings near the river, appropriately make the most of this asset.

The majority of the buildings however, consist of large tall blocks, with flat roofs, which appear brutal and out of character with the area.

Whilst the important grade 2 listed pumping station is mentioned in the Design and

Heritage Assessment, I intend to make more detailed comments on the impact of adjacent development at the reserved matters stage, when specific details can be considered.

*DRAINAGE ENGINEER* – no comments received

*BIODIVERSITY* –

There is no wildlife survey submitted with this application so I cannot comment in detail. Usually I would request an up to date survey, but in this instance, following a site visit, I agree with the statement in the Ecology Section of the Design and access Statement (2.5) that there is very little of ecological interest on site. I would like to see an element of biodiversity gain in the new development so suggest the following condition.

*NATURAL ENGLAND* – no comments received

*NETWORK RAIL* – no comments received

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* –

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

*ASC - CRIME PREVENTION DESIGN ADVISOR* –

Having reviewed the application and associated documents, I would make the following comments:-

- Crime Statistics – reported crime for the area of this proposed development (within 200 metre radius of the grid reference) during the period 01/02/2013-31/01/2014 is as follows:-

Arson - 1 Offence

Burglary - 3 Offences (all dwelling burglaries)

Criminal Damage - 4 Offences (comprising 2 damage to dwellings and 2 damage to vehicles)

Theft & Handling Stolen Goods - 4 Offences (incl. 1 theft of motor vehicle)

Violence Against the Person - 4 Offences

Total - 16 Offences

This averages just over 2 offences per month which are low crime levels. Anti-social behaviour reports for the same period and area total 25, which are also fairly low levels.

General Observations



- Layout of Roads and Footpaths – vehicular and pedestrian routes appear to be open and direct and likely to be well used. Where it is desirable to limit access to residents and their visitors, the use of features such as rumble strips, change of road surface by colour or texture, brick piers, or similar features can help define the defensible space of the development and giving the impression that the areas beyond are private.
- Footpath Design – where possible, public footpaths should be as straight as possible, wide, well lit, devoid of potential hiding places and overlooked by surrounding buildings and activities.
- Layout & Orientation of Dwellings – dwellings should be positioned to face each other to allow neighbours to watch over each other and create the conditions where the potential offender feels vulnerable to detection. Particularly in the case of the apartment blocks, optimum natural surveillance should be incorporated whereby residents can see and be seen. This includes all external spaces and neighbouring homes, external paths, roadways, communal areas, landscaping, garages and parking areas.
- Dwelling Boundaries – it is important that boundaries between public and private areas are clearly indicated providing good defensible space. Dwelling frontages should be open to view to assist resident surveillance of the street and public places, so walls, fences, hedges etc should be kept low, maximum height 1 metre. Vulnerable areas such as side and rear gardens need more robust defensive barriers by using walls, fences or similar to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as adjacent fencing, minimum 1.8 metres, and lockable.
- Climbing Aids – a number of the houses and apartments appear to incorporate balconies and enclosures to balconies at all levels should be designed to exclude handholds and eliminate the opportunity for climbing up, down or across between balconies.
- Car Parking – in-curtilage car parking arrangements are preferred but where communal car parking areas are necessary, they must be in small groups, close and adjacent to the owners which they serve and open to view of the residents from regularly habitable rooms.
- Planting/Landscaping – should not impede opportunities for natural surveillance and must avoid the creation of potential hiding places. In areas where visibility is important, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.
- Lighting – street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks must comply with BS 5489. Appropriate lighting should also cover potential high risk areas including main site access, garages, car parking areas, footpaths associated to main buildings and any other secluded areas.
- Physical Security of Dwellings – all physical security specifications for the dwellings i.e. doorsets, windows, security lighting, cycle storage etc should comply with the police approved ‘Secured by Design’ award scheme, full details of which are available on the SBD website – [www.securedbydesign.com](http://www.securedbydesign.com)
- Cycle Storage – secure cycle storage for residents and visitors should be provided.

## Area H

- Apartment Blocks – security is enhanced by discouraging casual intrusion by non-residents. An access control system should be provided comprising audio/visual door entry phone system, proximity card or similar in respect of each of the blocks. Good signage should also be provided to deter unauthorised access and assist emergency services, trades persons etc.
- Defensible Space - both the houses and apartment blocks appear to have little or no defensible space around them, as referred to above. I recommend that this be considered even if only in the form of low-level planting/landscaping, surface changes or similar measures.
- Side Access Alleys - I have some concerns regarding the security of the proposed side alleys between the pairs of houses, as this could enable unauthorised access to the rear of premises where the majority of burglaries occur. If these side alleys are essential, they should be gated as near as possible to the front building line of the houses.
- Parking Courtyards – access to the parking courtyards appears to be gated, which is recommended.

