

38/14/0282

LIDL UK

ERECTION OF LIDL FOODSTORE WITH ASSOCIATED CAR PARKING ON LAND OFF CASTLE STREET, TAUNTON

Location: LAND OFF CASTLE STREET, TAUNTON TA1 4AS

Grid Reference: 322198.124519

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Subject to the provision of a Section 106 agreement to secure the a monetary contribution to fund compensatory flood storage, the demolition of the existing Lidl store and revocation of the use

RECOMMENDED CONDITION(S) (if applicable)

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo201 Elevations as Proposed
(A1) DrNo Landscaping Scheme
(A1) DrNo 1134 Tree Protection Plan
(A1) DrNo 1133 Tree Constraints Plan
(A1) DrNo 07 Proposed Site Plan
(A1) DrNo 06 Rev B Proposed Elevations
(A1) DrNo 05 Rev A Proposed Elevations
(A1) DrNo 04 Rev A Floor Plan as Proposed
(A1) DrNo 03 Rev A Site Plan as Proposed
(A1) DrNo 02 Site Plan as Existing
(A1) DrNo 01 Site Plan as Proposed

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

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

Local Planning Authority.

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

4. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

5. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife Consultant's Ecological Appraisal dated August 2014 and include
 1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
 2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
 3. Measures for the enhancement of habitat and places of rest for, wildlife

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect and accommodate wildlife.

6. Prior to the commencement of development there shall be submitted and

approved in writing by the Local Planning Authority details of the proposed Sustainable Urban Drainage scheme for the site to include any surface water drainage systems and their maintenance and the development shall be implemented in accordance with that approval unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of flood prevention.

7. The retail store shall not be brought into use until the access road into the proposed car park has been realigned as agreed in accordance with plan 1370/03A or as otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8. Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary.

Mon-Fri 0800 hrs to 1800 hrs
Sat 0800 hrs to 1300 hrs

At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to DM1(E) of the Taunton Deane Core Strategy.

9. The boundary fence for noise attenuation shall be constructed as per the submitted Noise Report and shall be erected prior to the store being brought into use. The detail of the fence position shall be submitted to and agreed prior to its erection and shall thereafter be retained as agreed.

Reason: In the interests of the amenity of the area in accordance with policy DM1(E) of the Taunton Deane Core Strategy.

10. Details of the positioning of any external plant on the site shall be submitted to and agreed in writing before the store is brought into use. Details of any plant enclosure to attenuate noise should be submitted to and agreed in writing by the Local Planning Authority following agreement with the Environmental Health Officer and shall be implemented prior to opening and thereafter maintained as such.

Reason: In the interests of the amenity of the area in accordance with policy DM1(E) of the Taunton Deane Core Strategy.

11. Vehicle mounted refrigeration units shall be turned off immediately when delivery vehicles enter the unloading area. Where it is necessary to maintain levels of refrigeration within vehicles, sufficient and suitable electrical outlets shall be provided for connection to all vehicles unloading or waiting to unload.

Reason: In order to ensure acceptable noise levels to protect the amenity of the occupants of nearby properties.

12. The surface of the unloading bay shall be treated with sound absorbing material to minimise noise from the movement of roll cages etc. used for the unloading of vehicles in accordance with details to be submitted and approved in writing by the Local Planning Authority and shall be implemented prior to the store opening and thereafter maintained as such.

Reason: In order to ensure acceptable noise levels to protect the amenity of the occupants of nearby properties.

13. The retail store shall not be brought into use until the Travel Plan has been approved for this development. It shall be submitted to and approved by the Local Planning Authority and shall thereafter be implemented within two months of the development being first used.

Reason: To ensure a transport choice is provided and to ensure that staff will travel to and from work by means other than the private car in accordance with the relevant guidance in Section 4 of the National Planning Policy Framework.

14. A Flood Warning and Evacuation Plan for the site shall be drawn up and put in place prior to the new store being brought into use.

