

CREST NICHOLSON (SW) LTD AND ABBEY MANAGEMENT DEVELOPMENTS

**APPLICATION FOR THE APPROVAL OF RESERVED MATTERS FOLLOWING APPLICATIONS 38/99/0394 AND 38/06/0135 FOR THE ERECTION OF 36 NO. 2 BEDROOM APARTMENTS WITH ASSOCIATED INFRASTRUCTURE AND EXTERNAL WORKS, AREA J, FIREPOOL LOCK, TAUNTON**

Grid Reference: 323237.125411

Reserved Matters

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The development represents a sustainable use of brown field land for residential purposes of design layout and scale considered appropriate to the nature of the site and in accordance with development plan policies. The application comprises details pursuant to an outline consent for development and is considered to constitute an acceptable form of development in accordance with the requirements of PPS3 and Policies S1, S2 & T3 of the Development Plan

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

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule\*

\* TO BE INCLUDED WITH THE COMMITTEE AMENDMENT SHEET

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

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by 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 dwelling shall be occupied until the building hereby permitted is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the building and existing highway.

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

## Notes for compliance

### **PROPOSAL**

This is a reserved matters application for the erection of 36 apartments on Area J of the East Goods Yard (Firepool Lock) in Taunton. Outline planning permission was granted in 2004 with a Section 106 legal agreement that secured Highway works, a footway/cycle link on the northern bank of the canal, contributions towards off-site transport infrastructure, education, public open space and 21% affordable housing.

This application seeks consent for the appearance, access, landscaping, layout and scale of the development and includes three blocks of twelve apartments that front onto the proposed Northern Inner Distributor Road and back onto the railway line.

There would be 36 parking spaces (1 space per dwelling) and the development would include secure indoor cycle storage for a further 36 bicycles. The proposal has a contemporary feel based and the palette of materials includes render, brick and timber with flat roofs.

### **SITE DESCRIPTION AND HISTORY**

The site lies to the north of the Bridgwater and Taunton Canal on land that was formerly operational railway land. It is generally known as East Goods Yard although it has also been referred to as Firepool Lock in the Town Centre Area Action Plan (TCAAP). The proposed Northern Inner Distributor Road (NIDR) runs through the centre of the site and this section of the new road has been constructed. To the north of the site is the main rail line, with Winkworth Way to the East. The entire site that has outline planning permission is approximately 4.8 Hectares.

Development is underway on Area E with the new Knightstone properties nearing completion and the remaining areas A, B, C, D (which are the subject of the associated application) have been re-graded as part of decontamination works and construction of NIDR. Area J is currently the building compound and site offices for Area E.

The allocation in the TCAAP reflects previous planning permissions and states:

Policy FP3 - The Firepool Lock development will provide:

- a. approximately 500 dwellings, including 21% affordable housing.
- b. at least 7,00 square metres of office space.
- c. refurbishment of the listed pump house building.

### 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<sup>th</sup> 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 and remains extant. (ref 38/07/0193) – *Area I does not form part of the current reserved matters application although Area J is the subject of a separate application.*

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 the development has not progressed.

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)

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*ENVIRONMENT AGENCY* – no objections (conditions on the outline permission will need to be complied with)

*NATURAL ENGLAND* – This application does not appear to fall within the scope of consultations that Natural England would routinely comment on.

*NETWORK RAIL* – There are restrictive covenants in place that protect Network Rail's position regarding access to our retained operational land and provided these are complied with we have no objection in principle to the proposed layout.

*HERITAGE LEAD* – no comments

*COMMUNITY LEISURE* – As this is a reserved matters application and not a full application I am unable to request contributions to community development

*DRAINAGE ENGINEER* – No objection

*ECONOMIC DEVELOPMENT* - no comments received

*ENVIRONMENTAL PROTECTION CONTAMINATED LAND* – contaminated land requirements are subject to a planning condition on the outline permission therefore no further comment

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* –

I refer to the information that has been submitted regarding noise issues at the above site.

- Noise and Vibration Assessment, December 2011, Hydrock.

I also refer to my previous memo of 14<sup>th</sup> November 2011 and the Hydrock Noise Assessment from 2007, which has also been submitted with the application.

