

MENDIP ESTATES LTD

ERECTION OF 84 NO. DWELLINGS AND ASSOCIATED WORKS AS ENABLING DEVELOPMENT IN CONNECTION WITH THE REPAIR AND RESTORATION OF LISTED BUILDINGS AT TONE MILL, MILVERTON ROAD, TONEDALE, WELLINGTON

Grid Reference: 312621.121791

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The application has required an amendment to the red line to incorporate a small area of land that is currently unregistered, in respect of the emergency access. The applicant has served a public notice which expires on the 15th February 2012.

Subject to no further representations being received in respect of the above, and resolution of the following matters:

- Schedule of Works [in respect of works to secure the external envelope of the Tone Works Mill buildings and the restoration/conversion works] to reflect the requirements of the Heritage Lead and English Heritage;
- Officers' and English Heritage being satisfied that the development viability for the enabling development and schedule of works is robust;
- Resolution of technical highway matters for the access and estate road layout where considered reasonable and necessary;
- Submission of a safety audit to be agreed with the Highway Authority and the Council's Contingency Planner - to demonstrate that a safe alternative emergency access and egress can be delivered and made available in perpetuity;
- Submission of further information and plans to demonstrate how the flood storage areas can be constructed and maintained satisfactorily to address the Environment Agency and Drainage Officer's concerns;
- The applicant has revised the red line at the point where the emergency access connects with the site. As this land is not registered a press advert has been placed on 25/01/12. This provides 21 days for any person to make comment with an interest in the land.
- Resolution of responsibilities for the long term maintenance and management of the flood relief channel, compensatory storage areas, and, ancillary infrastructure leading to the withdrawal of the Environment Agency and Highway Authority's holding objection;

- Imposition of additional planning conditions considered necessary in response to further information or technical responses received by consultees.
- No adverse impacts as a result of the above.

and the applicants entering into a legal agreement to secure:

1. Schedule of Works [including a timetable for the works to be completed] to the Heritage Asset - to be agreed with English Heritage and Heritage Lead;
2. Prior to the commencement of development the 'enabling monies' in the form of (i) Heritage Asset Contribution of £780,000 and (ii) Heritage Land Owner's Subsidy of £800,000 shall be paid and made available to draw down funds to carry out the agreed Schedule of Works;
3. An application shall be submitted for heritage grant funding as part of the conservation repairs works within an agreed timescale;
4. Submission of a business plan for the repair and re-use of the remaining elements of the heritage land within an agreed timescale;
5. Alterations to Lowmoor Road and its junction with Milverton Road being brought up to adoptable standard;
6. Provision of a new pedestrian and cycle link and upgrade of existing links to provide an offsite cycleway and pedestrian route from the site to Crosslands;
7. Prior to the occupation of the first residential unit an appropriate emergency pedestrian and vehicular access shall be provided. The emergency vehicular access shall be solely for the emergency services, in the event that Lowmoor is flooded; Such access shall thereafter be maintained in perpetuity for such purposes;
8. Provision of a new bus stop on Milverton Road to serve the development;
9. Securing an agreed Green Travel Plan for the development, this shall be supported by a schedule containing a full range of measures to assist with sustainable travel;
10. A management company shall be set up. The management company shall be limited by guarantee and procure that each freehold interest has a requirement that each transferee shall be apply for Membership of and in the Management Company.

The management company shall be solely responsible for the ongoing management and maintenance of the following [and identified on a plan], of which the specifications shall first be agreed in writing and by the Council:

- Highways - Lowmoor road and estate roads being maintained to adoptable standard;
- Flood relief channel, compensatory storage areas; and, ancillary infrastructure works (flood channel wall etc) be secured for their dedicated use [to be agreed with the Environment Agency], and

- maintained thereafter as such in perpetuity;
 - Specifications of the play equipment to be agreed with the Council, together with its long term management and maintenance;
 - Open space, planting and common areas to be managed in accordance with a maintenance schedule;
11. Adoption by the Highway Authority of the stone flood wall between the highway and flood channel to sustain the highway;
 12. Prior to the occupation of the first residential unit the flood mitigation strategy [once approved by the Council in conjunction with the Environment Agency] shall be fully implemented and capable of taking effect;
 13. Listed Building and Planning Permission being granted, (reference 43/11/0116 & 017LB and 43/11/0121 (or equivalent if withdrawn)) for the flood mitigation, restoration and adaption works to Tone Mill. This is to ensure that their impact on the Listed Buildings is fully considered.
 14. No development shall commence on the residential development until a Natural England license has been obtained for works to the remainder of the Tone Mill Buildings – see above [excluded from the current EPS license that has been obtained] unless any variation is agreed in writing by the Local Planning Authority.

Note for points 13 + 14: For the purposes of commencement this shall not include the demolition of existing structures, ground clearance, decontamination works, ecological translation works, archaeological survey and preservation work involving the diversion of services, site or soil investigations, the erection of hoardings or fences or other security measures the laying out of roads and the formation of a storage compound shall not be regarded as material operations.

The Growth and Development Manager be authorised in consultation with the Chair to grant condition Planning Permission.

In the event that no resolution can be agreed within 6 months [or extended with the authorisation of the Chair should a decision be pending] the application be referred back to Planning Committee.

REASON FOR APPROVAL

The proposed residential development will achieve important conservation works to secure the physical structure and restoration works to Tone Works, a grade II and II*, nationally important heritage asset. The physical repairs to the Mill and adaption measures would focus on and facilitate the long term viable re-use of these Mill buildings, with the greatest heritage value, for economic purposes. The impact on the setting of the listing building is considered to be acceptable having regard to the previous and potential alternative uses of that land. The heritage benefits are considered to be significant and represent an important public benefit that outweighs any identified conflict with planning policy. The scheme would give rise to

conservation-led regeneration that would provide important economic, social and cultural benefits. The proposed residential development provides an acceptable layout and design, drawing upon locally distinctive materials within the scheme. The proposed flood mitigation measures are considered acceptable.

RECOMMENDED CONDITION(S) (if applicable)

The following is a list of conditions that are expected to be imposed in the event that planning permission is granted:

- Time Limit
- Schedule of Plans
- Details/Samples of Materials
- Details/Samples of retaining wall
- Boundary Treatments
- Landscaping
- Hard Landscaping
- Contamination
- Noise Mitigation measures to Plots 19, 26-28, and 55-69
- Environment Agency / Drainage Conditions
- Highway Conditions
- Wildlife Management Plan
- Archaeology / Watching Brief
- Nynehead Parkland – Monitoring Condition
- Recording of Buildings on Grease works site

Notes for compliance

PROPOSAL

Planning permission is sought for the erection of 84 dwellings and associated highway works, to the east of Milverton Road, Wellington. The function of the proposal is to facilitate through residential development' to secure [in part] the external envelope and restoration works to the Tone Works. The Mill [an extensive cloth-finishing works] comprises a mixture of grade II and II* listed buildings of 'national significance' as identified by English Heritage. Significantly, the Mill retains, to a large extent, the traditional machinery and processes in situ, and provides a unique insight into the industrial past of this heritage asset. The application site is referred to as the 'Grease Works and is intrinsically linked historically to the processes carried out at Tone Mill.

Access into the application site would be gained from the Lowmoor Industrial Estate service road, which is currently unadopted. The submission identifies this road being brought up to adoptable standards. The proposal also includes an emergency access in the south east corner of the site. This would join an existing right of way [track] that connects the site via the industrial estate to Milverton Road. This would

solely serve as a secondary emergency access, controlled by collapsible bollards, for emergency vehicles in the event of a flood event. Provision is proposed for new and upgraded links from the site through to Crosslands, as an alternative to Milverton Road which is poorly served by footways.

The residential development would comprise a mixture of 2, 3 and 4 bedroom properties. The design of the dwellings, amended through the pre-application and applications processes feature traditional and simple façades drawing upon locally distinct vernacular materials. The proposed materials are generally brick or render under a slate roof. Due to existing and proposed changes in levels, the development would be up to 2.0m higher than Milverton Road and the impact of this requires careful consideration. The plans indicate the provision of a brick retaining wall with railings forming the frontage of the development. The dwellings will, however, be set back from the road due to the provision of an 8.0m wide flood relief channel and buffer area.

The scheme incorporates provision of formal and informal open space with children's play provision incorporated into the street scene. As referred to previously, the proposal also provides pedestrian links to provide access to nearby local play facilities at Tonedale Play Area, managed by the Town Council.

The site is currently designated as Flood Zone 3 – High Risk. The proposal therefore incorporates comprehensive on and off-site flood alleviation works. These works include raising the ground level by approximately 1.0 to 1.5m. In addition, the proposal includes the provision of a flood relief channel and compensatory storage areas, which will necessitate earth works and re-profiling of agricultural land to provide the additional storage capacity.

The application is accompanied by a Design & Access Statement (including update); Flood Risk Assessment; Planning Statement; Viability Report, Schedule & Costing of Works to the Listed Buildings; Environmental & Ecological Report; Contamination & Geotechnical Report; Noise Report; Transport Assessment; Travel Plan and, Statement of Community Involvement.

PLANNING HISTORY & BACKGROUND TO THE PROPOSAL

Over several years, considerable time and effort has been invested by the development team comprised of council officers, and a broad range of stakeholders. The objective has been to bring forward 'heritage led regeneration' in the form of a feasible and viable scheme that would facilitate the restoration of Tone Works Mill, whilst giving due regard to the planning constraints facing the site.