Reason: In the interests of reducing risk during flood events.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the

grant of planning permission.

2. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Somerset County Council, County Hall, Taunton, TA1 4DY or by phoning 0845 3459155. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

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

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

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

All British birds (with exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). No work should proceed while birds are building a nest, on a nest, or until the young become fully independent. Generally, this will be from March until September.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Governments advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

4. You are advised that there shall be no use of reversing alarms on delivery vehicles servicing the site.

PROPOSAL

The proposal is to erect a replacement Lidl food store of 1929sqm gross floor area, with associated parking of 70 spaces on the former TYCC site at Tangier to the south of Castle Street opposite Tesco. The building will be approximately 36m x 54m and have a monopitch roof that is 8.8m high at its maximum on the road frontage. The elevations will be rendered and have modern cladding. Replacement tree planting will be designed into the scheme and the access will utilise the existing access off the Third Way.

SITE DESCRIPTION AND HISTORY

The site is currently vacant (0.6ha) and is bounded by a post and wire fence. The site was once occupied by a Youth and Community Centre prior to a fire and its subsequent demolition. A large part of the site is hard surfaced, although there are a number of mature trees along the irregular stream side to the south. The northern boundary is Castle Street, while to the western boundary are the long rear gardens of houses on Wellington Road. To the east lies the open public car park area which is accessed off the same road as the application site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal relates to the erection of a new food store and associated car parking.

Traffic Impact

In terms of traffic impact the application was supported by a Transport Statement this has been subject to an audit by the Highway Authority and their findings are set out below.

Regarding trip generation the site's trip rates have been calculated based on the existing survey data. Using the traffic survey results and the existing gross floor area peak hour arrival and departure trip rates were calculated for the PM and Saturday peak. By using this trip rate the applicant was able to forecast trip numbers for the proposed store. Upon reviewing this information the Highway Authority is satisfied with this approach. The applicant has identified the weekday PM peak as 1730 to 1830. However on analysing the survey data, it appears that the peak is actually 1630 to 1730. It is the opinion of the Highway Authority that this is in fact a mistake as the PM peak arrival and departures stated in paragraph 5.6 are incorrect for the stated PM peak of 1730 to 1830 but are correct for 1630 to 1730. Would the applicant please confirm this?

In respect of actual vehicle movements the submitted Transport Statement has indicated that the proposed store would be a direct replacement of the existing as a consequence the traffic impact on the surrounding network would be negligible. This is considered to be acceptable if the existing site were to be utilised for residential development, which has been indicated in the Design and Access

Statement. However there is no guarantee that this will be the case therefore based on the worst case scenario if the existing site were to be utilised for a commercial use, the movements associated with the proposed store could be considered to be additional vehicle movements on the highway network.

In terms of the signalised junctions on Castle Street and Tangier Way it is likely that both junctions would see an increase in movements through them, however it is the Highway Authority's opinion that any increase would not be considered significant and therefore severe in line with Section 4 of the National Planning Policy Framework (NPPF).

The development would utilise the existing junction with Castle Street. This junction already serves a public car park as such there is a substantial level of movement through the junction, in particular in the AM and PM peak. The proposal would result in an increase in movement through this junction, however we are satisfied that there is sufficient capacity in the junction for the movements associated with the food store. Although it should be noted that at peak time there would be an element of queuing at the junction. Furthermore it is noted that the applicant wishes to change the priority so that the access road will lead directly into the proposed food store and provide a new junction into the car park. While the revised layout is located off the adopted highway it has the potential to cause disruption if there is queuing in the peak times. As a consequence the applicant must be sure that the amended layout will not lead to vehicles backing up onto the adopted highway.

It is noted that the proposal is located in close proximity to the existing Tesco food store and their point of access onto Castle Street. This proposal is unlikely to have an impact on this junction as any additional queuing would be minimal and therefore won't queue back far enough to block the junction.

Turning to the level of parking spaces the Design and Access Statement document indicates that the level of parking is less than what they currently have at the existing store although the proposed store would be bigger. This would usually be a cause of concern for the Highway Authority as we are aware that the existing store has issues with their parking especially at peak periods. However there is a pay and display car park in close proximity to the site which could be utilised by customers. Furthermore it is likely that these would be shared trips as well with people also visiting the town centre as well as the food store.

In accessibility terms the site is located in close proximity to the town centre and there is a bus stop within walking distance of the site that provides a frequent bus service. Furthermore there are good pedestrian and cycle links to the town centre where the bus station is situated. As a consequence the site is considered to be accessible in highways terms.

Signals -

The proposal will also result in additional vehicle movements through the Wellington Road/Castle Street signalised junction. The Transport Assessment (TA) has assessed the impact on the junction through the LINSIG model.

The TA provides analysis results for the 'with and without' development scenarios

during the PM and Saturday Peak periods. The traffic data contained within the model reflects that of the network flow diagrams provided in the TA. The model shows that with the development the proposal will result in an increase in 30 vehicles in the PM Peak and an additional 41 vehicles in the Saturday Peak.

If the trip generation for the proposed store and traffic distributions are considered to be correct then the additional traffic demand at the junction as a result of the development proposals is considered to be minimal. In respect of the analysis results, as reported within the TA (Tables 6.3 and 6.4) the impact of development traffic is negligible; a deterioration of capacity totalling approximately 2% on each arm. Queues increase by approximately 1 PCU on each approach. The results of analysis 'with development traffic' predict the maximum degree of saturation to be 79%, being within acceptable capacity thresholds (generally 90%).

Travel Plan

A Travel Plan has been submitted as part of this planning submission. This document has been audited and a copy of the report has been attached to this response. However the main points are set out below.

The present Travel Plan is not considered to be acceptable. There a number of minor points that need to be addressed but the main issues are:

Firstly not all measures have been considered. The Travel Plan has addressed the role of the Travel Plan Co-ordinator. However the following measures have not been considered, shower facilities for staff and is there separate cycle parking for staff and visitors. Staff should be provided with safe, secure and sheltered cycle parking and what other additional cycle facilities are being proposed to staff.

Secondly there are issues over the layout of the cycle parking area and finally targets have not been set as per Somerset County Council's Travel Plan Guidance. The targets need to be realistic and clearly relate to the findings of the Site Audit/Accessibility Audit and the proposed measures, and have been informed by the Census data.

Please note that the Travel Plan would need to be secured via a S106 agreement.

Flood Risk Assessment

Having reviewed the submitted Flood Risk Assessment the proposed drainage is considered to be acceptable.

Conclusion & Recommendation .

In conclusion although the proposal would result in the relocation of the existing store it is likely to result in an increase in vehicle movements however it is considered not to be severe enough under Chapter 4 of the National Planning Policy Framework (NPPF) to warrant an objection on traffic impact grounds. This is also reflected in the LINSIG modelling for the signal junction, which shows that it

would see an increase in saturation but this would still be operating in normal parameters. This would normally result in no objection from the Highway Authority. However there are concerns that insufficient information has been provided in terms of what is happening to the existing food store site. As a consequence the Highway Authority would need to presume that the proposed development would generate a significant increase in vehicle movements over and above the existing. Therefore further information is required on the existing site.

In addition from the audit it appears that there are a number of outstanding issues with the Travel Plan.

Therefore based on the above the Highway Authority needs further information prior to making a formal decision on this proposal.

11/12/14 Revised Comment

Apologies for the delay in responding to you, I have taken the opportunity to review the additional information from Lidl and in particular the reference to demolishing the existing store.

From a Highway Authority point of view we would welcome this approach and if it can be secured via a S106 then this would remove the Highway Authority's concerns over traffic generation. Therefore the Highway Authority raises no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached.

- Re-alignment of access road and Travel Plan secured via S106.
- The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

NOTE:

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Somerset County Council, County Hall, Taunton, TA1 4DY or by phoning 0845 3459155. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

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

SCC_ARCHAEOLOGY - There are limited or no archaeological implications to the proposal and we therefore have no objections.

HERITAGE - The proposals are not considered to affect any heritage assets or their

settings.

WESSEX WATER - New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Sprinklers

Non domestic supplies required for firefighting or commercial use will require assessment with networks modelling subject to design requirements. We will normally recommend the use of storage tanks where network capacity is not available or where off site reinforcement is necessary to provide the stated demand.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

PLANNING POLICY - The proposal lies within the Taunton Town Centre AAP, Tangier allocation (policy Tg2).

In principle, convenience floorspace may be considered compliant with the policy. However, there are a number of issues associated with this.

In particular, the evidence base for retail capacity for the AAP is out of date; two more recent iterations have been published. Currently, there is an oversupply of convenience floorspace (1100 sq.m. for the period to end of 2016). Post 2016, from a policy, sustainability and regeneration perspective there would be more appropriate sequential sites to accommodate future, limited capacity.

Whilst there are advantages of regenerating a brownfield site (Tangier) the Council should also be mindful that it does not create a larger problem in a more central location (existing store location). Council records indicate the current store is around 1125 sq.m. gross. The current application is for 1929 sq.m. gross new floorspace. This would greatly increase the current oversupply and thus impact on existing and future investment. Any potential closure of the existing store and a binding legal agreement that the existing store/site would not be reused for convenience shopping would greatly reduce the additional 'impact' likely to arise from a new store, although this is beyond a planning policy issue.

However, as the Council jointly controls the proposed site it could enforce such an

agreement to greatly reduce the impact issue and equally importantly, due to capacity having already been met, the sequential issue of why convenience floorspace should locate from a more sequentially compliant location to a less compliant one (the current proposal is out of centre in terms of national and local policy).

A further concern with the current proposal is that it appears to, in effect, sterilise land to the rear (Parkhaven) which also forms part of the policy Tg2 allocation. It has always been envisaged that in order to implement the development plan policy, a comprehensive approach would be required.

Finally, there is the matter of design. The proposal appears extremely functional, single storey, 'top heavy' with an overuse of panelling and lacking any coherent reference to the Councils adopted Design Code SPD. As such, I would consider that the proposal is not consistent with Core Strategy policy DM4 (Design).

Thus all in all, as the proposal stands I consider that there remains fundamental planning policy issues to address before any approval could be forthcoming.

ENVIRONMENT AGENCY - Initially object as insufficient information supplied relating to flood risk.

Provided the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met we can WITHDRAW our objection, in principle, to the proposed development, subject to the inclusion of conditions which meet the following requirements:

Condition: Prior to the commencement of development there shall be submitted and approved in writing by the LPA details of the floodplain compensation for the site, and development shall be implemented in accordance with that approval unless otherwise agreed in writing by the LPA.

Reason: In the interests of flood prevention.

Note:

The applicant is looking at using the flood storage area provided within Long Run Meadow attenuation facility for floodplain compensation. The applicant should provide confirmation from the LPA that this reservoir has enough capacity and is available to accommodate the loss of floodplain from this site.

If the use of this facility is not possible then proof that an alternative method is suitable and has capacity must be provided.

Condition:

Prior to the commencement of development there shall be submitted and approved in writing by the LPA details of the proposed Sustainable Urban Drainage scheme for the site to include any surface water drainage systems and the development shall be implemented in accordance with that approval unless otherwise agreed in

writing by the LPA.

Reason: In the interests of flood prevention.

The following informatives and recommendations should be included in the Decision Notice.

The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. We strongly recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants. The LPA may wish to secure this through an appropriate condition. We can confirm that the site does lie within a Flood Warning area. We do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users. The responsibility is on LPA's to consult their Emergency Planners with regard to specific emergency planning issues relating to new development.

We recommend the applicant contacts the Environment Agency, on 0845 988 1188, to sign up for the Floodline Warnings Direct service.

The Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products can be found on www.environment-agency.gov.uk.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

DRAINAGE ENGINEER - I note the Environment Agency's objection dated 24 September and their response for more information. I await the provision of the additional information.

LANDSCAPE - I would like to see the existing vegetation along the stream retained and buffered. This area is significant for landscape and biodiversity reasons and forms part of the River Tone and tributaries Local Wildlife site. In addition I would also like to see some tree planting in the new car park and in the landscaping strip along Castle Street. All proposed trees along the stream should be native species. If permission is granted the general wildlife condition should be used.

BIODIVERSITY - The proposal is the erection of a Lidl food store with parking on

land off Castle Street, Taunton. The survey area comprises a mosaic of hard standing, dense scrub, woodland and ephemeral vegetation. A partially wet ditch forms the southern boundary.

Devon Wildlife Consultant's carried out an Ecological Appraisal of the site in August 2014.

Findings of the reports are as follows:

Badgers

The surveyor found no signs of badger on site.

Bats

It is likely that bats use the trees and wet ditch along the southern boundary. The rest of the site is dominated by hard standing and bare ground, likely to be illuminated by nearby development and so hold less value for foraging bats. Individual trees were assessed as having no bat roosting potential. I support the proposal to erect 20 bat boxes on site.

Birds

The woodland and scrub on site are likely to be suitable for nesting birds. Vegetation should only be cleared outside of the bird nesting season. I support the proposal to erect 20 bird boxes on site.

Otter

It is likely that otters use the partially wet ditch to the south of the site, therefore I support the precautionary measures proposed.

Reptiles

The habitat on site is suitable for reptiles but due to its isolated location, it is considered that the presence of reptiles is unlikely.

I support the recommendations made within the report with regards to species. As it is proposed to remove most of the vegetation on site to accommodate the development, I consider that a robust landscape scheme is necessary to compensate. (The wildlife report suggests at least 500m²) I would like to see new native planting planted along the roadside and alongside the ditch on the southern boundary.

Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife Consultant's Ecological Appraisal dated August 2014 and include

1. Details of protective measures to include method statements to avoid impacts

- on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
 3. Measures for the enhancement of habitat and places of rest for, wildlife

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect and accommodate wildlife.

Informative Note

1. The conditions relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process, be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
3. All British birds (with exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). No work should proceed while birds are building a nest, on a nest, or until the young become fully independent. Generally, this will be from March until September.

ENVIRONMENTAL HEALTH NOISE - Thank you for consulting on the above application. A report has been submitted with the application – Environmental Noise Report for Planning July 2014, Acoustic Consultants Ltd

The report gave details of noise monitoring carried by the site from 15:20 until 09:00 the next day (on a Tuesday night). This was used to estimate background noise levels for day and night-time. The monitoring recorded background noise levels of 38dBLA90(1hour) during the store opening hours (08:00 – 20:00) and 28dBLA90(5min) at night-time.

A noise assessment was carried out an assessment in line with British Standard BS4142(1997). This compares the predicted (and rated) noise level from the plant at the site to the existing background levels.

The report states that it is proposed to install a 2.7m high close boarded timber fence (with a mass of 10kg/m²) on boundary with nearest residents to attenuate the noise, and that this is included in the model.

The noise from the proposed development was modeled from noise data for the plant on site (refridgeration, bakery freezer plant and 4 air conditioning condenser plant). Noise levels at two nearby residential premises were predicted using a computer model (at 1.5m high for daytime and 5m high for nigh-time). The noise assessment assumed daytime background level of 38dB LA90(1hour) and night-time level of 30dB LAeq(5minutes) (rather than the measured level of 28dB – as the BS4142 assessment says it is not suitable for when background levels are below 30db). The predicted noise levels were given a rating of 5dB (a correction to take into account tonal/impact irregular features). The assessment found that the predicted noise did not exceed background levels during the day, however, at location “R1” (6-8 Bath House Court) the rating level exceeded background levels by 4dB.