The 2007 report assumed that Area J (covered by this application) would be offices. This has been reviewed in the 2011 report which makes an assessment of the noise impact on a residential use at Area J.

Both reports include details of noise and vibration monitoring carried out at the site, and an estimate of the noise levels from the railway and the proposed strategic road at the site of the proposed development. Recommendations are made of for noise mitigation.

The Assessment recommends that where any residential premises are within a part of the site that falls within Noise Exposure Category C (NEC C) a higher standard of glazing and ventilation should be used to achieve an acceptable internal noise level.

The 2011 Assessment includes plans of the site showing which areas in each Noise Exposure Category. These show that the southern part of Area J (adjacent to the proposed Northern Inner Distributor Road (NIDR)) would be in NEC C and the northern part of the site in NEC B.

However, I note that the noise monitoring carried out in 2007 at 10m from the railway line found levels that would put that part of the site in NEC C. Also, the noise contour maps in the 2007 report show the northern edge of the site to be in NEC C.

I have spoken to the consultant at Hydrock about the predicted noise levels and it was confirmed that even though some of the modelling showed the northern part of the site to be in NEC B, it was only just below the level required to be in NEC C. This was due to the noise levels being averaged over the whole of the night or day-time period; the noise from individual movements of trains will be high at the northern side of Area J.

The Hydrock report recommends that in areas of NEC C upgraded glazing of 6/12/6.4 PVB inner layer should be used, with passive acoustic ventilation of a standard approved for use under the Noise Insulation Regulations.

Due to the high levels of noise from the railway I would recommend that all the façades on residential properties within Area J are subject to a higher standard of noise attenuation, not just those facing the Distributor Road. The developer should

use the glazing and ventilation systems outlined in the Hydrock report or a system that provides at least the same level of noise attenuation.

N.B. even with a higher standard of glazing and acoustic ventilation it is likely that noise from the railway and road will be clearly audible inside the flats on this site.

*STRATEGY AND COMMUNICATIONS* – no observations

*HOUSING ENABLING LEAD* – The affordable housing provision has been provided within the 108 units under construction within Area E of Firepool Lock.

*LANDSCAPE LEAD* – There is little opportunity within the proposed development to provide any landscape mitigation as seen from the road or rail side. The proposed tree planting does little to integrate the proposals into what is a 'hard' urban situation. At the very least I would like to see more tree planting along the northern aspect of the site and larger growing trees wherever feasible

*PROJECT TAUNTON* – no comments received

*POLICE ARCHITECTURAL LIAISON OFFICER* –

Having reviewed the documentation submitted in support of the application, I would comment as follows:-

Design & Access Statement - PPS1 Makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or the fear of crime does not undermine quality of life or community cohesion. Design & Access Statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in '*Safer Places. The Planning System and Crime Prevention*'. Whilst the applicant's DAS mentions some measures like '*clear distinction between public and private areas*', '*internal streets will have active frontages*', '*all streets overlooked*', I feel that more comprehensive details relating to safety and security should be provided, as required by paragraph 132 of CLG publication '*Guidance on Information Requirements and Validation*'.

Crime Statistics - reported crime statistics for the area of this proposed development (within a 500m radius of the grid reference) during the period 01/10/2010 - 30/09/2011 reveals the following:-

- Arson - 2 Offences
- Burglary - 59 Offences
- Criminal Damage - 57 Offences
- Drugs - 21 Offences
- Fraud/Forgery - 11 Offences
- Other - 7 Offences
- Robbery - 2 Offences
- Theft & Handling Stolen Goods - 179 Offences
- Violence Against the Person - 86 Offences
- Total 424

This level of crime is classed as 'Average' but it does provide a clear indication of

the sort of offences that could affect this development when complete.

Layout - roads, cycleways and footpaths appear to be open and direct and should not undermine the defensible space of neighbourhoods. Where it is necessary to limit access to residents and their visitors e.g. the parking area, the use of physical or psychological features such as rumble strips, change of road surface by colour or texture or similar can help define defensible space, giving the impression that the area beyond is private. Footpaths should be as straight as possible, wide, well lit, devoid of potential hiding places and overlooked by surrounding buildings.