A previous attempt to bring forward the re-development of the site was a comprehensive proposal in 2007, reference 43/07/0059 (& 060LB), for a mixed use development. The scheme comprised:

The erection of 140 dwellings, in two sectors, either side of Milverton Road; new industrial units in the south east sector of the site; flood mitigation works; restoration and conversion of the Mill Buildings; renewable energy centre; creative industry/craft quarter; museum; café and bar.

The specific flood modelling for the site, however, identified that the western side of Milverton Road [the mill complex] was located within Flood Zone 3 (b) – functional

flood plain. This put a block on residential development to the west of Milverton Road due to the high risk of flooding. The viability of the wider project therefore needed to be re-visited. The costs of undertaking the restoration of the buildings are considerable, together with other constraints affecting the site such as flooding, significant ground contamination and asbestos within some of the buildings.

The historical significance of Tone Works and agreement on its value is firmly established, but their future remains far from secure unless a sympathetic and economically viable use for the site can be achieved. Tone Works Trust, a charitable building preservation trust, supported by the Princess Regeneration Trust (PRT) and English Heritage, took an active role in instigating a heritage-led regeneration of the site. The PRT considers the site to be of European Significance. The feasibility of the project, in the form of both the physical repairs and adaption of the Mill were, provisionally, assessed. The initial proposal required a 'dowry', provided as part of the residential enabling development, and the ability of the Trust to draw down sources of heritage funding that they could bid for. Unfortunately, whilst the efforts of the Tone Works Trust have been 'invaluable' to the process, they have been hampered by both resourcing and the timescales involved in securing the funding to take the project further.

In order to progress matters, Mendip Estates are now seeking to bring forward the scheme. The proposal focuses on the sectors of the site with the highest heritage value. This approach is supported by both the Council's Heritage Lead Di Hartnell and English Heritage. The aim is to bring back Fox Bros, who traditionally were the long standing operator of the Works. This would facilitate the long term security of the buildings for their original intended use. The application is accompanied by a Schedule of Works; further deliberations are ongoing and the agreed schedule will be secured by legal agreement.

In order to demonstrate that the principle of the proposed adaption works to the Mill buildings are acceptable and can be achieved, separate planning and listed building application(s) have been submitted, reference 43/11/0121, 43/11/0116 & 0117LB. These applications relate to demolition works, raising of the floor to the Dye House, adaption and conversion works, including a new roof to the Dye House, new internal vehicular access, and an internal block wall to the drying shed as part of the flood alleviation mitigation.

Significance and history of the Mill

Tone Works is the cloth-finishing part of Tonedale Mill, which, at the time of its listing in 2000, was one of the best-preserved historic textile manufacturing complexes in England. Fox Brothers and Co. were still continuing to use the works to dye and finish the woollen and worsted cloths woven at the company's mills using traditional machinery until late 1990. When the Works finally closed, a consequence of its long working life was the exceptionally good preservation of buildings and mechanical features. These included a complete set of traditional dyeing and finishing machinery, an extensive process-water system, intact late 19th Century line shafting and most of the water, steam and early DC electric power systems.

The site has a complex layout comprising a large number of attached and detached one and two-storey buildings. These include a wide variety of plan types and roof structures which reflect the developing range of functions carried out at the works.

Modifications to the course of the River Tone have influenced the development complex, which included the construction of a series of reservoirs and settling ponds to the west of the site. Ample water supplies are an important requirement for textile finishing sites, and this was probably the main reason for locating the works some distance from the manufacturing site at Tonedale Mills.

The complex of buildings is now derelict and in an increasingly perilous condition [the machinery and parts have also been prone to burglaries]. This application therefore seeks to reverse this situation and bring forward heritage led regeneration to secure the asset.

SITE DESCRIPTION

The application site lies on the eastern side of Milverton Road located on the northern fringes of Wellington, within the defined settlement limits. The site comprises previously development land and its appearance is of overgrown land, formerly associated with Tone Works. The site is heavily contaminated and remedial measures are required. The existing buildings on the site are not listed, in a poor state, and are earmarked for demolition.

Part of the southern sector of the site is allocated as an employment site - Policy W6 (Milverton Road Employment Allocation). The site is bounded by industrial development to the north and south. To the west is Tone Works Mill and further to the east of the site is the Wessex Water Treatment Works.

The River Tone is located to the north, and proposed compensatory storage areas are identified to the north east of the site. Part of the flood mitigation strategy falls within the designated Gardens of Special Historic Interest (Policy EN20) at Nynehead Court.

CONSULTATION AND REPRESENTATION RESPONSES

TOWN COUNCIL – Supports the granting of permission subject to no adverse impacts from the Environment Agency regarding flooding and the Highway Authority regarding transport links.

ECONOMIC DEVELOPMENT – Supports the application.

ENGLISH HERITAGE – Comments as follows:

Summary - Tone Works is the cloth-finishing part of Tonedale Mill, which, at the time of its listing in 2000, was one of the best-preserved historic textile manufacturing complexes in England. Its significance derives from the longevity of the original use persisting on the two sites from the late eighteenth century to the late twentieth century in the same family ownership, and from the full extent of textile manufacturing processes that are represented in an astonishing range of buildings and engineered water works.

Unfortunately, however, since the cessation of cloth production on site in the late

1990s the condition of buildings – some of which were already starting to fall into disrepair – has seriously deteriorated. Tone Works, in particular, has been subject to repeated break-in attempts and theft of metalwork which have started to erode the significance of the site. Whilst English Heritage has grant-aided Taunton Deane Council in undertaking urgent protection works to the buildings, the complex form of the roofs and presence of extensive asbestos contamination within certain buildings make their ongoing temporary protection very problematic.

Since the vacation of the buildings by Fox Bros. and the listing of the majority of them at grade II*, English Heritage has been trying to safeguard their future preservation. However, it quickly became evident that due to the physical constraints of the overall site and individual buildings and the costs of repair, their comprehensive restoration and reuse would not prove commercially viable. It would therefore be necessary for such scheme to be subsidised either by an ‘enabling’ form of development or by public funds. The site itself offers very limited opportunities for development since it is situated in functional floodplain land and two applications for residential development to the south of the principle listed buildings have failed.

A long-term objective of setting up a dedicate building preservation trust to save the site with public funding, which was heavily supported by the Prince’s Regeneration Trust, has made some progress towards establishing its eligibility for heritage lottery funding. However, due to the complexities of the project and the lead-in time needed to make the necessary funding applications it has not come to fruition so far, meanwhile the buildings continue to deteriorate. The degree of risk now faced by Tone Works and its significance to the industrial heritage means that it has been identified by English Heritage as one of our top ten most important heritage at risk sites within SW England, which makes finding a solution for it one of our highest regional priorities.

Listed industrial buildings are more at risk than almost any other kind of heritage, according to a major research project recently carried out by English Heritage. 10.6% of industrial grade 1 and II* listed buildings are at risk, making industrial buildings over three times more likely to be at risk than the national average for grade I and II* listed buildings. The average estimated conservation deficit (cost of repair in excess of end value of industrial buildings at risk is twice that of non-industrial buildings at risk. Resolving the very uncertain future of industrial sites which are on our Heritage at Risk Register is now one of the highest priorities for English Heritage and it can require the intensive application of both financial and staff resources to achieve lasting solutions. The problems facing such sites can be particularly intractable and often include high flood risk, extensive contamination and very constrained locations in addition to complex repair problems and the limited adaptability of individual buildings to economic uses. Finding an instant or ‘once and for all’ solution is a therefore rare occurrence with such sites and our experience nationally suggests that that it is often necessary to accept phased solutions, sometimes stretching over a number of years, as a more realistic delivery mechanism.

Therefore, the development of an adjacent site in the same ownership, which is likely to be developed at some point in the future anyway but which in this current scheme can be linked to the heritage site and provide a cross subsidy for it, is a crucial opportunity to secure pump-priming funds. These could act as a catalyst to achieving the long-term reuse and repair of the listed buildings whilst bringing significant

immediate benefits to the site. Should this opportunity not be taken, the prospects for Tone Works are very poor since a solution for it would be completely reliant on public funding at a time when competition is intense for dwindling resources. This could add years to the project coming to fruition and in the interim the buildings would remain highly vulnerable to unauthorised access and criminal damage and it is questionable whether all of them would survive.

Advice - This application (along with parallel planning and listed building applications for the Mill site itself) represents the culmination of several years' discussion, during which period a considerable amount of local authority and English Heritage staff time has been expended on trying to identify the most viable and deliverable solution for Tone Works. Whilst we would not define it as enabling development in the strictest sense of the term, this scheme could perform an essential facilitating role in securing the regeneration of Tone Works in a wider sense than the simple repair of listed buildings, since it could also enable the return of cloth production to its original premises, which would be a major step forward in providing it with a sustainable future.

To achieve that benefit, however, it will be necessary for a robust Section 106 Agreement to be produced as part of this application in order to 'ring fence' the heritage bond, provided by the development for expenditure only on agreed works to the listed buildings. That money should be safeguarded in the control of the local planning authority in the event of failure by the owner to deliver the agreed works, and a strict timescale should also be set for completion of the repairs and the conversion works. We are happy to continue our dialogue with the Council on the finalisation of this agreement.

English Heritage has looked at the costs and viability information provided in support of this application. We have not undertaken the full development appraisal analysis which would be required in a formal enabling development case, and our expertise has been applied specifically to the development costings, rather than sales revenue and valuations – on which we have previously advised the Council to seek its own valuation advice. However, in terms of the research we have done on the costings, we are satisfied that the constraints of developing the Greaseworks site are considerable and result in a very modest profit which caps the available funds for the listed buildings.

Although the sum of money provided will not be sufficient to complete the comprehensive repair of Tone Works in addition to the conversion of the dyeworks, it will achieve the refurbishment and economic reuse of a significant part of the heritage site and secure holding repairs to the areas which remain disused. Not only will the dyeworks element be completely refurbished and brought up to modern industrial standards, but the site will acquire a purpose which makes it much more likely to attract future investment and also to deter unwanted attention of vandals and thieves. In the meantime, elements of the building which are not in economic use will have holding repairs undertaken to arrest their deterioration and we are entering into discussions with the owner about the possibility of grant aid from English Heritage being provided to augment the remaining repair funds in the heritage bond.

Furthermore, for those areas of the building which are not fully repaired and brought into use in this first phase, there may still be a potential trust-based solution, of a more manageable size and achievable timescale, which could yet attract heritage funding and also provide a degree of public access and interpretation for the site.

The Council should consider how the S106 could assist in achieving that aspiration by setting a timescale for the owner to produce a business plan for bringing the remaining areas of the site into good repair and use.

In terms of the design of the scheme itself, it does not appear out of keeping with the general character of traditional housing in this part of Wellington, most of which was built to house the workers at Tonedale Mill. We have left the detailed design discussions to the Council's Conservation Officer, but given the constraints of the site and the former industrial development that occupied it, we do not consider that it would have a significant adverse impact on the setting of Tone Works although it will change its context. One aspect of the scheme which has received some adverse comment relates to the effect of the flood compensation works on an area of land to the north east of the site which forms part of the grade II* registered landscape of Nynehead Court. I have discussed this with our Landscape Architect and whilst he shares those concerns he advises that the area in question, whilst historically once part of Nynehead Park, it now presents the appearance of ordinary agricultural land rather than parkland. Ideally, he would wish to see some compensatory benefit such as tree planting to offset the impact of the engineering works on the land but he recognises the wider heritage benefits which this scheme is endeavouring to achieve and agrees that they would take precedence should that not be possible.

Recommendation - This site, like many brownfield sites, is undoubtedly a complex one to develop and there are several adverse factors which conspire against its residential development, not least of which is the flood category that it falls into. In seeking to overcome or mitigate those issues, the developer has already made a major investment in the site and shown commitment not just to facilitating the future repair and reuse of the listed buildings but to regenerating a historic area and making it an asset to the town as a whole. Without the subsidy provided by this development, the immediate future of Tone Works appears very bleak. Although a heritage grant solution might ultimately be forthcoming to repair the buildings, which might not be achievable within the next few years, by which time the opportunity to restore it to its original use is likely to have passed and some of the buildings may have gone beyond the point of economic repair.

We therefore urge the Council to give due regard to the need to preserve a nationally important and highly vulnerable heritage asset in its considerations of this application. Through its approval, with the necessary legal safeguards, the declining fortunes of Tone Works can be reversed and a restoration set in train which ultimately may not just save an important part of the nation's heritage but also bring wider economic benefits to Wellington as a whole.

HERITAGE LEAD - The revised designs, take on board my earlier comments. The cross section across Milverton Road, suggests that there would not be any undue detriment to the setting of the Tone Works site. I therefore support the scheme in principle.

ARCHAEOLOGY – The proposal will impact on historic industrial buildings therefore building recording and archaeological monitoring should be required by condition.

SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY (SIAS) – comments as

follows:

The SIAS have been involved for over a decade in trying to ensure that the various proposals for Fox Bros. sites in Wellington respect and conserve their considerable historical importance but are viable enough to come to fruition. The current planning application for the 'Greaseworks' site is part of that process.

SIAS accepts the principle of enabling development and welcomes the stated aim of the development to release funds for the sympathetic development of the listed Tone Mills Wet Works on the other side of Milverton Road. We do, however, have the following comments:

The Section 106 agreement must be completely watertight and rigorously enforced to ensure that all of the funds released by the development are, in fact, used for the Wet Works site.

We appreciate that in the current economic climate it is difficult to predict firm timescales for any development but we have not seen any overall programme that covers both sites. This is particularly important given the ongoing deterioration of the Wet Works site.

Whilst the remaining buildings on the 'Greaseworks' site do not have the historical and archaeological importance of those on the other Fox Bros. sites, they are not completely lacking in significance having been in existence since the early 1850s. We would, therefore, like to see a planning condition requiring full recording of buildings and structures before work commences and also a watching archaeological brief during construction.

HIGHWAY AUTHORITY – comments as follows:

The site is located approximately 1.5 km north west of Wellington Town Centre. It is a previously developed site and is accessed currently from Lowmoor Road which is a privately owned Cul-de-Sac.

The site lies within the development boundary of Wellington as defined in the Taunton Deane Local Plan and is therefore I understand deemed a suitable location for residential development.

The main concerns for the Highway Authority are set out below:-

- Is the local highway network suitable to deal with the traffic generated by the proposed development?
- Is the site in such a location where the sustainable transport options are readily available?
- Are the access arrangements acceptable bearing in mind flooding and drainage issues.
- Is the proposed internal highway network acceptable.

Highway Network - The Local Highway Network as a whole has sufficient capacity to accept the traffic generated by the development. There is, however, some junctions, particularly in the Town Centre and at Longforth Road, which are over capacity at

peak hours. It is however considered that the additional traffic generated by 84 dwellings at peak hours, approximately 50 movements, is not so great [provided suitable transport options are in place] as to warrant refusal on this ground alone.

Sustainability - From a sustainable transport and accessibility viewpoint the site is not well located in itself to encourage trips to be made other than by car. Bus services are available but infrequent and parts of Milverton Road lack footways, so in terms of sustainable travel accessibility is poor and the refusal of this development on sustainable transport grounds is recommended.

The applicants do however propose offsite works to provide a segregated footway/cycleway between the rear of the site and Crosslands. This will result in an off road footway from the site into Wellington Town Centre. The details of this link still need some modification to make them wholly acceptable.

An approved Travel Plan will be required. This should contain a full Travel Plan Schedule containing a full range of measures to assist with sustainable travel.

It has been pointed out that historically the site has generated traffic and pedestrian movements and this should be set against the current proposal. A new bus stop and shelter is also provided. It will be a matter for the Planning Officer to determine if there are other over-riding reasons which outweigh the sustainability issues to support the current development.

Access - Access to the development is proposed via an access onto Lowmoor Road and from there to Milverton Road. To facilitate this development, access must be designed and constructed to adoptable standards and Lowmoor Road itself brought up to adoptable standard. This is achievable subject to appropriate implementation.

There are significant issues of flooding and drainage which affect this site. Not the least is that if Lowmoor Road floods should it in principle be adopted. The potential flooding of Lowmoor Road also calls into question the detail and accessibility of the emergency access in terms of its width, junction with Milverton Road and potential for pedestrian vehicular conflict.

The issues around the flooding of the public highway (Milverton Road) and the privately owned development access (Lowmoor Road) have been fully discussed. It appears that only a very minor increase in flood level at the 1 in 1000 year event occurs and on that basis the County Highway Authority does not propose to object in principle to the development proposal.

However, the fact that Lowmoor Road currently floods, and the flood mitigation work proposed does not significantly change that circumstance, means the County Highway Authority will not be adopting Lowmoor Road as public highway. This means that the new development roads will in turn not be adopted. They roads, however, would be built to adoptable standards and a long term maintenance agreement would need to be set up.

Whilst this situation means that the County Highway Authority does not object on flooding issues, it must be for the Local Planning Authority to very carefully consider if it is appropriate to grant planning permission for a development which it knows will need to use an emergency access when flooding occurs.

Turning to the emergency access the County Highway Authority currently has concerns about its suitability and the legality of its use. Track plots for emergency vehicle access have been requested and received. These have now been checked and the County Highway Authority still has concerns. A Safety Audit has been sent to the Planning Officer and the Applicant. Revised information has since been received and has been considered. We contend that the emergency route proposed is unsuitable on the grounds that the developer has not been able to prove that legal rights to use the existing path for public vehicular traffic can be secured. The developer will also need to provide evidence that this emergency access can be managed and maintained for the proposed usage and to ensure access is available at all times. The highway authority will remain responsible for the public right of way on foot that exists along this path/track and will continue to manage/maintain same in accordance with this legal right. The highway authority cannot be expected to manage and maintain this path as an emergency route on behalf of the developer. In consequence, unless these concerns are overcome, a recommendation of refusal on a lack of emergency access is necessary.

The Highway Authority would need to adopt the raised stone flood wall between the footway and the flood channel as it acts to sustain the public highway. The design of the wall would be the subject of an AIP process and a commuted sum would be chargeable. It may be preferable for the railings above the raised stone flood wall to remain in the ownership of the management company and this would need to be the subject of further discussion.

Internal Layout - The Highway Authority has sought a number of technical amendments [and clarification regarding drainage discharge] to the internal layout. Revised plans have been submitted by the applicant and the further response of the Highway Authority is awaited.

The internal estate arrangements as indicated within the submitted engineering drawings are to remain within private ownership due to the fact that Lowmoor Road will not be adopted by Somerset County Council. Therefore, no continuous adoptable link will be able to be provided between the residential development site and Milverton Road. To ensure however that the internal aspects of the development are constructed to a standard acceptable to Somerset County Council, I would envisage that a 'Ghost' Section 38 Agreement will be explored. The internal aspects of the development site will result in the laying out of a private street. However, due to the fact that the development site is not likely within a reasonable time to become joined to a highway maintainable at the public expense, the site can be exempt from the Advance Payments Code by the issue of an Exemption Notice upon satisfactory completion of the development.

