

38/2004/570

GADD HOMES LTD

RESIDENTIAL DEVELOPMENT TO FORM 8 HOUSES, 5 FLATS OVER GARAGES AND 44 APARTMENTS AND ASSOCIATED ROADS AND PARKING AT POLLARDS YARD, OFF POLLARDS WAY, TAUNTON, AS AMENDED BY DRAWINGS ATTACHED TO APPLICANTS LETTER DATED 26TH JANUARY, 2005

22360/24795

FULL PERMISSION

PROPOSAL

The site lies on the western side of Pollards Way, which is a cul-de-sac leading from Wood Street to the Telephone Exchange building adjacent to the River Tone. The site is currently occupied by a number of low key commercial uses and lock-up garages. The site is bounded on its west and southern sides by terraced house, many of which have pedestrian gates on to the application site.

A previous proposal for 8 houses and 53 flats was refused in October 2004 on the grounds that the development proposed would result in loss of privacy to existing adjacent properties exacerbated by the increase in site levels necessary for the purposes of flood prevention and that the proposed development provided inadequate off-street parking, which together with the loss of garaging on the site, would exacerbate parking problems in the area.

Following this refusal the applicants revisited the scheme and made the following amendments:- 1. Number of Dwellings reduced from 61 to 57; 2. Fourth storey element removed; 3. Car parking provision increased from 46 to 59 (over 100% parking); 4. Ground floor levels of buildings adjacent to Portland Street and Clarence Street boundaries reduced by 750 mm; 5. The upper stories facing the above boundaries utilise sloping 'velux' rooflights in lieu of the vertical dormers proposed in the previous scheme, therefore in conjunction with 0.4 above, significantly reducing the possibility of overlooking the existing adjacent properties or gardens; 6. The only rooms facing the above boundaries/existing properties are bedrooms (designated non-habitable rooms under Building Regulations); 7. The proposed scheme satisfies the Environment Agency requirements with finished floor levels at minimum 15.700 m above Ordnance Datum (100 year flood level plus 20%). The site is bounded by a flood protection wall at 16.450 m (top level), meeting the 200 year flood level plus 20% as required by the TDBC Local Plan Policy. The area within the flood-wall would provide a degree of flood alleviation, further enhanced by an automatic pump cutting-in, in the event of floodwater overflowing the gravity fed surface water system; 8. Access to the rear gardens of Portland Street and Clarence Street properties, covered by licensed entry' is maintained and accessed via a ramp along the boundary of the site.

Discussions have subsequently taken place to provide affordable housing on the site. As a result further amended plans have been received showing Abbeyfield 'close-care' accommodation occupying plots 37 - 46 with their manager occupying plot 36.

CONSULTATIONS AND REPRESENTATIONS

COUNTY ARCHAEOLOGIST As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds. COUNTY PROPERTY SERVICES there is likely to be adequate capacity within local secondary and primary schools to accommodate any additional pupils that could be anticipated to move into the development. The Local Education Authority does not therefore wish to submit representations on this occasion. AVON & SOMERSET POLICE ARCHITECTURAL LIAISON OFFICER I have discussed this with Steve Major whilst at another meeting. We agreed that there are some issues regarding access through the proposed site and surveillance of some of the car parking areas. However, he explained some of the factors that were taken into consideration in the design. Having taken these on board, I have no adverse comments to make. ENVIRONMENT AGENCY no objection to this proposal, provided any approval is subject to the following conditions: No development approved by this permission shall be commenced until a suitable continuous flood defence has been constructed around the proposed development to a minimum height of 16.45 m AOD, which shall key into an impermeable layer underground (to prevent water syphoning below it). The scheme should be submitted in advance, and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The scheme shall be implemented in accordance with the approved details. Reason: To protect the development from flooding. Note: Any services or ducts through the wall will need to be fitted with non-return devices to prevent flood water entering the site and any accesses through the defence will need to be ramped up and down to the defence height. Condition: No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme will need to be able to evacuate surface water from the site even when the 1:200 year flood event is taking place. The drainage works shall be completed in accordance with the details and timetable agreed. Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal. Condition: There must be no new buildings, structures (including gates, walls and fences) or raised ground levels located adjacent to the defensive wall, without the prior agreement of the Agency and the Local Planning Authority. Reason: To maintain access to the defensive wall for future maintenance or improvements. Note: Any trees planted adjacent to the wall should be planted in root pits, to prevent future root damage to the wall. Condition: Finished floor levels of the dwellings should be set at a minimum of 15.7 m above Ordnance Datum. Reason: To further protect the development from flooding, in the event of a flood, in excess of that for which the defences were designed, or a failure of the defence. Condition: Development shall not commence until details of a site flood emergency plan and a scheme for the future operation and maintenance of the perimeter defence has been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Agency. Reason: To ensure a responsible authority for the future maintenance and operation of the defence during flood events, for the lifetime of the development. Note: For information, the developer has expressed an intention to form a management company to be responsible for future maintenance and associated works. Condition: Prior to the development hereby approved commencing, the applicant must take prudent steps to assess the risks associated with potential contaminants at this site. Such a strategy should take the form of and include the following stages:- 1. a desk study, which should include the identification of previous