#### Area I

- Apartment Blocks/Defensible Space/Parking Courtyards – same comments as Area H.
- Rear Boundary Fencing – appears to comprise 1.8 metre palisade fencing, which is appropriate for crime risk.

I trust you find the above comments helpful, if I can be of any further assistance please do not hesitate to contact me.

### **Representations**

3 letters have been received:

One of these letters is from a resident in Canal Road requesting that consideration is given to existing residents lack of car parking facilities and security measures. Currently there is very poorly lit and insecure parking open to commuters and shoppers, and highly restricted parking outside dwellings. We have had a lot of trouble with car crime and ticketing of residents cars in the area. Canal Road will be re-developed during this process, and we ask that a secure car park for current residents or at the very least permit parking be included in the plans.

Comments have also been received from Bruton Knowles who are acting as agents for Taunton Deane as land owner of some of the surrounding site:

"As agent for the Taunton Deane BC (landowner in the above scheme), I write to make representations as to the granting of permission for this residential development when the terms of the 2010 s.106 agreement are in dispute regarding TDBC's ability to cross the Connection Land. It is assumed at this moment by ourselves that either:?"

- TDBC's ability to cross the Connection Land will not be granted due to the wording in the 2010 agreement now that FP1 has changed in it's Use category

- delivery or
- that the ability for TDBC to seek delivery of the access at a time and exact location of the bell mouth across the Connection land by TDBC will not be able to be actioned in a manner that would allow comprehensive development of the Firepool site as currently envisaged.

It is requested that the LPA seek additional s.106 provisions in any grant of permission for residential development on the North East quarter of the Firepool site from AMD (or the applicant if different) for TDBC to have unrestricted access (as already agreed to in the 2010 s.106 agreement) but with revised wording that allows the bringing forward of comprehensive development within the Firepool site. It is suggested that the Connection Land should be conveyed to TDBC under revised s.106 terms, as it may ultimately have to be so done under any successful CPO application if a resolution to use such powers is sought, as it was for the Southern (Viridor) site, if this is possible. Alternatively, at the least, to grant access to TDBC over the Connection Land in an undisputed manner. I state the desire of TDBC to see ALL development brought forward promptly and comprehensively on the Firepool site and trust that this request can be accommodated."

The RSPB have commented that brownfield sites are seldom totally devoid of life and that the canal provides opportunities for wildlife which should be enhanced as a result of development. They suggest the inclusion of permanent internal nesting cavities.

## **PLANNING POLICIES**

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP7 - TD CORE STRATEGY - INFRASTRUCTURE,  
CP8 - CP 8 ENVIRONMENT,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM4 - TD CORE SRATEGY - DESIGN,  
FP1 - TTCAAP - Riverside - Development Content,  
FP2 - TTCAAP - Riverside - Transport Measures,  
FP3 - TTCAAP - Firepool Lock,  
TR2 - TTCAAP - Parking in New Development,  
TR3 - TTCAAP - Smarter Choices,  
ED1 - TTCAAP - Design,  
ED4 - TTCAAP - Density,  
IM1 - TTCAAP - Priorities for Developer Funding,  
IM2 - TTCAAP - Approach to Viability,  
C4 - TDBCCLP - Standards of Provision of Recreational Open Space,

## **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development in partly in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre and partly in Taunton Town Centre where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates and an assumed split in floorspace between the two charging zones, the CIL receipt for this development is approximately £218,000

The development of this site would result in payment to the Council of the New Homes Bonus.

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£106,828
Somerset County Council (Upper Tier Authority)	£26,707

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£640,966
Somerset County Council (Upper Tier Authority)	£160,242

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Principle of Residential Development

This is a town centre site which is allocated for a mixed development of employment and housing in the Taunton Town Centre Area Action Plan. Area I has had reserved matters consent for office development which has not subsequently come forward despite it being marketed. Residential development on this site would result in the loss of the opportunity for employment to be provided on any of the FP3 site other than the conversion of the Pumhouse to a public house or restaurant. However, keeping the site empty in the hope that employment may come forward at a later date is not considered to be appropriate in the current climate and with a much larger employment site on FP1.

Area H overlaps into the Town Centre Area Action Plan allocation FP1 which allocates the Livestock Market site and surrounding parcels of land for a mixed use development of approximately 400 dwellings, 8,000 sq m of retail, and 47,000 sq m of office space. The application only covers a small part of the larger allocation and the residential use of this part of the site is considered to be appropriate and not conflict with the policy in principle.

Residential development is therefore considered to be acceptable on Areas H and I in principle.

### Affordable Housing

As part of the original submission, the applicants claimed that as the larger site had

resulted in a greater provision of affordable housing than the 21% required by the Section 106, then this should be offset against the affordable housing requirements of this current application. This approach is not accepted by officers who consider that affordable housing that has already been provided with public subsidy should not be considered as the affordable housing contribution of future open market development sites.