Recommendation - In the event that members grant permission for this development despite concerns over flooding and sustainability then the applicants should be required to enter into a Section 106 agreement to secure the following:

1. Alterations to Lowmoor Road and its junction with Milverton Road to bring it up to adoptable standard.
2. The provision of an appropriate emergency access should Lowmoor Road become flooded.
3. The provision of an offsite cycleway/pedestrian route from the rear of the site

to Crosslands.

4. Works to provide a bus stop on Milverton Road.
5. Implementation of an approved Full Travel Plan for the development, such travel plan to have been agreed in full prior to the signing of the s106 agreement (prior to reserved matters or commencement of the development), appended to the agreement and supported by a full travel plan schedule which contains a full range of measures to assist with sustainable travel.

Residential travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property for a period of five years from each occupation, to aid with uptake of smarter travel choices.

A contribution of £5,000 towards Somerset County Council's costs in providing a travel information website for Wellington and travel information leaflets as part of the travel plan.

Smarter travel management fund of £4,200 to aid with the provision by the developer of provisions to improve sustainable travel in light of residents annual survey feedback, on-site cycle servicing for residents, and other events/one-off promotions, and should targets not be met to provide further remedies.

Notwithstanding the measures to be covered in point 5, sufficient high quality cycle and motorcycle parking for both residents and visitors should be carefully integrated into the design of the development alongside any other hard on-site measures such as a travel information noticeboard, facilities for a car club vehicle and electric charging of vehicles and cool storage areas should be located and any licensing arrangements agreed in advance. Permeability into and through the development for pedestrians and cyclists should be maximised, and the design of the space on-site should prioritise such movements over other vehicles. Further physical detail should be included in a revised travel plan.

The following conditions would be sought - Submission of detailed drawings and specification for all accesses and implemented prior to occupation; provision of wheel cleaning facilities during construction; provision for disposal of surface water; proposed estate roads and associated works shall be constructed and laid out in accordance with details to be agreed prior to their construction; roads, footpaths and turning spaces shall be provided before each dwelling is occupied; development shall not be brought into use until that part of the service road which it provides access has been constructed in accordance with the approved plans; driveways shall not be steeper than 1 in 10; hardstanding of at least 6.0 where garage doors are of an up-and-over type.

SOMERSET COUNTY RIGHTS OF WAY

The development will impact on footpaths WG 17/35 & WG 17/16. The development needs to deliver access improvements for pedestrians to ensure that there are links with the local recreational footpath network as well as providing more direct safe

links to Wellington Town. The pink lines indicate where the applicant will need to provide an all-weather surfaced path for pedestrians, linking the site to WG 17/35 and linking WG 17/35 to WG 17/16. If these are to be adopted as footways, their final specification will need to be agreed with the Highway Authority.

The red lines indicate the sections of footpath that will/may require improvement. The walkable width of the short section of WG 17/16 will need to be maximised within the current boundaries and the surface improved to an all-weather sealed surface. Further detail with regard to vehicular movements along WG 17/35 is required to ascertain what conflict may arise between vehicles and pedestrian movements and whether this would necessitate improvement works in terms of width (passing bay areas) and signage over this section. Full details of proposed specification will be required before we can authorise these works. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

TDBC ENGINEER - I note that a new bus lay by is to be provided to the south of the Lowmoor Road junction. This would mean that two bus stops would be in close proximity to each other, as a stop and shelter is already present outside the Wellington Tile Centre showroom. This additional bus stop is to serve the revised traffic movements of the bus service in the area which will follow where buses turn in the amended junction of Lowmoor Road at Milverton Road. A manoeuvre that was stated was in agreement with Somerset County Council as the Bus Company. If these movements meet with their approval then it will be a requirement that the existing bus shelter is moved to the new bus stop and this should be made a condition of any approval.

Planning Officer Comment – The agent has submitted written confirmation from the County Council, who have been in touch with the bus operator, that there is no issue with the provision of a new bus stop providing the existing bus stop / shelter is retained in situ.

CIVIL CONTINGENCIES – The proposed emergency access and egress arrangements in the event of flooding are satisfactory.

Planning Officer Comment - The Environment Agency have been involved at all stages of the process. There have been a number of holding objections received. The following sets out the advice on the progress of discussions.

Maintenance of the Flood Compensation Area

The Environment Agency are concerned that by allowing an arable use within the flood compensation area, this will undermine its role to mitigate the raising of the development site which is located in the floodplain. Our main concerns relate to ensuring that the required volume of storage is retained in the future and that there will be no increased siltation of the River Tone and existing infrastructure from ploughing and debris.

Regarding the issue of retaining sufficient volume, we are still not convinced that the specific methods of arable farming can be adequately controlled through a Section 106 Agreement.

We also consider that it will be difficult to identify any changes in levels as a result of ploughing and rotation which may alter how effective the flood compensation area is in mitigating increased flood risk from ground-raising. As discussed, usually an approved plan and details would be on record to inform any enforcement case, however, in this instance the flood compensation area will change depending on the farming practices at that specific time.

Notwithstanding our position above, we accept that whether the land is laid to pasture or arable, the responsibility to enforce the provision of the flood compensation area in accordance with the approved details will lie with your LPA. On this basis, the ultimate decision on whether the current details are acceptable to meet the tests for planning obligations is a matter for your LPA. At our meeting, your colleague Tim Burton was generally in agreement with the applicant's agent that provisions under a Section 106 Agreement would be acceptable. Your position on this matter in writing would be useful.

What must be made clear in any Section 106 Agreement is that once the development commences, the primary purpose of the land designated as flood compensation will be to mitigate increased flood risk as a result of the development. It's use for agriculture will become secondary to it's flood risk function.

With regards to pollution control, the FRA agent has put forward proposals for grass filter strips, maintenance of the river banks and other design measures to alleviate this risk. We are generally happy with the principle of this. We will need to see plans and a commitment from the relevant party to carry out this maintenance.

Increased Flooding of Lowmoor Road

The FRA agent has provided an assessment of the impacts of increased flood depths and velocities on Lowmoor Road in accordance with FD2321. This has shown that there will be an increased risk to people and vehicles as a result of the development, although we would agree with the conclusion that flooding in Lowmoor Road poses a significant risk to people and vehicles in the pre-development scenario.

With regards to flooding at the junction of Milverton Road and Lowmoor Road, in general, flood levels will decrease as a result of the development, however, velocities increase by varying degrees. The result of this is that the flood hazard for people and vehicles remains at "danger for most" for both the pre and post development scenarios.

-In the 1 in 20 year event, parts of Lowmoor Road will be flooded to a depth of 250mm and, combined with the anticipated velocity, this will represent a "danger for most" i.e. to the general public. Using cross section 321 from the FD2321 assessment that there will be an unclassified (i.e. negligible) flood risk at the junction of Lowmoor Road and Milverton Road during the 1 in 20 year event. This changes to "danger for most" almost as soon as Lowmoor Road is entered. Cross section 321 appears to show an existing ground level of around 48m AOD, with land rising to the north along Milverton Road.

The decision over whether the existing and increase risks of flooding along Lowmoor Road will be a decision for Somerset County Council (as adopting authority) and

TDBC's contingencies planner (responsible for flood emergency plans and evacuation). We are happy to assist in providing technical advice on flooding matters and scenarios as required.

We still advocate the use of warning signs along Lowmoor Road (and potentially Milverton Road) to make people aware of the risks of flooding in the area.

Planning Officer Comment – A further meeting was undertaken with all parties in early January where the principle of resolving matters was agreed. The applicant's consultant has submitted further technical information to the Environment Agency and their response will be updated to Members.

DRAINAGE OFFICER – Summary of objections to date:

- Concerns that the flows that flow within the flood channel will discharge across a publicly adopted highway at a point whereas before street flow crosses an unadopted road. It is regrettable that the maintenance of this vertically sided channel will not be maintained by one of the local authorities;
- Regarding attenuation storage it needs to be clarified as to who will maintain this system and how long term maintenance will be achieved;
- It is stated in the Flood Risk Assessment that no soakaways tests were undertaken. A full explanation should be forwarded as to why this method of treatment has been ignored, especially as the existing ground level is to be raised;
- Concern to emergency access point;
- I note that safety rails are to be installed on both walls at the side of the flood channel. Who will maintain these rails and the walls they sit on?
- With regards to the flood storage areas I note the statement has been changed from 'the areas being returned to grazing' to 'returned to agricultural use'. This should be retained for grazing to avoid any increased risk of pollution, caused by silt as a contaminant;
- The area of flood plain storage compensation has been greatly reduced. Can it be explained as to how this has been achieved?
- It is proposed that the surface water system will discharge above road level and it will be necessary for manholes to have sealed covers. Are the adopting authorities happy with this arrangement and is information available as to where this contained water will transfer to (adjoining areas / property flooding etc).

WESSEX WATER – Comments as follows:

Water Supply - The existing distribution system has sufficient capacity to serve the proposed development. A suitable connection can be provided from local water mains in Milverton Road and Lowmoor Road.

Foul and Surface Water Drainage - Separate systems of drainage will be required to serve the proposed development. Sewers must be adopted by Wessex Water through a formal agreement. Surface water discharges must comply with PPS25, subject to approval from the Environment Agency.

Existing apparatus - Existing foul water rising main is located close to the eastern boundary of the site which transfers pumped flows to public sewers at the south. A diversion of this rising main will be necessary under S185 Water Industry Act 1991.

Odour - We are extremely concerned that this site will be affected by odour emissions from the existing Sewage Treatment Works at the eastern boundary. Residential development will be particularly sensitive to odour emissions and the poor air quality that occurs from the treatment processes at the works.