Perimeter Block Boundaries - it is important that boundaries between public and private areas are clearly delineated. I have some concerns regarding the lack of any defensible space around the blocks which enables the potential offender to have direct access to ground level doors, windows etc. In addition, the lack of any defensible space creates an increased risk of vandalism, graffiti and anti-social behaviour adversely affecting residents in the ground floor flats. To deter this, I would strongly recommend the implementation of some form of defensible space around the blocks, even if only in the form of low level planting of thorny shrubs or similar. This would also give the residents a sense of ownership of the semi-private area around the block.

Natural Surveillance - optimum natural surveillance should be incorporated whereby residents can see and be seen. Measures should include an unobstructed view of all external areas, roads, footpaths, parking area etc. Also, the avoidance of any recesses, blind corners and potential hiding places. The design of the blocks is such that, generally speaking, this appears to be the case. The proposed Bin and Cycle Stores do not appear to be overlooked from this particular block but should be visible from blocks opposite in due course. The Bin and Cycle Stores appear to be of substantial construction, being part of and connecting with the three accommodation blocks. Stores should be lockable to prevent theft of cycles and misuse of 'wheelie' bins as climbing aids and for ASB.

Car Parking - the proposed communal car parking at the rear of the block appears to be well overlooked from residents' flats and spaces should be allocated to be close and adjacent to owners' homes and within view of active rooms within these homes.

Planting/Landscaping - planting/landscaping should not impede natural surveillance and must not create potential hiding places for intruders close to footpaths or buildings, where doors and windows may be obscured. Frontages should be open to view and any boundaries e.g. low walls, fences, hedging that are implemented should no more than 1m in height. Mature trees should be devoid of foliage below 2m thereby creating a 1m clear field of vision. Defensive planting i.e. thorny shrubs can be used in appropriate locations to deter unauthorised access.

Lighting - street lighting on both adopted and unadopted roads should comply with BS5489. Security lighting should also illuminate communal doors, Bin & Cycle Stores and any other potentially vulnerable areas. Such lighting should be vandal-resistant and low wattage, operated by photoelectric cell or time switch.

Communal Entrances - form a first line of defence and should be fitted with an access control system e.g. video door entry phone system with electronic lock release or similar, followed by controlled entry onto each floor and the final

individual flat lockable doorset. Utility meters and an appropriate system of mail delivery should be installed outside of individual flats in suitable locations within the blocks, or externally, to deter bogus callers and not compromise the security of the blocks.

Physical Security of the Flats - individual flat doorsets should comply with PAS 24 and windows with BS 7950. Ground floor and easily accessible windows should be laminated to provide additional security and resilience to attack. However, care needs to be taken with regard to doors and windows to ensure means of escape in the event of fire.

Secured by Design(SBD) - is the official police initiative supporting 'designing out crime' and the applicant is advised to consult the 'New Homes' and 'Multi-Storey Dwellings' design guides contained within the SBD website - [www.securedbydesign.com](http://www.securedbydesign.com) - for more comprehensive information and advice.

*SCC - ECOLOGY* - no comments received

*SCC - CHIEF EDUCATION OFFICER* - no comments received

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - no comments received

*SCC - TRANSPORT DEVELOPMENT GROUP* – meeting held between applicants and Highway Authority on 22<sup>nd</sup> November resulting in amended plans being submitted. Detailed comments on amended plans are pending.

*SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY* – We have looked at the proposals in these applications and note that they recognise the importance of the Pumping Station as a key feature of the landscape. However, we do have some concerns over the relative heights of the proposed adjacent buildings. Unfortunately the contextual elevation drawings do not extend to show the Pumping Station, but the plans do show that the buildings immediately to the east of the Pumping Station are 4 storey, whereas most of the other canalside buildings are 3 storey. The Pumping Station is, and should remain, an imposing structure especially when viewed from the canal. We would therefore have preferred to see a lower building alongside.

*SOMERSET WATERWAYS ADVISORY COMMITTEE* – SWAC would like to see gains for the canal as part of this development. They would include dredging the canal from Firepool to Obridge, refurbishment of the pumphouse, a landing and mooring stage, we would also recommend a wider grass margin between the path and the buildings.

*SOMERSET WILDLIFE TRUST* - no comments received

*TAUNTON & DISTRICT CIVIC SOCIETY* - no comments received

*WESSEX WATER* – no observations

*WESTERN POWER DISTRIBUTION* – There are high and extra high voltage cables in the vicinity of the development that will require deviation.

## **Representations**

1 letter of support

- Good use of land and positive move for Taunton
- Wish to see the accommodation built to the highest environmental standards with consideration given to cycle paths, cycle storage space and green community growing and recreation spaces.

1 letter of objection

- Taunton requires houses with gardens for residents
- The plan is trying to fill their housing needs in one small area
- Apartments are often rented resulting in lack of upkeep
- Residents are looking for starter homes, not small properties to rent.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
FP3 - TTCAAP - Firepool Lock,  
T3 - TDBCLP - Firepool Major Development Site,

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Principles of Development

The principles of residential development on this site have long-standing approval with an extant outline planning permission. Area J was originally identified in the Masterplan as the site for a multi-storey car park to provide residents parking for apartment development on other parts of the site. With the changes in the development proposed on Areas, A, B, C and D (where on-site parking will be provided) it is no longer necessary to have a multi-storey car park.

The Masterplan also proposed an office/employment 'wrap ' to the multi storey car park, however there have been significant changes in the market and an outline planning permission granted for employment development on Priory Bridge Car Park. It is considered that employment development of an appropriate height and scale is unlikely to come forward in the short to medium term that will require this part of the site to be reserved for additional employment uses.

There remains the extant planning permission for 7,200 square metres of employment on the adjoining Area I and this includes a sufficient amount of undercroft car parking for the location. Therefore, granting permission for this part of the site for residential development would not undermine the TCAAP policy FP3 which requires at least 7,000 square metres of office space.

The outline planning permission included a Section 106 Agreement that secured contributions towards open space/recreation and education and also required the provision of highway improvements, a pedestrian/cycle footpath along the canal and

onsite affordable housing. The affordable housing is currently being provided as part of the Knightstone development that is nearing completion. As this is a reserved matters application that is not considering the principles of development, matters such as community development contributions have already been secured and are not open for consideration now.

### Design

The submitted Design and Access Statement sets out the design concept and principles that are based on the Masterplan, TCAAP and Design Code. These include:

- A general orientation towards the canal and river corridor;
- A well-defined built form achieved through the establishment of continuous frontages and consideration of building height in response to street hierarchy; and
- New streets that are orientated perpendicular to the canal to capitalise on views towards this landscape feature and to allow solar penetration taking into account the solar pathway.

The proposed blocks are of a suitable height and scale to address the NIDR where a strong urban form is required and provide a sense of enclosure and rhythm along the wide distributor road.

The palette of materials and window proportions result in a contemporary approach to the redevelopment of this site that accords with the principles of the Design Code and represents a strong architectural response on this important town centre site.

### Pumping Station

It should be noted that Firepool Pumping Station is not included in this reserved matters application and will come forward as a separate proposal under the outline planning permission.

A comment has been made on this current application with regard to the impact of the Development on the Pumping Station which is a listed building and heritage asset. The previous application for 100 apartments on Area A (immediately to the east of the Pumping Station) has a planning committee resolution to grant permission. This included a five storey block, of a similar height, adjacent to the Pumping Station. A further two storeys were proposed on the building fronting onto the NIDR which would be higher than the Pumping Station. The current proposal for a four storey apartment block has a much better relationship with the heritage asset and is of an appropriate scale.

### Landscaping

The comments of the Landscape Lead are noted however, the landscaping strategy has been design for the site as a whole, including areas A through to D. Tree planting is proposed along the route of the NIDR but again, the design philosophy is for strong urban frontage to the public realm and therefore specimen feature trees would be planted rather than thicker 'belts' of landscaping.

Planting between the site and the railway has not been an option on any of the

previous forms of development and has not been required on the adjoining sites that both have permission. It is therefore considered that the landscaping strategy is appropriate to the form of development .

### Conclusion

This proposal is a well considered development that allows an important town centre site to be redeveloped in a difficult housing market. Although it differs from what may have been expected in 2007 when the Masterplan proposed a greater number of apartments and multi-storey car park, the scale is appropriate for Taunton and will deliver a high quality housing scheme. The proposals are therefore recommended for approval.

**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**