As it was claimed that the development would not be viable - and therefore not come forward – it was agreed that the correct approach would be to commission an independent viability appraisal. This was jointly commissioned by the applicants and the Council. It was undertaken by Belvedere Vantage who provided a detailed report setting out what the development could afford in terms of affordable housing and Section 106 contributions.

The viability report set out the costs of development on the site and the likely open market values that could be achieved. The modelling shows that any affordable housing would render the development unviable and therefore this important town centre site would not come forward.

National Planning Policy Guidance on viability states that:

*“In making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.*

*This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.*

*Assessing viability should lead to an understanding of the scale of planning obligations which are appropriate. However, the National Planning Policy Framework is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development.”*

Based on the above, it is clear that a judgement has to be made whether the non-provision of any affordable housing on this site results in an unacceptable development. In this case, your officers consider that the provision of housing on a town centre brownfield site can make a positive contribution to the Council's 5 year housing supply that should be given positive weight in the planning balance.

#### Other Planning Contributions and Community Infrastructure Levy

The comments from the Leisure Development Officer predate the introduction of the Community Infrastructure Levy (CIL) and refer to types of infrastructure that is to be provided through CIL and the Council's Schedule 123 list. Only Children's Play is not provided through CIL and the independent viability study has assessed whether this could be provided as part of the development. It concluded that nil Section 106 contributions would be justified on viability grounds.

The majority of Area H is within the Town Centre Boundary where the Community Infrastructure Levy (CIL) is £0 per square metre, however part of Area H and all of Area I are outside of the town centre where the higher rate of £70 per square metre is charged. As this is an outline application where floorspaces are not finalised, an estimate has to be made with regard to the likely CIL contribution. Based on the indicative details submitted with the application, it is estimated that the chargeable floorspace is likely to total CIL payments of £218,000. As no affordable housing is proposed and a development such as this would not be self-build, it is unlikely that any CIL relief would be granted. It is considered that the CIL contributions would go some way to providing for the infrastructure needs of the development and therefore should be given weight in favour of the proposal.

### Design and Layout

The design and layout of the proposal is reserved and does not form part of the submitted application. Indicative plans show a similar form of development to that which has previously been granted on East Goods Yard and is currently under construction by Crest. This approach is welcomed as it would provide a continuity in scale and form with the larger apartment buildings facing onto the NIDR and 3 storey houses facing onto the canal lock. This would be appropriate to the area where higher densities are expected on previously developed town centre sites. It would also be appropriate in terms of scale adjacent to the listed pumphouse and potential future development on the former livestock market site.

Landscaping is reserved for subsequent approval and any detailed application would be expected to be accompanied by an appropriate landscaping scheme. Given that this is a high density site, it is unlikely to include any large areas of green open space, but it overlooks the river and canal, where occupants would have access to both green and blue space. It is also considered that the adjoining site has demonstrated that landscaping an urban site can be achieved in a satisfactory manner which compliments the development. I am satisfied that a suitable landscaping scheme can be achieved as part of the development.

### Other Issues

With regard to the potential for improving biodiversity on the site, including nest boxes and bricks, it is considered that the condition suggested by the Biodiversity Officer can achieve this.

Parking is not detailed in this outline application but it is suggested that 1 parking space would be provided for 1 and 2 bedroom properties and two spaces provided for 3 and 4 bedroom properties. Given the location of the site, this level of parking would be achievable and acceptable.

The comments received by Bruton Knowles who are acting on behalf of the Council – as landowner of the adjoining site – are noted, however this relates to land that is not in the application site, but within the ownership of the applicant. It is considered that allowing this site to come forward for housing in advance of the larger Firepool site is unlikely to adversely prejudice the larger site coming forward in a comprehensive manner. Any negotiations between the Council and the applicant with regard access to the larger site should remain outside of the remit of this

application as the proposed development would not physically stop the ability to provide vehicle access from the NIDR to the larger site.

### Conclusion

The development is not fully in accordance with the adopted policies in the Taunton Town Centre Area Action Plan with regard to the loss of the potential to provide 7,000 sq m of office space on Area I, and the absence of affordable housing. However, there are benefits in terms of providing a mix of housing in a sustainable, brownfield, town centre site that has clearly stalled since the adoption of the Taunton Town Centre Area Action Plan. Viability has been independently assessed as required by policy Im2 of the Taunton Town Centre Area Action Plan, and it is accepted that this development would not come forward if it were required to contribute to affordable housing or other Section 106 contributions. It is therefore recommended that planning permission be granted.

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

**CONTACT OFFICER: Mr B Kitching Tel: 01823 358695**