We believe that this will lead to unacceptable conditions and create a high risk of a statutory nuisance. The guidance provided in PPS23 Planning and Pollution Control requires the local planning authority to consider this matter and we recommend that you seek the views of the Environmental Health Officer before any decision is taken. We have advised the applicant of these circumstances and the need to undertake an appropriate assessment to support this planning submission. As far as we are aware appropriate assessment has not been undertaken.

Furthermore we must advise that the planned expansion of the works post 2015 to satisfy future catchment growth may be compromised by granting consent for a residential development in such close proximity. The prohibitive costs of future mitigation proposals may exceed cost benefit criteria and require substantial investment to provide satisfactory reductions in odour emissions.

In the circumstances we feel it is appropriate to lodge a formal OBJECTION to these proposals until these matters can be resolved. We recommend that the scope of the appropriate odour assessment is agreed with Wessex Water.

Further response – 05.01.12

Wessex Water has confirmed that they have had direct complaints, including from residents further away than the proposal. *[Planning Officer Comment] – In 8 of the 11 years there has been no more than 1 complaint, with the highest recorded 3 in 2003.* WW also consider that existing residents may be more accustomed to malodours. WW state that whilst the development is upwind of the sewage works for most of the time, the wind does blow in other directions. In the summer there is more likelihood of malodours and flies. An atmospheric dispersion model has not been provided to fully consider the level of risk to air quality for new residents, contrary to PPS23.

The existing treatment works serves a population of 13,000 and is an important facility for the community and further growth will be constrained by this development.

WW wish to register their concerns in the event that the proposed development leads to odour complaints which could lead to enforcement action for statutory nuisance. Should Members support the proposal WW seek assurances that provided

the sewage works are operated in accordance with our management plan the Council will not support the designation of a statutory nuisance and not take enforcement action? Furthermore, assurances are sought than when the sewage works has to be upgraded the residential development will not be used as a reason for prohibiting the expansion, provided it can be demonstrated there would not worsen of the environmental impact on the surrounding neighbourhood.

ENVIRONMENTAL HEALTH – Comments as follows:

Land Contamination - The submitted report does contain information on a desk study, site investigations and some risk assessment. However, it does make recommendations for additional assessment, for example, a human health risk assessment if the site is to have a residential use and a groundwater and ground gas assessment. It also recommends a further site investigation following demolition of the grease works buildings and water treatment works.

The applicant should provide a more detailed risk assessment linked to the proposed development for residential use and, if necessary, proposals for remedial work on the site. As the applicant has already provided a detailed site investigation, it would be acceptable for the applicant to submit the additional information as part of the requirement of a planning condition.

Noise - There is an Environmental Noise Assessment submitted with the application. The report states that the adjacent businesses operate during the day, and noise monitoring found that the loudest noise during the night time was from the dawn chorus. It concluded that no special measures would be necessary to mitigate noise. However, the proposed houses are close to the industrial units at Lowmoor, and although the report says that two closest businesses operate during the day I am not aware of any restrictions on the site that limits the hours of use. Therefore, it is possible that an adjacent business could change, or extend its hours of work so that it operates during the night. I would recommend that the applicant investigates whether there is the potential for adjacent businesses to operate at night and looks into any noise mitigation measure that may be required.

Further Comments – 26/10/11.

Odour - I can confirm that Environmental Health have no record of any complaints in respect of odour from the sewage treatment works at Tonedale, Wellington.

Noise - The Environmental Noise Assessment did mention that there are commercial businesses adjacent to the development site, and that they operate during the day. However, I understand that the adjacent industrial estate has industrial/transport uses with no restrictions on the hours of operation.

My concern is that if a business began to operate on the estate at night the noise could disturb residents on the new development. Environmental Health could investigate any complaints as a potential statutory nuisance, and could require the business to use best practice. However, it may not be possible to prohibit work at night if it is an essential part of the company's business, which could result in residents having to live with the noise.

Therefore, I would recommend that the applicant investigates whether there is the potential for night time noise from nearby industrial site to affect the proposed development. If there is a potential problem they should look at incorporating some mitigation measures in the layout and design of any properties that may be affected.

HEALTH & SAFETY EXECUTIVE

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Planning Officer Comment – HSE consulted due to Storage Unit for Swallowfield located to the north east.

LANDSCAPE OFFICER – Comments as follows:

It looks like an interesting scheme with some good landscape features. My main concern is the proximity of trees to buildings which may be overcome to some extent by having trees on the western side of the attenuation rather than next to the roadside houses.

The eastern and southern boundaries will need careful consideration if they are to be fully integrated with the adjoining industrial units.

Revised Comments – 14.11.11.

Subject to suitable landscape mitigation the proposed changes are acceptable in terms of landscape impact.

SOMERSET GARDENS TRUST – Object to the proposed re-profiling (Flood Risk Assessment document Appendix A, drawings 5.3 and 5.3.1) which would alter the landscape in the SW corner of Nynehead Court Historic Park. This Park is Grade II* listed and as such, should be vigorously protected from any unwarranted alteration. We have also seen the restoration work being carried out on land within the designated Park – now part of Hornshay Farm. This is restoring the Grade II listed Three Arch Bridge built by Thomas Lee in 1816/1817, and also defining the former entrance drive to Nynehead Court by an avenue of trees. The avenue to the south of the bridge is already planted. We are concerned that, should the flood attenuation scheme result in any additional flooding beyond the area currently under consideration, there is a possibility of die-back in the newly planted area.

In terms of amendments to the application – previous comments apply equally.

THE GARDEN HISTORY SOCIETY – The application affects Nynehead Court, an historic designed landscape of which is included by English Heritage on the Register of Parks and Gardens of Special Historic Interest at Grade II*.

We have visited Nynehead Court previously but not in response to this application. We have considered the information that you have provided on your web site. We sympathize with the concerns of the Somerset Gardens Trust.

If the Council is minded to approve the application we ask you to require the applicant to undertake some landscape works in mitigation. These might include the replacement of some lost parkland trees at Nynehead Court. We would also ask that a careful watching brief is kept on the ground modelling works to ensure the minimal visual impact on the historic landscape.

NATURAL ENGLAND – The ecological report dated March 2011 is an extended phase one survey that includes a walkover of the site detailing the habitat and the species most likely to be present on this site. Natural England would have expected to have seen more detailed surveys for bats, otters and reptiles. The River Tone is an important site for local biodiversity. Sites like this have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community.

Natural England has anecdotal records of bats, otters and great crested newts being in the locality. All three species have European Protection. The GCN assessment's conclusion is that the habitat is not suitable for the species, although as comprehensive GCNs surveys have not been undertaken at the correct time of the year it is possible the species is still present in the area. It is not clear from the information on your website if species records have been obtained from SERC, which is local to the development and species records may have been submitted to them.

TDBC as the planning authority has to have a due regard to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 9 (5) of the 2010 Habitats Regulations. In determining the application, the authority must be satisfied the proposed development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and the beneficial consequences of primary importance for the environment. In addition the authority must be satisfied that that, (a) 'that there is no satisfactory alternative' and (b) 'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'

If Taunton Deane feels there is enough protected species information to undertake the above assessment and grant planning permission then Natural England recommends that a Biodiversity Management Plan should be provided and should include details of habitat creation measures within the site, a specification for ecologically beneficial management over the lifetime of the development and a monitoring protocol to ensure the intended benefits are realised.

NATURE CONSERVATION & RESERVES OFFICER – Updated comments (10.10.11) as follows:

I have now seen the Great Crested Newt survey which concluded that there are no signs of GCN and that the ponds were poor to below average habitat. I therefore agree with the surveyor that it is unlikely that GCN are on the site.

The updated version of the Ecological Phase 1 Habitat Survey partly addresses other concerns. However, I am still of the opinion that a more detailed report would

be more appropriate for a development of this size. The surveyor states that there is evidence of slow worms on site but does not provide survey detail.

This lack of detail should be addressed in a wildlife strategy for the development. This strategy should include an assessment of the impact of the development on wildlife, information on how wildlife and the river will be protected throughout the development phase and provide details of proposed enhancement.

Recommend condition be imposed requiring a strategy to protect and enhance the development for wildlife. Notes re: method statement / mitigation strategy / protection afforded to species under UK and EU legislation separate to planning regulations.

Planning Officer Comment - Confirmation from Nature Conservation Officer that on the basis of the submitted surveys identify that the proposals would not result in any deliberate disturbance to European protected species the derogation tests do not need to be applied.

HOUSING ENABLING OFFICER – The housing enabler support this application on the basis of need and not the suitability of the site.

The requirement is for 35% of the units to be for affordable housing with a mix of 2 and 3 bedroom houses and some 4 bedroom houses, provided through a mix of 50% intermediate housing.

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

1640 square metres of equipped play space required for a LEAP & NEAP (based on 20sqm per dwelling x 84).

Concern has been raised to the proximity of proposed landscaping and public open space which has been cut in two by the main estate road.

Landscaping and public open space should be in accordance with the Home Zone or DIY Streets principles and include physical traffic calming measures to slow traffic. This can also be achieved by psychological traffic calming by way of trees, plants and art works to reduce forward visibility and features to give the message to drivers that they are entering a unique residential area where pedestrians have priority.

Contributions sought (per dwelling):

- £1454 active outdoor recreation;
- £194 allotment provision;
- £1033 community hall provision;
- Public Art contribution – commissioning or integrating public art into the scheme or commuted sum of 1% of the development costs.

Revised Comments – 07/12/11

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

While the concept of a Home Zone for children's play is welcome this should not be located on either side of the main entrance road. Preferably the children's play should be located together and not as proposed on four separate sites within the development proposal.

The play value of static sheep is limited and I would prefer not to see the hopscotch which has very limited use. I would rather the on-site children's play consisted of more natural play with the use of balance beams and stepping stones to the existing play standard found in the Council's Play Policy adopted August 2007. Parks should be asked to comment on the eventual layout proposal for children's play. Previous comments should also be taken into account.

PARKS

The proposed provision of open space is unacceptable.

POLICE – Comments as follows:

Design & Access Statement – PPS1 makes clear that a key objective for new developments should be 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 & Crime Prevention.'

The Design & Access Statement submitted in support of this application at para 15, entitled 'Are Public Spaces & Pedestrian Routes Overlooked and do they Feel Safe?' States that 'following engagement with the secured by design officer, the layout and placement of buildings have been proposed to ensure ALL spaces, public and private etc. I regret to say that this is incorrect and that I have had no contact with the architect or developer with regard to this proposal. I would welcome the opportunity to do so as, in my view, the DAS does not fully reflect the above requirement.

Crime Statistics - There have been 25 reported offences for the period 01/01/11 – 31/08/11 within 500m of the site.

Burglary – 8 Offences

Criminal Damage – 4 Offences

Drugs – 2 Offences

Sexual Offences – 1

Theft & Handling Stolen Goods – 6 Offences

Violence against the Person – 4 Offences

Whilst these are average crime levels which are reflected across much of the district, it does indicate that these types of crimes do occur in this particular area.

Access and Movement - Judging by the Planning Layout drawing, this development does appear to have well defined routes, spaces and entrances that provide for

convenient movement without compromising security. Wherever possible, routes for pedestrians, cyclists and vehicles should not be segregated.

Structure

The proposed 'perimeter block' structure does provide 'active frontages' of overlooked streets. Car parking is a mixture of garages, on plot, on-street and courtyard. Garages are the preferred option and, failing that, on-plot. On-street parking should be in small groups, close and adjacent to homes and within view of 'active' rooms in owners' premises. Courtyard parking is discouraged as this allows unauthorised access to the rear of dwellings and parked vehicles. In this regard, I have some concerns regarding a lack of surveillance of some of the proposed parking spaces e.g. Plots 50-53, which could leave vehicles parked there vulnerable to crime.

Surveillance - As mentioned above, it is important that all publically accessible spaces are overlooked. This is particularly important in respect of the Play Street and Play Spaces. All play equipment and street furniture used in these locations should be securely fixed and vandal resistant.

Where visibility is important, planting should have a mature growth height no higher than 1m and trees should have no foliage below 2m, thereby a 1m field of vision in order to assist resident surveillance. All street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS 5489-1:2003.

Ownership - Places that promote a sense of ownership, respect, territorial responsibility and community can help reduce crime and disorder. The general layout and proposed Play Street and Play Spaces should help do so. However, it is important that there is a clear distinction between public and private space. The proposed boundary treatments appear appropriate for crime risk and the surface changes can also reinforce the private nature of certain parts of the development. Rear garden access alleys appear to be gated at the entrances, which is beneficial to deter unauthorised access to the rear of dwellings where the majority of burglaries occur.

Physical Protection - The police approved 'Secured by Design' initiative offers in-depth advice on physical protection of buildings i.e. doorsets, windows, security, lighting etc. Full details can be found on the SBD website – www.securedbydesign.com

Activity - An appropriate level of human activity can help create a reduced risk of crime and sense of safety. The proposed access routes, play spaces, renovated listed buildings etc should all assist in this respect.

Maintenance & Management - A place that is properly managed and maintained can help reduce crime and anti social behaviour. This is particularly important in respect of any communal areas, play spaces etc which can otherwise become subject to vandalism, graffiti, fly-tipping etc.

DEVON & SOMERSET FIRE & RESCUE

Means of Escape - Means of escape in case of fire should comply with the Building

Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at Building Regulations consultation stage.

Access and Facilities for the Fire & Rescue Service - Access and facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.

Representations

5 letters of OBJECTION received. Summary of objections: -

Principle

- There is a five year land supply;
- Is it wise to erect houses amongst industrial units?
- The viability assessment refers to significant technical issues that need to be resolved including taking the site out of the flood plain and extensive contamination costs. These costs (in addition to the heritage contributions) mean that no affordable housing, play provision or public transport is provided. Whilst the restoration of the listed Mill buildings is admirable, it does not out way the cost to local rate payers of providing additional school, play provision or public transport;
- This would give rise to further pedestrian and cycle safety problems on Milverton Road and further congestion and pollution in the centre of Wellington;
- If the highway, planning and sustainability concerns expressed in the refusal reasons for application 21/11/0004 are not repeated for this application then the authority could be challenged at judicial review;
- There must be consistency;
- As this site is zoned for employment, and if the Mill buildings are as important and unique as stated, then the restoration of the buildings and their opening as a museum and visitor centre would achieve both aspirations. The traffic would be equivalent to the previous industrial use class of the buildings and a scheme could accommodate any future By-Pass junction proposals and car parking.

Highways

- Prejudice a future junction of the Wellington Northern By-Pass and Milverton Road (if a northern route is to come forward);
- Visibility from the existing industrial access (proposed for residential access) onto Milverton Road to the north is substantially substandard, as Milverton Road is subject to 60mph speed limit;
- The previous provision to reduce the limit to 30mph has been dropped – why?
- Bus stop should be set back in a lay-by behind the sightlines;
- Highway network is at capacity; road width is 5m in places;
- No footway at Tone into Wellington;
- The Infrastructure is not suited to this volume of extra traffic generated by this volume of housing;
- Council have recently refused consent for 244 houses, reference 21/11/0004,

which uses the same road therefore the objections to that scheme remain applicable;

- Proposal is premature pending full consideration to the potential of a by-pass route (north of the railway) via Longforth Farm;
- Traffic assessment is out of date – and does not include additional development that has occurred;
- The signal controlled junctions in the centre of Wellington are at capacity thus this development will increase congestion;
- Inadequate measures for accommodating pedestrians and cyclists;
- Foster a growth in the use of the car;
- Without any contributions to public transport measures existing bus routes will not be extended or increased in frequency to serve the site; County Council support funding for bus services is being cut back and the services (22, 9, 603 and 623) could be withdrawn);
- In the 2007 Transport Assessment for this site the following works were to be secured by legal agreement and consisted of:
 - A pelican crossing, across Milverton Road;
 - Provision of footways on the western site of Milverton Road;
 - Widening of Milverton Road in the vicinity of the site;
 - Extend the existing 30mph speed limit to the north of the proposed development; and,
 - Removal of the old Tone Bridge;

Why were these works considered essential for safety in the previous 2007 application but not now necessary for inclusion?

Wildlife _

- 3 European Protected Species found on land to the north as part of 21/11/0004;
- TDBC needs to make an assessment of the favourable Conservation Status of dormice, bats and otters on this site and whether Natural England would grant a license;
- Reference to Mr Bristow letter dated 29 June 2011, in relation to application 21/11/0004, which provides details of bat surveys carried out in the area of Tone Mill and in particular the considerable number of Lesser Horseshoe bats along the Tone Mill site adjacent to Milverton Road and up to the end of the hedgerow opposite the Lowmoor Road junction;
- Bats have also been seen foraging and passing under both of the river Tone bridges crossing the Milverton Road and adjacent to the Tone Mill site;
- Ecological Surveys must be carried out prior to the demolition of the bridge to determine what mitigation measures are required – it is now too late for surveys;
- Neither Milverton Road nor Lowmoor are currently lit. Any artificial light pollution would have a detrimental impact on light sensitive bat species known to be in the area of Milverton Road alongside Tone Mill and the river Tone;

Heritage _

- Part of site (field east of sewage works) is Grade 2* in National Register of Parks and Gardens of Special Historic Interest in England i.e. Nynehead

Court;

- Shouldn't the Parkland be protected and re-profiled for flood alleviation? – we are concerned at the amount of re-profiling i.e. several metres (5m) in depth in places;
- Will this soil be removed? Where will it go? Suspect re-profiling may affect drainage in our field which is adjacent (Hornshay Farm);

Flooding

- Site is subject to significant flooding – in 2000 the site was under 5 feet of flood water;
- Where is the 'Back Stream' to which the applicant refers?
- Is this the stream which runs north side of Stedhams Wood and down to the Nynehead Road? – This already contributes to flooding on the Nynehead Road;
- High house insurance premiums due to flood zone classification;

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,

PPS3 - Housing,

PPS4 - Planning for Sustainable Economic Growth,

PPS 5 - PPS5 Planning for the Historic Environment,

PPS9 - Biodiversity and Geological Conservation,

PPG13 - Transport,

PPG17 - Sport and Recreation,

PPS22 - Renewable Energy,

PPS23 - Planning and Pollution Control,

PPS22 - Renewable Energy,

PPS25 - Development and Flood Risk,

STR1 - Sustainable Development,

STR2 - Towns,

STR4 - Development in Towns,

STR7 - Implementation of the Strategy,

S&ENPP9 - S&ENP - The Built Historic Environment,

S&ENPP1 - S&ENP - Nature Conservation,

S&ENPP35 - S&ENP - Affordable Housing,

S&ENPP37 - S&ENP - Facilities for Sport and Recreation,

S&ENPP42 - S&ENP - Walking,

S&ENPP44 - S&ENP - Cycling,

S&ENPP48 - S&ENP - Access and Parking,

S&ENPP49 - S&ENP - Transport Requirements of New Development,

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

H9 - TDBCLP - Affordable Housing within General Market Housing,

EC9 - TDBCLP - Loss of Employment Land,

M4 - TDBCLP - Residential Parking Provision,

M5 - TDBCLP - Cycling,

C1 - TDBCLP - Education Provision for New Housing,

C4 - TDBCLP - Standards of Provision of Recreational Open Space,

EN12 - TDBCLP - Landscape Character Areas,

EN20 - TDBCLP - Parks & Gardens of Special Historic Interest,

EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,

EN25 - TDBCLP - The Water Environment,
EN26 - TDBCLP - Water Resources,
EN28 - TDBCLP - Development and Flood Risk,
W1 - TDBCLP - Extent of Wellington,
W6 - TDBCLP - Milverton Road Employment Allocation,
W14 - TDBCLP - Landscape Setting of Approach Roads,

English Heritage's document - Enabling Development and the Conservation of significant places

DETERMINING ISSUES AND CONSIDERATIONS

The primary consideration relates to whether the proposed residential development will secure public benefits that would outweigh any identified conflict with planning policy.