Comment

Environmental Health would normally recommend a condition for sites where noise could affect nearby residents or other noise sensitive premises (see attached). This recommends that the noise from the site should not exceed background levels at night. The report with the application says that noise levels at nearby premises could exceed background levels by 4dB at night. It should also be noted that this assessment used a background level of 30dB rather than the measured 28dB.

The applicant should look at ways to reduce noise from plant at night.

The plan in the report shows the plant is located on the facades closest to the nearby houses (although, the elevation drawings do not show the plant). Would it be possible for the refrigeration plant be moved to a different façade and the bakery plant moved further from nearby houses? Or could the plant be enclosed? This would be of most benefit for the plant operating at night and on the sides facing nearby housing.

The report mentions that a 2.7m high close boarded fence will be used to provide some noise attenuation. However, the plans in the report do not show where the fence is to be located. This should be clarified, and a condition used, if needed, to ensure that the fence is constructed as detailed in the report.

The loading bay of the store is close to residential premises. There are no details of the times of deliveries or any steps that would be taken to minimise any noise disturbance from the movement of lorries and unloading. Could the applicant provide these details? Another way to minimise any disturbance would be to use a planning condition to restrict deliveries at night (I understand that the existing Lidl store has a condition regarding night-time deliveries).

ENVIRONMENTAL PROTECTION CONTAMINATED LAND - Historical maps indicate that the site was in agricultural use (fields) prior to being built on (YMCA and tennis courts). Whilst a contamination ground condition is not required, the applicants should be aware of any filled ground/contamination during the initial stages of construction (foundations/footings). This is due to the close proximity of the large historical gas works.

SOMERSET WILDLIFE TRUST - The proposed site is currently derelict and

isolated from other environments which would potentially be more attractive to wildlife. Therefore we would agree with the findings in the report and we would fully support the recommendations in Section 4.3 of the report which proposed enhancements in the form of bat and bird boxes and the use of native species in the on-site planting scheme. We would request that those enhancements are incorporated into the planning conditions if it should be decided to grant permission.

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER - New floor area is shown as 1929sqm and at a rate of £140 per sqm this equates to a liability of £270,000.

Representations

1 letter of support.

2 letter of no observations.

2 letters of no objection and it will be nice to see the site put to a good use and would prefer not to see grey cladding.

4 letters of objection on grounds of

- development will compromise any new access to Parkhaven preventing its development as indicated in policy and this would devalue the site,
- increase in traffic flow and frustration levels,
- other areas could benefit from a local discount store,
- Increase in traffic chaos in area,
- Wrong site and it should be used for flats,
- Noise pollution from air conditioning units,
- loss of trees,
- Making traffic entering adjacent site more difficult and road markings should be provided.
- Noise pollution during construction and pile driving as well as light and dust issues and working hours.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
SP2 - TD CORE STRATEGY - REALISING THE VISION FOR TAUNTON,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
TG2 - TTCAAP - Tangier Sites,
TR2 - TTCAAP - Parking in New Development,
TDDG - Taunton Deane Design Guide,
TG1 - TTCAAP - Wood Street Sites,

LOCAL FINANCE CONSIDERATIONS

The CIL rate for retail development outside of the town centre is £140 per square metre. On the basis of the current submission this would roughly equate to a figure of £270,000.

The development of this site would not result in payment to the Council of the New Homes Bonus.

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the proposal are compliance with the various policies of the development plan in terms of use, design, flood risk, traffic flow, wildlife and impact on amenity.

Policy

The site lies within the area of Tangier which has been identified for mixed use development in the Taunton Town Centre Area Action Plan (TTCAAP). Policy Tg2 identifies the general area to accommodate a minimum of 3000sqm of gross additional comparison and convenience retail floor space. The site is identified in the policy of taking 1000sqm of retail and up to 50 residential units. The current scheme provides for 1929sqm of floor space and this is more than the 1000sqm identified in the policy. However it is proposed that the floor space would be a replacement for the existing Lidl store and so would only in fact result in an increase in 289sqm of sales area. This is considered a negligible increase in terms of overall capacity.

The policy in respect of the area dates from before the financial crash in the market for flat developments and the while the policy identifies potential for 50 units and the potential for student accommodation, it is now considered that this would be unlikely to come forward in the immediate future in light of the economic climate and of the plans for Somerset College. The current purely retail scheme offers an opportunity to secure an alternative site for Lidl to relocate and so free up their existing site in accordance with policy Tg1 of the TTCAAP.

Another element identified in the table relating to the policy is access to Parkhaven which is a site to the south of the Galmington Stream. The stream side is within flood risk zone 3 and advice from the Environment Agency is not to seek access through areas at risk unless it can be avoided. To provide an access across the stream would result in the loss of a number of trees and loss of flood storage capacity as well as limiting the development of the site. The height of the land would also need to be raised to secure a link that was free from flooding. As the developer points out the significant raising of land that would be required would be costly, added in the loss of ecological value and the prohibitive bridge cost, it is highly likely therefore that the cost of achieving a new bridge and flood storage capacity would make the small development of up to 10 units at Parkhaven unviable. The Parkhaven site has a limited access and given its location to the town centre would be suitable for a car free scheme. Provision of access thorough the Lidl application site would make the scheme unviable. It is also not considered that the non provision of an access in the current scheme would prevent the development of the adjacent site and so be contrary to the plan allocation.

The use of the site by Lidl will bring back into use a derelict brownfield site and secure an appropriate use. It will enable Lidl to provide an improved store and it is agreed that is being made on the basis that the existing store would be demolished and the use revoked. This would need to be secured by condition/legal agreement and in doing so this would enable the potential implementation of policy Tg1 in respect of the existing Lidl site. In addition an agreement by Lidl to revoke the use of their original site would safeguard the retail capacity in the area and avoid over capacity in less sequentially preferable location. This therefore has to be given weight in terms of the overall benefits of the scheme.

Design

The site lies within Tangier which is covered by the Town Centre Design Code SPD. This sets out the design rationale for developing sites within the area of the Town Centre Area Action Plan. The code does recognise that there may be special circumstances which require the design principles to be broken and these may include specialist uses for the site which require changes to the parameters. The Code identifies the need for street trees and these are to be incorporated into the frontage of the site. The block code for the area is B05 and this identifies that the height of development should be 3-4 storey on the Castle Street frontage and that the scale of development should reflect the scale and character of adjacent development. The developer considers that there is no overwhelming local vernacular and the nearest similar use is the modern Tesco store opposite. The proposal is modern and the developer considers it to be clean and sharp incorporating high quality materials with render and cladding finishes. Certainly it is considered that the design is modern and the massing and roof are sensitively designed in respect to neighbouring residential properties, although the result of this is the height of the scheme is around 9m and not the 3-4 storey of the code. It is considered that this reflects the scale of the Tesco store opposite and divergence from the design code has to be weighed against the overall benefits of the scheme.

The edge code for the area seeks to achieve active frontages on the main Castle Street and with this in mind an amendment has been sought to improve the extent of glazing on the Castle Street frontage. This has helped to break up the mass of the elevation and bring interest to the street. Further compromise on this point has not been able to be achieved as the area of the store concerned is occupied by ovens and a freezer and the applicant is unable to reconfigure the store layout. Consequently the Authority is being asked to accept the revised submission as the best compromise.

Drainage

The site lies within an allocation for a mixed use as identified in the Local Plan and as such has been considered in terms of the Strategic Flood Risk Assessment. As a consequence the development does not require a Sequential Test. A Flood Risk Assessment has been submitted with the application which identifies the proposal to be within an area of flood risk but the proposed use is a less vulnerable one. In order to address the risk, the levels will be raised across the site to 16.99m to take account of climate change. A compensatory flood storage volume of 2383.5m³ has

been calculated and the use of flood storage capacity at Longrun Meadow is proposed. If accepted this would need to be secured via a legal agreement.

The surface water of the current site flows into the Galmington Stream on the southern boundary on the site. The intention with the new development is to limit flows to the stream at brownfield run off rates. This will require the provision of storage capacity of 110m³ on site in order to limit flows at the worst case climate change scenario. It is proposed that this will be provided by an attenuation tank under the proposed car park. The Environment Agency has raised no objection and recommends conditions to secure the flood storage capacity and surface water attenuation.

The foul drainage for the site is proposed to link in to existing Wessex Water sewers and this would need to be agreed with Wessex Water.

Access

The access to the site is via the existing junction with the Third Way road and the visibility here is acceptable in both directions. The Transport Statement indicates that the increase in traffic from the new store will be negligible and this is accepted by the Highway Authority on the basis of the cessation of the existing store use. This will be sought through a legal agreement. Both traffic generation and increase in queuing are considered to be at acceptable levels and not to cause highway problems. The site provides for 70 parking spaces and this is in line with the parking standard in the Area Action Plan and the Highway Authority consider this level acceptable given the location. The access into the site will be realigned and the Highway Authority recommend that this is conditioned and it is recommended that this is carried out prior to the store being brought into use. A grampian condition in respect of the Travel Plan is also recommended to avoid undue legal delay with the Section 106. The Highway Authority consider the site is located in close proximity to the town centre and adjacent to a public car park. There is a bus stop within walking distance of the site that provides a frequent bus service and furthermore there are good pedestrian and cycle links to the town centre. As a consequence the site is considered to be accessible in highways terms.

Landscape and wildlife

A Tree Survey and an Ecological Survey have been submitted with the application and no protected species have been identified on site. The tree survey identifies a number of trees that would need to be felled as part of the development, including four over mature willow which have a limited life span. In all 33 trees would be felled and replacement tree planting is proposed. This will include replacement planting along the stream as well as additional planting along the road frontage to reflect the design code. There will be scope to enhance habitat planting along the stream side and to replace the trees that have to be removed. A condition in respect of landscape planting and one in respect of protection of wildlife and habitat are considered appropriate and necessary to secure maintenance of wildlife habitat on the site.

Amenity

An Environmental Noise report has been submitted with the application and this looks at background noise levels within the area and the levels likely to be caused by the use of the site. The nearest properties are 12m away to the south. The noise generation from the site includes refrigeration plant which would be in operation 24 hours a day and therefore suitable mitigation is considered necessary to address this. A close boarded boundary fence is proposed to attenuate the noise from plant. In addition to a condition to secure this, it is considered appropriate to condition details of the precise location of the plant and any necessary enclosure to ensure noise levels comply with the report and do not cause a noise nuisance. A noise level condition is recommended by the Environmental Health Officer. Another potential noise source is deliveries and conditions to address the delivery ramp and use of vehicle refrigeration units are considered appropriate and necessary to safeguard the amenity of properties to the south. A note concerning use of reversing alarms is also recommended.

Summary

In conclusion the proposal is for the retail use of a brownfield site in a sustainable location within the area of the Taunton Town Centre Area Action Plan. The access and traffic generation are considered acceptable and in the circumstances the retail use of the site is considered to comply with policy Tg2. The surface water drainage for the site is considered acceptable and compensatory flood storage capacity can be secured. Suitable noise conditions can be imposed to safeguard amenity. The scheme would also allow the existing Lidl site to be reused in compliance with policy Tg1. The benefits that will be secured through granting permission are considered to outweigh the disbenefits of the scheme in terms of form, design code and lack of link to Parkhaven and the application is recommended for approval subject to conditions and a legal agreement.

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

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