site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. 2. if the potential for significant ground contamination is confirmed, this information should be used to produce: a. a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors. 3. a site investigation, designed for the site, using this information and any diagrammatical representations (Conceptual Model) undertaken. The investigation must be comprehensive enough to enable: i. suitable risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and ii refinement of the Conceptual Model, and iii. development of a Method Statement detailing the remediation requirements. The above details shall be submitted to and formally approved in writing by the Local Planning Authority, prior to the development commencing. Reason: To ensure the development does not cause pollution of Controlled Waters. This practice is considered important in order that the site operator/owner, the regulatory authorities and other parties, such as the general public, potential purchasers or investors, can have confidence in the outcome, and any subsequent decisions made about the need for action to deal with any contamination at the site. Under the terms of the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in the floodplain of the River Tone, designated a 'main river'. WESSEX WATER The development is located within a sewered area, with combined sewers available. The developer has proposed to dispose of surface water to 'existing mains'. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The point of adequacy for connection will need to be determined at the detail design stage. Attenuation of surface water flows may be required subject to flow calculations. Although not shown on our public sewer records, there may be sewers close to/crossing the site that, by virtue of their age, could be deemed as public under the former Section 24 provision of the Public Health Act 1936. In addition, according to our records, there is a public water main close to/crossing the site. Please find enclosed a copy of our records indicating the approximate position of the apparatus. Again, Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure close to/crossing the site. Connection for water supply can be agreed at the design stage. CHIEF FIRE OFFICER Means of Escape - Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. Access for Appliances - Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. Water Supplies - All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

LANDSCAPE OFFICER subject to detailed landscape proposals it should be possible to integrate the proposals into the surrounding urban scene. I would like to see some street tree planting set back from Pollards Way to help break up the flood protection wall. ENVIRONMENTAL HEALTH OFFICER Contaminated Land - Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify

and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures: a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. g). On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. h) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. Reason: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site. Note to Applicant:- The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available. NOISE - Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises: Monday - Friday - 0800-1800 Saturdays - 0800-1300. All other times, including Public Holidays - No noisy working. LEISURE DEVELOPMENT OFFICER this development should make a contribution of £2,562.00 per each of the 56 dwellings, giving a total off-site contribution towards the improvement of local recreational facilities of £146,034.00 in line with local plan policy. HOUSING OFFICER we would be looking for social housing on this site as agreed with the developer.

TAUNTON & DISTRICT CIVIC SOCIETY Notwithstanding the negative comments below, we feel that Gadd have produced a somewhat innovative general design with many commendable features. Gadd have responded to the refusal on "overlooking" grounds by changing window arrangements, deleting the highest elements in the original design and suggesting more trees at the edges of the area. This is all good, but we doubt that the problem is sufficiently alleviated, particularly for the residents of Portland Street (very few trees are included on the western side that backs onto Portland Street). Given the future predictions for sea level rise, which may exacerbate the risks of river flooding, we do not feel that lowering the level of ground floors is an advisable step. Further, any system dependant on pumping must be proof against failure of external services (e.g. power supply). Gadd have also responded to the refusal on parking grounds by increasing parking space, at the expense of some of the housing capacity, but clearly even more at the expense of open "green" space and garden areas. Being consistent with the surrounding area should not result in slavishly imitating the density attained by Victorian back-to-back terracing. This loss of open space reinforces our previous concerns about the lack of play space for children and for any kind of mutual association. Thus the development does not provide a good environment for children. The area around is highly built up, except for two parks, one 150m away across the river Tone and one (French Weir Park) closer but surrounded on 2 of 3 sides by the river and a sizable weir. It would be difficult for a resident to feel assured of the safety of unescorted young children going to such open areas. Neither area is visible from the development. We would further suggest that footpath exits towards the Tone should not be operable by small children.) We see that access is still convoluted, particularly for residents parking at the back of plots 22 to 34 (and the front of Nos. 18 - 21). Will emergency and delivery services have free and unimpeded access?