Heritage Asset

Tone Works comprise a mixture of grade II and II* listed buildings which are of exceptional heritage significance, as has been set out in the planning history. However, the Mill has been derelict now for a number of years and has suffered deterioration to both the external fabric of the building and the machinery. Furthermore, the machinery [and its parts] which play a role in its significance, have been subject to theft.

The Mill is identified on English Heritage's 'Heritage at Risk Register 2011' as a priority case. English Heritage rank structures on the register according to their urgency and threat and whether a solution has been agreed or is being implemented. Tone Mill is identified as 'A' – 'Immediate risk of further rapid deterioration or loss of fabric if no solution agreed' in a sliding scale of A-F.

The concept of 'enabling development' is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. The key public benefit to significant places is usually the securing of their long-term future. This scheme is considered to represent, at present, the only viable solution to facilitate the restoration and economic re-use of the heritage asset. It is equally important to act before the state of the buildings becomes even more critical, when action would be more expensive and may be more destructive. The proposed schedule of works to the heritage asset will have a demonstrable benefit to the heritage asset, securing both the external envelope of the buildings and adapting part of the site to accommodate a viable use. This phased approach will help to safeguard the long term future of the buildings and is strongly supported by English Heritage.

Officers recognise that the best way of securing the upkeep of historic buildings and areas is to keep them in active use, which generally means an economically viable use that *may* necessitate a degree of adaption. The aspiration is for Fox Bros. to re-use part of the site [subject to timescales and being fit for function]. The parallel planning and listed building consent applications have been submitted detailing the works required.

The Heritage Lead and English Heritage advise that, in principle, whilst some of the

works may have a negative impact on the listed building, the overall benefits of the enabling gains should be given significant weight. The Tone Works site is a high priority for English Heritage and they have indicated that the scheme may well meet the requirements for grant aid. This does not represent a total solution for the Mill site but would be a significant step, with the aim of securing Fox Bros. as an anchor tenant and consequently attracting further investment to the heritage site.

The proposed flood alleviation works, in the form of the compensatory flood storage area, require the re-modelling of agricultural land. Part of this falls within the designated Gardens of Special Historic Interest at Nynehead Court. The landscape officer does not raise an objection to the works. It is not considered that the proposed re-modelling would not unduly harm the heritage asset of the Parkland, especially when having regard to its particular function, as agricultural land rather than parkland, and the overall aims of the project which will secure an overriding benefit in the public interest.

To conclude, the proposal would offer a solution which, whilst inevitably involving a degree of compromise to the character of the Mill, would overall represent the most realistic and feasible solution to facilitate the restoration of the heritage asset.

Highways and Sustainability

The application is accompanied by a Transport Assessment (TA) and Travel Plan. The Highway Authority consider, subject to the provision of suitable transport options, that the site would not generate the level of traffic movements to warrant a refusal solely on the capacity of the highway infrastructure in the town centre.

The heritage benefits of this scheme are highlighted throughout this report; however, consideration must also be given to the suitability of the site for residential development. Indeed, there have been representations objecting to this application on the grounds referred to within the reasons for refusing development to the north of Wellington, reference 21/10/0004, namely sustainability and highways.

The site is located on the northern fringes of Wellington and therefore distance to amenities and facilities is a valid planning consideration. Indeed, the Highway Authority has raised the poor accessibility of the site as a potential reason for refusal. However, there are clear differences between the two schemes. Fundamentally, the development site constitutes previously developed land and is located within the existing settlement boundary of Wellington, where the principle of development is accepted. The site would also be closer to the town centre, and would not extend beyond the River Tone which has been identified within the Core Strategy 'Spatial Vision for Wellington' as the natural barrier for the containment of the town to the North. Moreover, there are other planning considerations notably that this development will facilitate heritage led regeneration, which needs to be balanced in the decision-making process and makes this a very different case to that previously considered to the north.

In terms of assessing the impact of the scheme on the existing highway network, it must be recognised that the site is in part allocated for employment. It is accepted, from its historic use and activities, as having a B1/B2 & B8 use. Therefore the site has the ability to generate a significant number of movements without the need for further planning permission and it is not therefore a wholly new form of development. The development provides a new bus stop to serve the development and alternative

pedestrian/cycle provision is provided as an alternative to Milverton Road, joining the existing public footpaths to the east. A condition will be imposed to ensure that an agreed Travel Plan is implemented.

On balance, it is therefore considered that there are overriding reasons to support the principle of residential development in this location and there are clear and distinguishable differences between this site and the refused scheme to the North.

The Highway Authority, however, do express their concern to the level of surface water flooding that would result from the development on highway land. In addition, they may not wish to adopt the access road (Lowmoor) on the grounds that it is known to flood. Officers are in discussions with the Environment Agency to ensure that the impact of the flood levels on the existing road network is minimised. This issue together with questions over the maintenance of the flood alleviation works where they impact on the highway, will need to be resolved.

In addition to the requirements set out in the S106 recommendation, the Highway Authority are also seeking the following:

Residential travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property for a period of five years from each occupation, to aid with uptake of smarter travel choices.

A contribution of £5,000 towards Somerset County Council's costs in providing a travel information website for Wellington and travel information leaflets as part of the travel plan.

Smarter travel management fund of £4,200 to aid with the provision by the developer of provisions to improve sustainable travel in light of residents annual survey feedback, on-site cycle servicing for residents, and other events/one-off promotions, and should targets not be met to provide further remedies.

Whilst these requirements are understood, any further contributions will impact scheme viability and therefore the ability to maximise on the heritage fund for the Mill buildings. As such officers consider that, in these circumstances, the priority must be to direct contributions to the heritage asset.

Flooding - Sequential Test

The site is currently identified as Flood Zone 3. The proposed residential development forms part of the wider re-development plans for the Tone Works Mill complex. The 'function' of the Strongvox residential scheme is as an 'enabling development' for the repair and restoration of the Mill complex into a viable long term use. A previous, undetermined, scheme, reference 43/07/0059, proposed a much larger development for the comprehensive redevelopment of the site. However, due to the Mill Buildings being classified as Functional Floodplain 3(b), thus preventing residential development to the West of Milverton Road, the scope of the enabling works has been revisited and focuses on the area that has the most heritage value.

The search area, in terms of the sequential test, rightly comprises the area around the existing Mill Buildings and the Greaseworks site. These sites are historically and serve the purposes and 'functional requirements' of the application as an 'enabling

development' within the settlement limit. Land to the north was rejected on the basis it was outside the settlement and would constitute unsustainable development. In order to direct development to the lowest flood zone, residential development is now only proposed to the east of Milverton Road.

Subject to the scheme delivering the heritage benefits, secured through the planning agreement, the sequential test is considered to be passed.

Turning to the Exception Test, the development will provide wider sustainability benefits. The site is previously developed 'brownfield' land with no reasonable expectation of being developed for employment use due to viability constraints (both locationally and viability due to remedial works for contamination). The re-development of this land provides an opportunity to regenerate the northern sector and gateway of Wellington whilst enabling the restoration of a nationally important heritage asset and facilitating a sympathetic viable economic use for the building. The development therefore passes points (a) and (b) of the Exception Test.

In respect of (c) the Flood Risk Assessment - the Environment Agency are satisfied that the development will be safe, however they have raised a holding objection on the grounds they are not satisfied that the proposal will not lead to increased flood risk elsewhere. These concerns relate to the need to secure the compensation storage area for its dedicated purposes and not to be used for arable land. The Agency have also expressed concern to the long term management of the flood mitigation measures, both the flood relief channel and storage areas.

Further dialogue has taken place to resolve these matters and it is expected that subject to submission of further information, the Environment Agency will withdraw their objection.

Flood Mitigation/Flooding

The application site was previously identified on the Environment Agency's Flood Map, as of January 2009, as Flood Zone 2 and partly 1. However, as part of the Hydraulic Study and a revised Flood Zone Map, the majority of the site is now shown in Flood Zone 3 – High Risk. Residential development is classified as 'More Vulnerable' in Table D.2 of PPS25. Paragraph 5 of PPS25 states the aims of planning policy on development and flood risk are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. It continues...Where new development is, *exceptionally*, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

In respect of this proviso, the Mill is of 'exceptional significance'; the proposal provides the only feasible option to achieving its restoration and economic re-use. It is important to act while the structure is still vulnerable and not critical, when action is more expensive and may be more destructive. It is therefore considered the proviso to paragraph 5 of PPS25 is triggered.

The Flood Risk Assessment (FRA) identifies 3 possible sources of flooding that could affect the site. The primary one is fluvial flooding from the River Tone that runs to the north; the second is fluvial flooding from the ditch on the eastern boundary; the third is surface water run off from the site. The site is currently prone to flood events.

The FRA sets out the extent to which mitigation measures can address those sources of flooding.

The FRA states that the design requirements are to protect the development against flooding to an acceptable standard during a 1 in 100 year event plus 20% climate change allowance without increasing flood risk elsewhere. This is to be achieved by, inter alia:

- Raising ground levels over the site to ensure that the development is at a safe level.
- Carrying out works to ensure that flood levels at and upstream are not increased due to the filling of the site. This includes the provision of a flood channel along the east side of Milverton Road and the south side of Lowmoor Road. The channel, 8.0m wide and laid to grass, will have vertical sides formed by stone faced retaining walls. There will be a raised stone flood wall (approximately 600mm) with a 1.1m handrail between the channel and the back of the footpath along Milverton Road and the western end of Lowmoor Road. Increasing the height of the existing river bank separating Lowmoor Road and the River Tone. Provision of flood storage area adjacent to the River Tone floodplain downstream of the site - this would provide a route for flood water to flow into the storage area and to drain away when the flood level in the river falls.
- Ensuring that safe access and egress to and from the development site at all times. This would be provided for in the south east corner of the site.

Surface water drainage will be dealt with through attenuation storage beneath roads and paved areas due to the limited space available within the proposed scheme.

The FRA has been revised during the process and amendments have been made to address the holding objection of the Environment Agency. The further comments of the Environment Agency in respect of the latest amendments are awaited.

Design & Layout

The character of the surrounding area is predominantly industrial with employment land to the north, west and south west. Further to the south is residential development at Tone Hill. The proposed development is based upon a high density development to maximise the 'enabling gain' from the scheme. Other associated costs also affect the viability of the development, including flooding and contamination mitigation measures. The development has been designed to front onto Milverton Road and will introduce an active street scene.

As part of the flood mitigation measures, the site will be raised by up to 1.5m. This has the effect of raising the development 2.0m higher than Milverton Road. The development would be set back due to the provision of a flood relief channel. Nevertheless, the proposal will have some impact upon the street scene due to its artificially elevated position. The alternative would be to grade the land more gently, but this would have the result of pushing the development further back and reducing the amount of developable land, and thus enabling development, that can be accommodated. Officers therefore consider that if a viable scheme is to come forward there will inevitably be compromises that need to be balanced within the decision-making process. The Heritage Lead (Di Hartnell) does not raise any

objection in terms of the setting of the listed building.

The layout features mainly terraced blocks and semi-detached dwellings that provide a strong built form. Dwellings have been orientated to face onto the open flood relief channel which will create a more pleasant frontage than it were to directly front the highway. The introduction of play spaces within an associated theme to the Mill origins will enhance the area and contribute, in a positive manner, to the final sense of place.

The proposed scheme provides a mix of house types and styles, generally of two storey scale. The exception is that of a three storey block in the centre of the site, referred to as the landmark building. The overarching design ethos is of simple traditional facades and materials predominantly brick or render under a slate roof to draw upon the local distinctiveness of the area. Parking is provided either through garages to the side of properties; allocated street parking; or courtyard parking. It is considered that the scheme, which has been amended to take account of officers' comments e.g. articulation of elevations, detailing, provides an acceptable layout and range of house types that draw upon on the local distinctiveness of Wellington.

The Landscape Officer previously requested provision of tree planting be provided along the western edge of the development to help soften the impact of development. However, the Flood Relief Channel must remain clear of any features that can inhibit surface water flows. There is therefore little scope to introduce tree planting on the northern edge of the development.

The routes into the site are designed around reducing traffic speeds. This is reflected in the primary route due to its horizontal geometry and integrated play street areas. The route once within the core of the site are designed as 'shared surfaced streets' where there is no dedicated footway or formal kerbing to give people the feeling of a shared space. The scheme also includes a detailed landscaping scheme to soften the development and to enhance the public realm. Native Tree planting will be provided throughout the scheme.

The scheme scored 10.5 out of 20 by the Council's Building for Life Assessor. The score is effected by, in part, some of the constraints and functions of the enabling development such as the lack of affordable housing; play provision; investment in sustainable technologies as funds directed to the heritage asset; and, context of the site. Further evidence has been submitted by the developer in response.

Play provision and open space

This scheme does not provide the amount of informal open space and play provision in accordance with Local Plan Policy C4 for reasons already explained. However, in this respect the development does secure new footpath links and the upgrading of existing pedestrian links to existing play facilities known as Tonedale Play Area, which is maintained by Wellington Town Council. The distance is circa 300m and within walking distance.

The issue of requiring play provision on site was identified early in the process as part of the constraints on achieving a viable and acceptable development. It was agreed that an alternative solution would be considered based on the 'play streets' concept. This would seek to integrate onsite play, especially for younger children (5-10), within the site. The Highway Authority agreed in principle and the ethos was

to reduce car speeds down and introduce a concept of play and informal areas that formed part of the wider street scene. This has been amended, to a degree, during the application as the Community Services Officer requested that the play area (to the rear of main landmark building in the centre of the site) be provided on one side of the highway. In design terms the alternative siting still works as it provides a green setting and communal areas to the apartments. The facility is however open to all.

Officers' are satisfied that the scheme makes a genuine attempt to provide interesting and creative alternatives to providing play equipment on site, working within the constraints of the viability of the scheme to provide a high density development. In combination with existing play facilities in the locality it is considered that the proposed provision is acceptable.

Amenity

The location of the site means that there is potential for odour and noise nuisance.

Wessex Water formally objects to the proposed development on the grounds of potential odour and poor air quality adversely affecting residential amenity. In evaluating the risk, the Council's Environmental Health Officer has confirmed that there are no recorded complaints in the locality of odour from the works - there are dwellings closer to the works than the proposed development. Furthermore, the site is upwind [of the prevailing south west wind] in respect of the location of the treatment works which would reduce any potential odour nuisance. Therefore, and in light of no objection from the Environmental Health Officer, it is considered that the proposed siting of residential development would not unduly harm the amenity of residents. In the event of any future complaints in terms of odour nuisance there would be a requirement on Wessex Water to implement best practice which *may* include mitigation and managing odour emissions in respect of the works.

The site is flanked on the north and southern boundary by industrial development in the form of B1, B2 and B8 uses. A noise report accompanies the application. The Environmental Health Officer has flagged up concern to the close proximity of the units in relation to the proposed residential scheme, in the event of changes in operators, activities or hours of operation. It has subsequently been agreed that those plots most sensitive to noise will incorporate future proofing acoustic mitigation measures, in the form of acoustic glazing and ensuring suitable means of ventilation.

Community Infrastructure

The primary purpose of this application is to enable the restoration of the Tone Works Mill. It has been widely accepted, including from English Heritage, that enabling development is necessary to secure the long term future of the most significant heritage assets of the Mill. The scheme does not therefore provide any affordable housing, education, public art, village hall or playing field contributions. Officers consider that the value from the site (after undertaking extensive contamination and flood mitigation measures) should be directed towards the heritage works, for securing the long term physical repairs to the buildings.

Loss of Employment

The site (southern sector) forms part of an employment allocation identified on Inset Map 3 – Wellington Area. Policy W6 – Milverton Road is applicable. The Policy

allocates the land as an extension to the Lowmoor Industrial Estate for business, warehousing and industrial use, provided that: measures are taken to investigate any land contamination and remedial work undertaken as required; and, development does not harm the residential amenity of nearby residential properties.

The proposed development will result in the loss of this employment land to residential development. Policy EC9 of the Local Plan advises, inter alia, that loss of employment land will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site. In this respect there are material considerations that support this loss. The site is heavily contaminated and it is unlikely to be viable to bring forward this site for employment land, particularly in competition with sites such as Chelston Business Park and West Park 26, which are better served by infrastructure. Moreover, the loss of employment land needs to be balanced against the heritage and economic benefits associated with the restoration of the Mill. The aim of the works is to secure the external envelope of the buildings, to enable their adaption for a viable economic use. The Economic Development Specialist supports the proposal.

It is therefore considered the proposal would facilitate economic development within the Tone Works Mill complex, where it is currently unlikely to come forward, and the heritage benefits are sufficient to outweigh any conflict with policy. The proposal would constitute the most effective use of land by re-using land that has previously been developed.

Ecology

The site is located to the south of the River Tone, a County Wildlife Site. The site is currently overgrown by grassland and scrub vegetation; there are also buildings previously associated with the Mill on site, albeit in poor condition.

In respect of bats, the old road bridge on the Mill side of Milverton Road does not now form part of the flood mitigation works and will remain in situ, thus avoiding any potential impact on bats or otters. The Nature Conservation Officer does not therefore raise an objection subject to further work, as part of an ecological mitigation strategy which would be secured by condition. The strategy shall include further detailed assessment of the impacts of the development on ecology, including how wildlife and the river will be protected throughout the development phase. The strategy shall also include details of proposed ecological enhancement.

The Nature Conservation Officer is satisfied, on the basis of the information submitted, that the proposal would not result in 'deliberate disturbance' of European protected species. An ecological management plan will be secured by condition.

Conclusion

The re-development of Tone Works Mill complex has been under discussion for a number of years and previous attempts have been unsuccessful due to the various constraints facing the site. This proposal represents the most feasible option of bringing forward heritage led regeneration and safeguarding this important heritage asset. The aspiration is for Fox Brothers to return to the facility a company who is intrinsically associated with the Mill and Wellington for economic purposes. The best way to secure the long term future of the Mill is for a viable use to be found. This scheme will help to facilitate this through the conservation and conversion works. It is

accepted that the re-development of the Greaseworks site for housing does require some compromises to be made. However, significant weight should be given in the balance of decision making to the combination of the cultural, economic and heritage benefits which will outweigh any identified conflict with policy.

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

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