ONE LETTER OF OBJECTION has been received on the grounds that whilst improvement on previous scheme, it will still lead to congestion, flood walls will divert water into neighbouring properties.

ONE LETTER SUPPORTING the application has been received.

POLICY CONTEXT

The following policies from the Taunton Deane Local Plan are relevant:-

H1 Housing development will be permitted within defined limits of settlements, provided that: (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B); (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips; (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car; (E) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking; (G) small scale schemes in existing

residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity; (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; and (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. (J) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs particularly those low cost housing types which are under represented in the current stock.

H12 On housing sites which meet the following criteria, the provision of affordable dwellings will be sought: (A) within Taunton and Wellington, the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings; (B) outside Taunton or Wellington, the site is of a sufficient size and land value for the incorporation of affordable housing to be feasible and there is a need for affordable housing in the parish or adjoining parishes; and (C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision. The provision of affordable houses sought on a site will be based on the need to ensure a balanced range of house types on the site and meet a fair proportion of housing need in the plan area, while retaining other important planning requirements.

M3a In order to promote sustainable travel, and to reduce the amount of land taken for development, the Borough Council will consider the need for residential car parking against the following criteria: Impact upon urban design; The location of the development, and its accessibility to employment opportunities and services; The type and mix of proposed dwellings. The Borough Council will not permit more than an average of 1.5 car parking spaces per dwelling on any residential development. A significant reduction in this average will be expected for elderly persons, student and single persons accommodation, and for residential proposals involving the conversion of buildings where off-road parking provision may be difficult to achieve. Car free residential developments will be sought in appropriate locations, such as within or adjoining Taunton and Wellington town centres. The Borough Council will require all residential developments to make provision for the parking and storage of bicycles with a minimum provision as follows:- 1 space for all residential units with between 1 and 3 bedrooms; 2 spaces for residential units with four bedrooms or more.

C4 Developers of new housing will provide landscaped and appropriately equipped recreational open space in accordance with the following standards: (A) Children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones; (B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones. (C) Formal parks, gardens and linear open spaces as required by particular Local Plan allocations; (D) In the case of small groups of housing where the site is too small for provision of playing fields or children's play space on site, or where it is physically unsuitable, off site provision will be sought; (E) Developers will be required to arrange for maintenance of the recreational open space.

EN30 On land liable to flood development proposals will not be permitted unless, having regard to any flood defence or other mitigation measures incorporated within the

development: (A) The development would not be affected by intrusion of flood water for the appropriate design flood event; (B) the capacity of available flood storage would not be reduced; (C) flood water and flows would not be impeded; (D) flooding risks elsewhere would not be increased; and (E) the maintenance and integrity of existing flood defences would not be impeded.

ASSESSMENT

This is a brownfield site in a sustainable location within the urban area and the principle of its redevelopment for residential purposes is therefore not in doubt. However, this revised proposal needs to be assessed against the previous reasons for refusal.

By providing a flood wall rather than raising the level of the dwellings concerns from overlooking are reduced. Window to Window distances are now generally within normally accepted tolerances, and layouts designed to minimise habitable rooms on sensitive boundaries.

Whilst the comments of the Highways Authority are still to be received, parking provision is now above one per dwelling. Taking into account the site's sustainable location and the proximity of public car parking it is not considered that refusal on inadequate parking can any longer be justified.

RECOMMENDATION

Subject to the completion of a S.106 agreement relating to affordable housing and sport and recreation contributions by 22nd February, 2005 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, mortar, landscaping, walls and fences, garages, meter boxes, removal of buildings, contamination, floor and ground levels, flood wall, surface water drainage, development adjacent to walls, trees adjacent to walls, finished floor levels, flood emergency plan, construction noise, parking and cycle parking. Notes re services and ducks, compliance, S.106, Wessex Water Bats, Part M and CDM Regs.

REASON FOR RECOMMENDATION:- The site is in a highly sustainable location within the urban area and comprises previously developed land. The layout and design is acceptable and will not result in demonstrable harm being caused to the amenities of nearby residents The proposal therefore accords with the requirements of Taunton Deane Local Plan Policy H1.

Should the S.106 agreement not be completed by 22nd February, 2005 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to REFUSE permission.

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

CONTACT OFFICER: 356464 MR T BURTON

NOTES:

