

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 21 June 2017 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 24 May 2017 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 25/17/0002 Demolition of buildings and redevelopment of petrol filling station to include the erection of a sales building, replacement of underground tanks, installation of 4 No. pump islands, erection of canopy with 2 No. jet wash bays, alterations to the forecourt, car parking, soft landscaping and boundary treatments at Cross Keys Car Sales, Norton Fitzwarren
- 6 38/16/0357 Outline Planning Application with all matters reserved for the demolition of the swimming pool and erection of a mixed use development comprising of retail, commercial, restaurant, residential, car parking and associated public realm on land at Coal Orchard, Taunton
- 7 48/17/0025 "Erection of Stage 2 of a steel framed agricultural building for the housing of livestock at Quantock Farm, West Monkton (retention of part works already undertaken)
- 8 Latest appeals and decisions received

Bruce Lang  
Assistant Chief Executive

14 October 2017

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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## **Planning Committee Members:-**

Councillor R Bowrah, BEM (Chairman)  
Councillor M Hill (Vice-Chairman)  
Councillor J Adkins  
Councillor M Adkins  
Councillor C Booth  
Councillor W Brown  
Councillor J Gage  
Councillor C Hill  
Councillor S Martin-Scott  
Councillor I Morrell, BA LLB  
Councillor S Nicholls  
Councillor J Reed  
Councillor N Townsend  
Councillor P Watson  
Councillor D Wedderkopp

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors, D Wedderkopp and M Adkins
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Bishop Fox's Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls
- Trustee of Hestercombe House and Gardens, Trustee of the Somerset Building Preservation Trust, Director of Apple FM – Councillor Marcia Hill

25/17/0002

BP OIL UK LIMITED

**Demolition of buildings and redevelopment of petrol filling station to include the erection of a sales building, replacement of underground tanks, installation of 4 No. pump islands, erection of canopy with 2 No. jet wash bays, alterations to the forecourt, car parking, soft landscaping and boundary treatments at Cross Keys Car Sales, Norton Fitzwarren**

Location: CROSS KEYS CAR SALES, MINEHEAD ROAD, NORTON  
FITZWARREN, TAUNTON, TA2 6NR

Grid Reference: 320415.126447 Full Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The applicant has failed to demonstrate that there are no sequentially preferable sites for the proposed development. In the absence of a Sequential Test, the proposal conflicts with Paragraph 24 of the National Planning Policy Framework, Policy CP3 of the Taunton Deane Core Strategy adopted 2012 and Policies TC3 and TC4 of the Taunton Deane Site Allocations & Development Management Plan adopted December 2016.
- 2 The submitted supporting documents are insufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal on the surrounding highway network. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policies CP6 and DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).
- 3 The proposal would generate a significant increase in traffic which would have a severe effect on the surrounding highway network which would be considered detrimental to highway safety. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policies CP6 and DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).
- 4 Insufficient information has been submitted to enable a full assessment of the future flood risk to the development. This conflicts with Paragraph 100 of the National Planning Policy Framework and Policies CP1 and CP8 of the Taunton Deane Core Strategy adopted in 2012.

### **Recommended Conditions (if applicable)**

## Notes to Applicant

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

## Proposal

Planning permission is sought to redevelop an existing car dealership and former petrol station to provide a new petrol filling station and new retail sales building. The proposal involves the total demolition of all buildings on the site. The redevelopment will comprise:

- A new retail sales building and café with a gross floor area of 290 sq.m;
- Removal of the existing 3 petrol pumps and erection of a new canopy with 4 no. pump islands (8 pumps in total);
- Installation of 2 no. new jet wash bays;
- Installation of 2 no. air/water bays;
- Installation of 2 no. new underground storage tanks;
- Provision of an ATM;
- Alterations to the existing ingress and egress onto the A358;
- Provision of 27 customer car parking spaces;
- Provision of 4 no. cycle hoops;
- Erection of 10 no. 3 metre high floodlights.

The proposed new retail sales building will be sited in the southern part of the site, adjacent to the boundary with the Cross Keys Public House car park. It will be rectangular in shape and clad in composite steel cladding panels coloured white with a black base. The aluminium shopfront will face out onto the new central forecourt area. The pump islands will be located in the central part of the site beneath a new canopy. The jet wash bays will be located at the rear in north west part of the site, adjacent to the pub garden and away from the nearest dwellings. The customer parking will be arranged along the northern boundary of the site, adjacent to a residential property. Further car parking will be provided in front of the retail store.

The existing access into the site will be slightly modified to provide a separate ingress and exit for vehicles, and a separate pedestrian access.

The plans show a 5.5 metre high Major Identification Sign (MIS) on the street frontage. However, all signage will be subject to a separate advertisement consent application.

The application is supported by a Flood Risk Assessment; an Environmental Site Assessment; a Design & Access Statement and a Transport Technical Note.

## Site Description

The application site comprises a car dealership occupying a former petrol filling station and garage. It lies in a prominent road side location on the west side of the A358 Minehead Road, some 40 metres from the Cross Keys roundabout junction. The site lies 0.5 miles to the west of the edge of Norton Fitzwarren, within the open countryside. It also lies 2 miles to the north west of Taunton. The Cross Keys pub is located directly to the south of the site. Access to the pub car park lies immediately adjacent to the existing open forecourt serving the car dealership.

There are a number of buildings on the site comprising a car showroom in the southern corner of the site, a small retail kiosk, petrol pumps set beneath a canopy at the front of the site and garage workshop buildings at the rear. The open areas of the site to the side and rear are used for the display and sale of motor vehicles. At present, the whole of the site frontage is open onto the main road with no defined ingress or egress.

There are a number of residential properties which are located to the north and west of the site. One property in particular, known as Sunnymede, is located in very close proximity within 3 metres of the site boundary.

To the west of the site lie agricultural fields and a small river known as Back Stream.

## **Relevant Planning History**

None relevant.

## **Consultation Responses**

*ECONOMIC DEVELOPMENT: - No objection*

- NORTON FITZWARREN PARISH COUNCIL* - 1. Concerns have been raised about the access and egress from the site onto the very busy A358 and recommend that "Keep Clear" boxes or a middle lane installed to enable drivers to turn right.
2. Could oil interceptors be put in place on main and surface drainage to prevent the nearby stream becoming contaminated.
  3. The pedestrian crossing appear to be in the wrong place, it should be nearer to the front of the site, if it is installed where stated it is not likely that pedestrians will use it.
  4. Is it intended that HGV's can use the site, if so the statement should amended.

*STAPLEGROVE PARISH COUNCIL* - No objections.

*WALES & WEST UTILITIES* - Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works.

Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully

chargeable.

You must not build over any of our plant or enclose our apparatus.

*ENVIRONMENT AGENCY* - OBJECTS to the proposed development, as submitted, on the following grounds:

#### FLOOD RISK

Although overall the proposed development will include betterment as the foot print of the building is reducing, the Flood Risk Assessment does not include the finished floor levels for the petrol station. We therefore cannot make an assessment of the future flood risk to the development. From a flood risk point of view it would be best if the development was built at the current ground level to prevent water egress in the petrol tanks and pumps. The proposed escape route is via the Cross Keys roundabout which is at risk of river and surface water flooding. We would recommend the applicant looks at alternative escape routes.

To overcome our flood risk objection we require confirmation of the finished floor levels and details of flood measure prevention to protect the pumps, tank and shop.

#### GROUNDWATER PROTECTION

With reference to the proposed new underground fuel storage tanks, the applicant is referred to "Groundwater protection: principles and practice GP3" Position Statements D1, D2 and D3 where we state that we will object in principle to the underground storage of hazardous substances below the water table in a Secondary A Aquifer.

GP3 advises how the applicant may seek to overcome the objection through appropriate risk assessment and the implementation of agreed mitigation measures.

With reference to the existing underground fuel tanks, we recommend the removal of all underground storage tanks that are unlikely to be reused. Once the tanks and associated pipelines have been removed, samples of soil and groundwater should be taken to check for subsurface contamination. If soil or groundwater contamination is found, additional investigations (possibly including a risk assessment) should be carried out to determine the need for remediation.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - Regarding potential contamination.

As the site is a petrol station, with underground fuel tanks, there is the potential for contamination to be present, which could affect the development of the site. A report has been submitted with the application (Environmental Site Assessment, Arcadis, September 2016). This provides details on the history and condition of the site, including an intrusive investigation. The investigation and sampling did not identify any areas of concern, however, it did state that it had not been possible to collect soil and ground water in the vicinity of the fuel distribution infrastructure, and it recommend that if the site was developed further investigation should be carried out.

The report is acceptable in providing an initial assessment of the site, however, the applicant should carry out further site investigations in the area of the fuel distribution system when they have access to this area of the site. A suggested condition is given below.

Re. Noise.

The application includes proposals for a jet wash, which has the potential to generate noise that could disturb nearby residents. There are no details of the noise levels of any equipment so it is not possible to give an objective comment on the potential for disturbance. One way to reduce any disturbance would be to limit the hours of use of the jet wash.

#### *SCC - TRANSPORT DEVELOPMENT GROUP*

*(Original Comments)* - The proposal is for the redevelopment of an existing car sales and petrol station, situated adjacent to a public house. The site is accessed from the A358, Minehead Road and is within 100 metres of the roundabout junction with the B3227 Wiveliscombe Road.

The highways network around the site is considered to be very sensitive to any changes in traffic movements. In terms of traffic generation, using the TRICS traffic data, it is likely that the car sales generated in the region of 21 trips per day and the 6 pumps at the petrol station is likely to have generated up to 162 trips per day, with a total of 183 trips per day. The redevelopment proposes 8 pumps and a retail floorspace of 276m<sup>2</sup> the TRICS data indicates up to 288 vehicle movements per day and generating a 50% increase in traffic movements. Due to the sensitive nature of the surrounding highways network and significant increase in traffic, a Transport Assessment will be required for the Highway Authority to understand the full implications of how the proposal will affect the existing network.

After reviewing the recorded Personal Injury Accidents (PIA's) there is a history of injury accidents within the vicinity of the site. One was recorded on the A358 at the location of the petrol filling station and two further accidents recorded at the Cross Keys roundabout junction of the A358 with the B6227. Any increase in conflicting movements could lead to an increase in accidents which is unacceptable.

The applicant has provided a proposed site layout, drawing number 30070-22 Revision E however, it is difficult for the Highway Authority to understand how larger vehicles are going to access and manoeuvre around the site i.e. Petrol tankers, refuse and delivery vehicles. The applicant has proposed a Major Identification Sign 'M.I.D' presumably to display the fuel prices in front of the petrol forecourt, and this will need to be placed outside the visibility splay and not be too bright so that it distracts users of the highway compromising safety.

The applicant has proposed 27 parking spaces and the provision for a 'Service Station' is considered on a case by case basis under the Somerset Parking Strategy and this will need to be decided depending on the Transport Assessment.

A Flood Risk Assessment dated January 2017 was submitted as part of the application as the site lies within a flood zone. Our records show that the public highway extends up to the linear drainage channel that runs along the entire

forecourt frontage and that this channel was installed to intercept surface water from the forecourt to prevent the discharge onto the highway. Whilst it is therefore imperative that a drainage channel remains along this line post development, as it appears to be of a relatively light duty specification, the designer may wish to consider upgrading it so that it is more suitable to accommodate the concentrated traffic at the proposed access and egress. It would also be prudent to ensure that it is operating effectively prior to any works commencing as the directions of the outlet pipework may be located under the proposed redevelopment.

The proposal as currently submitted is considered to be unacceptable from a highway safety viewpoint for the reasons I have outlined above. As such I have no alternative than to recommend refusal of this application on the following grounds:-

- The submitted supporting documents are insufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal on the surrounding highway network therefore the proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).
- The proposal would generate an assumed significant increase in traffic which would have a severe effect on the surrounding highway network which would be considered detrimental to highway safety. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).

*(Further Comments dated 23 May 2017) –*

Further to previous comments this response is supplemental and deals with the additional information received on 25<sup>th</sup> April 2017. Having reviewed the Transport Technical Note produced by Markides Associates, in response to previous comments from the Highway Authority regarding the Cross Keys Garage, Taunton, I have the following comments:-

Further information has been provided, however unfortunately no existing information with regard to the petrol station and associated shop with regard to traffic generation and origin / destination data has been supplied. In fact no distribution data has been provided at all. At present in its current form the petrol station can be entered and exited from both access points which allows vehicles to enter from either direction and fuel and exit "in line" with their direction of travel. The proposal appears to formalise an entrance and exit, as tracking only indicates southbound traffic entering from the A358 north. All movements will need to be shown.

The traffic generation of the existing uses on site which include four petrol pumps, an associated shop (small) and a used car sales show room and forecourt have all been extracted from TRICS. As detailed above no existing site data has been collected, therefore the TRICS database has been utilised. The comparison in terms of TRICS examples and the existing land uses are not considered like for like, the Car Show Room data has extracted specific 'brand' Ford and Honda which is likely to overestimate traffic demand. It is also unclear the size of all associated car sales at present.

TRICS does give an advice note which highlights that trips to showrooms can be associated to the following which can attribute to overestimated generation, however the existing car sales are a mix of both generic and luxury brand “second hand” car sales:

- Linked to a specific make of car
- Independent showroom

A similar concern is raised regarding the Trip rates extracted from trips for the existing petrol station with a retail use. The trip rates extracted from TRICS assesses sites in incomparable areas and also the associated shops and type of petrol station are more in line with what is proposed rather than what is existing, which is likely to overestimate the existing situation which only offered parking at the pumps rather than an associated car park.

The data that has been extracted is not considered to be a “like for like” comparison and is likely to overestimate the generation of the existing use; therefore the proposed site is not considered to reduce traffic on the Highway Network, but rather lead to an increase.

Based on the proposed traffic levels in line with associated uses (the car wash facility does not appear to be assessed in the Technical Note) the proposed use on site would be likely to require a right turning lane on the A358 in line with daily and mainline flows anticipated.

As there is considered to be an uplift in traffic associated to the site, further work may be required to assess impacts on the surrounding network of which a large scale urban extension is proposed. In its current form Technical Note is not considered to be a true and robust representation of the existing use and potential future traffic impact.

In addition to the above given the likely increase in traffic, pedestrian and cycle access to the development is an area for concern as movements have not been fully considered. A proposed area of tactile paving at the end of the footpath from the retail unit does not link to any tactile paving on the adjacent side of the A358 and at this location would intersect through a bus stop which is not acceptable; therefore the point of crossing would need to be relocated. An existing shared footpath and cycleway is located outside the Cross Keys Public house and the applicant should consider extending the current proposed footpath to link from the site to the existing network in the interests of pedestrian and cycle safety visiting the site from the south.

The proposal therefore remains unacceptable from a highway safety viewpoint for the reasons I have outlined above and in my previous response. As such I have no alternative than to recommend refusal of this application on the following grounds:-

- The submitted supporting documents are insufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal on the surrounding highway network therefore the proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted

2011).

- The proposal would generate a significant increase in traffic which would have a severe effect on the surrounding highway network which would be considered detrimental to highway safety. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).

## **Representations Received**

Three letters of OBJECTION have been received and summarised below:

- Clarification is sought on the opening hours and delivery times. The previous petrol station opened from 7am until 7pm seven days a week. Any significant increase in the hours of opening will adversely affect local residents;
- what are the proposed hours of operation for the jet washes as they could cause a noise disturbance;
- the open gravel area at the front of the site should be retained as local residents use it as a footway to the bus stops and pub;
- the removal of the hedgerow at the rear of the site has made the site very visible from the east. A hedgerow should be reinstated;
- the floodlighting and the canopy lighting should be directional so that it does not overspill into adjoining dwellings;
- assurances are sought that the redevelopment of the site will not increase flood risk in the area;
- an area at the rear of the site is marked off as for future use, but no indication is given as to what this might be. This should be restricted to storage only.

Twelve letters of SUPPORT have been received:

- the closure of the previous petrol station has been missed as it is in a convenient location and avoids having to drive into Taunton town centre;
- having a decent food shop will be fantastic;
- the current buildings are in a dilapidated state and need redevelopment to visually improve the site.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP1 - Climate change,  
CP3 - Town centre and other uses,  
CP6 - Transport and accessibility,  
CP8 - Environment,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
DM4 - Design,  
SD1 - Presumption in favour of sustainable development,  
SP1 - Sustainable development locations,  
A1 - Parking requirements,  
D2 - Approach routes to Taunton and Wellington,  
D3 - Outdoor advertisements and signs,  
D7 - Design quality,  
SB1 - Settlement boundaries,  
TC4 - Primary Shopping Areas (PSA),  
TC5 - Out-of-centre proposals,

This takes into account the recent adoption of the SADMP.

## **Determining issues and considerations**

### THE PRINCIPLE OF A RETAIL USE IN AN OUT OF CENTRE LOCATION

Petrol filling stations normally fall within the *sui generis* use class. However, officers are of the opinion that this proposal is a mainly retail focused development associated with a re-formatted petrol filling station. The existing car dealership/petrol station has a small retail kiosk that amounts to about 50 sq.m gross floor area. This is to be replaced with an M&S Simply Food retail unit and Wild Bean café amounting to 290 sq.m gross floor area. The net retail floorspace will be 170 sq.m. This will result in a significant increase in the extent of retail floor space which goes beyond what could reasonably be termed as being ancillary to the petrol station function. In addition to the 8 petrol filling spaces, 27 separate parking spaces are proposed for vehicles that are not using the petrol filling element of the proposal. This also indicates that the proposal is a predominately retail store development rather than a petrol filling station with ancillary and associated retail sales.

This application is therefore being assessed as a predominantly retail use. The National Planning Policy Framework (NPPF) provides the framework for considering whether a proposal is acceptable in terms of retail policy. In Paragraph 23, local planning authorities are advised to adopt policies that promote town centre environments. The main thrust of the NPPF is to promote a “town centre first” approach. New development should therefore be focused on promoting competitive town centres and local centres.

The application site is located in an out of centre location, some distance from Taunton town centre and the local centres of Norton Fitzwarren and Staplegrove. Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to retail developments that are not within existing designated local centres.

Policy TC4 of the Site Allocations Management Plan (SADM) states that “a sequential test will be required for all retail proposals falling beyond the Primary Shopping Area boundaries for Taunton...”

SADMP Policy TC5 states that main town centre uses outside of town centres will only be acceptable in certain limited circumstances including;

*“No sequentially preferable site is available, including consideration of alternative formats for the proposed uses;*

*It would not have a significant adverse impact on the vitality, viability and diversity of an existing or allocated centre.....”*

The applicant has not provided a Sequential Test to justify the current application, in spite of numerous requests from officers. Government guidance in “Ensuring the Vitality of Town Centres” states emphatically that **“It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing planning permission)”**

Officers have concerns that a supermarket of the size currently proposed will have an adverse effect on the vitality and viability of the existing Co-op in Norton Fitzwarren. It may also effect the deliverability of the new mixed-use local centre at Staplegrove, which includes the provision of a convenience store of up to 500 sq.m gross.

Officers note the recent letters of support who would welcome a new convenience store and petrol station in this part of the district. However, the size of the proposed retail unit is considered too large in relation to the petrol filling station element of the scheme and not ancillary to that use. The applicant has failed to provide a Sequential Test to demonstrate that this site is sequentially preferable to any other available sites within the local area.

In the absence of a Sequential Test, the proposal conflicts with Paragraph 24 of the NPPF and SADM Policies TC3 and TC4. Planning permission should be refused on these grounds.

## HIGHWAY IMPACT

The site is located on a major route in and out of Taunton which currently experiences high volumes of traffic. The proposal will provide 27 parking spaces which indicates that a high number of car-borne shoppers are anticipated. This is exacerbated by the fact that the site is not easily accessible to pedestrians coming from the Norton Fitzwarren direction. It is likely that a high number of customers will be attracted to the retail store due to the perceived quality of its offer. Somerset County Council Highways (SCCH) state that the existing highway network in this location is very sensitive to a change in vehicle movements. They estimate that the redevelopment of the site will result in a 50% increase in traffic movements. This would have a severe effect on the highway network to the detriment of highway safety.

The application, as originally submitted, lacked a Transport Assessment. In addition, there were no detailed highways drawings to demonstrate how large vehicles could safely manoeuvre into and out of the site. A Transport Technical Note (TN) was subsequently submitted to try to overcome SCCH's initial objection. This TN was supported by technical drawings showing swept path analyses and visibility splays and a TRICS analysis. The report concluded that the proposal would only result in a 10% increase in new trips. This conclusion is strongly disputed by SCCH on the grounds that it does not accurately or robustly represent existing levels of traffic generation from the site. This is because no existing data from the existing operations on the site have been provided. The use of TRICS data based on a branded car dealership such as Ford cannot be used as a comparison with a local business. No comparison has been made on a like for like basis. This has resulted in the TN overstating the level of traffic generation from the existing car dealership. SCCH remain of the view that the proposal will result in a significant increase in traffic generation to the detriment of highway safety.

In addition, concerns remain about the treatment of the access into the site. In particular there is a need for a better pedestrian path and cycleway across the site frontage with connectivity to the existing network. It is also likely that a right hand turning lane on the A358 is required.

In conclusion, the technical information submitted to date is insufficient to satisfactorily address SCCH's significant objections regarding highway safety. The proposal should also be recommended for refusal on highway grounds.

## FLOOD RISK

The site lies within Flood Zones 2 and 3a; with Zone 3 being defined as areas of highest risk of flood. The main source of flood risk is from the Back Stream, located 30 metres to the east of the site. There is also a risk of pluvial runoff from overland flows on adjacent land. According to the submitted Flood risk assessment (FRA), there is no record of historic flooding on this site according to Environment Agency records. Their records also show that the site falls within an area at "low risk" of surface water flooding. However, there is local evidence of the road and petrol filling pumps as being underwater in November 2012

Guidance within the NPPF states that new development should be avoided in areas of highest risk. However, where the development is necessary, it should be made safe without increasing flood risk elsewhere. It is necessary for a Sequential Test to be carried out for a development of this nature. The purpose of this test is to focus new development to areas with the lowest risk of flooding. According to technical guidance appended to the NPPF, the proposed development falls within the "less vulnerable" category of development in terms of flood risk. This category includes buildings for shops, other services, offices, industrial and storage and distribution uses. Development within the "less vulnerable" classification within Flood Zone 3a will not require an Exceptions Test. On this basis, the development is considered acceptable provided it passes the sequential test.

The Flood Risk Assessment submitted in support of this application has carried out a limited sequential test. It concludes that *“there are no other sites reasonably available within Zones 1 or 2 nearby that would suit a petrol station due to size, services and/or transport links.”* No evidence has been given of any alternative sites that have been considered. However, the FRA notes that the existing site is developed and that the proposal will result in a 67% reduction in the building footprint on the site. This means that less flood waters will be displaced from the site. Also in mitigation, a SUDS system will be used. The drainage strategy will also discharge key areas such as the jet wash, hardstanding, canopy and shop roof to Class 1 interceptors which will connect to the mains sewer.

It is proposed to include flood resilient construction techniques within the building and for the applicant to adopt a Flood Response Plan, although more detail is required.

The Environment Agency has objected to the application due to a lack of detail on finished floor levels and further information required on flood prevention measures. Officers consider that this matter can be satisfactorily resolved, however the applicant has not provided this information to date. The lack of this information and the continuing EA objection constitutes a further reason for refusal.

#### IMPACT ON RESIDENTIAL AMENITY

As described earlier, the site is located in very close proximity to residential properties. The nearest dwelling at Sunnymede has velux bedroom windows which will be located just 5 metres away from the proposed shoppers' car park and a 3 metre tall floodlight. Neighbours have raised concerns about potential light pollution from the floodlights and illumination within the forecourt canopy. No details on illumination levels and direction of lighting have been provided. This is a detail that could be controlled by a planning condition, if the application was acceptable in all other material planning considerations.

It is understood from local residents that the former petrol station was open seven days week between 0700 – 1900 hours. Concerns have been raised about potential noise nuisance if the site was to be operated late in the evening. No details on the proposed hours of operation have been provided. This is could be controlled by a planning condition, if the application was acceptable in all other material planning considerations.

Similarly, no details have been given as to the proposed hours of use for the jet washes. It is acknowledged that these are to be located at the rear of the site, as far as possible from the nearest residential neighbour. However, there is still potential for noise nuisance. Once again, this could be controlled by planning conditions such as restricting hours of operation and imposing noise restrictions.

#### CONCLUSION

The main issue is that the size of the proposed retail unit is considered too large in relation to the petrol filling station element of the scheme. This means that it does not fall within a *sui generis* use class and should be treated as a retail application.

The applicant has failed to provide a Sequential Test to demonstrate that this site is sequentially preferable to any other available sites within the local area. On this basis, the proposal clearly conflicts with national planning policy in the NPPF and also newly adopted policies within the Site Allocations Development Management Plan.

The applicant has also provided insufficient information to demonstrate that the proposal will not result in a significant impact in traffic generation, to the detriment of highway safety.

Finally, in view of the outstanding objection from the Environment Agency, there are concerns that the proposal may increase future flood risk to the development and the wider area.

It is therefore recommended that planning permission is refused.

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

**Contact Officer: Ms A Penn**

TAUNTON DEANE BOROUGH COUNCIL

**Outline Planning Application with all matters reserved for the demolition of the swimming pool and erection of a mixed use development comprising of retail, commercial, restaurant, residential, car parking and associated public realm on land at Coal Orchard, Taunton**

Location: CAR PARK, COAL ORCHARD, TAUNTON

Grid Reference: 322751.124851

Outline Planning Permission

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## **Recommendation**

### **Recommended decision: Conditional Approval**

Subject to a legal agreement to secure a turning head, an improved footway and the Travel Plan

### **Recommended Conditions (if applicable)**

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

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

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

2. None of the dwellings shall be occupied until the drainage works for the site have been submitted to and approved in writing by the Local Planning Authority and completed in accordance with the details approved.

Reason: To prevent discharge into nearby water courses in accordance with Policy CP1(C) of the Taunton Deane Core Strategy.

3. No wall construction shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained

as such, in accordance with the approved details as above.

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. No demolition of the Bicycle Chain building shall commence until a bat emergence and dawn survey report has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall ascertain the usage of the site by bats. They shall be undertaken by an appropriately qualified person at an appropriate time of year (May to September) and use techniques and equipment appropriate to the circumstances.

Reason: To ascertain accurate and up to date usage of the site by bats.

5. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Grass Roots submitted report, dated April 2016 and up to date bat surveys and include:
  1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  3. Measures for the retention and replacement and enhancement of places of rest for the species;
  4. Details of any lighting.

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

Reason: To protect and accommodate wildlife.

6. The uses, floor areas and storey heights shall not exceed those illustrated on drawings LL-255-201, 202 and 203.

Reason: In the interests of limiting the scale of development in the interests of the character and amenity of the area.

7. No new construction shall take place until the applicant, or their agents or successors in title, has secured the implementation of the agreed programme of archaeological work in accordance with the written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may

otherwise be agreed in writing by the Local Planning Authority and any finds shall be recorded and reported.

Reason: To ensure the preservation of archaeological remains in accordance with Policy CP8 of the Taunton Deane Core Strategy, ENV4 of the Site Allocations and Development Management Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

8. Details of the new footway shall be provided and there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 33 metres either side of the access or as agreed if less. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

9. No new construction work shall commence on the development hereby permitted until details of the access junction with an appropriate turning head linking to the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The access shall then be fully constructed in accordance with the approved plan, to an agreed specification before the new car park and residential development is first brought into use.

Reason: In the interests of highway safety.

10. Replacement space for the use of the Doctor's surgery shall be provided prior to the demolition of the Bicycle Chain building.

Reason: In the interests of maintaining a community facility in accordance with policy C4 of the Site Allocations and Development Management Plan.

11. An electrical vehicle charging point shall be provided within the public car park prior to the occupation of the 20th residential unit.

Reason: In the interests of discouraging vehicle emissions in the town centre.

12. The development shall provide for covered and secure cycle storage facilities, details of which shall be submitted as part of the reserved matters **condition** above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with policy A1 of the Site Allocations and Development Management Plan.

13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2016 Hydrock ref: R/C161148/001.02, and the overland plans dated 13 March 2017, and the following mitigation measures detailed within the FRA:

- 1- No residential dwelling below 15.62 m AOD.
- 2- Provide flood resilience to the ground floor of the building.
- 3- Provide floodplain compensation storage for the building located in Flood zone 3.
- 4- No interruption to the overland flood route.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants. To reduce the impact of flooding on the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect controlled waters.

15. No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA. The scheme should include details of the following:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

Reason: To prevent pollution of the water environment.

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

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

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

## Proposal

The proposal is an outline application with all matters reserved, for the demolition of the swimming pool and erection of a mixed use scheme comprising retail, commercial, restaurant, residential, car park and associated public realm works. The submitted plans although illustrative show a detailed design and layout as well as design elements and reflect the provision of a two and three storey scheme, including 740sqm of A1/A2 retail/office space in 13 units, 800sqm of B1 office/workspace, 555sqm of A3 restaurant/cafe space in 4 units and 36 residential units.

The development is designed in 5 blocks, A to E. Block A provides the B1 business units over 3 floors, together with ground floor retail units and 14 flats above. Block B provides 8 x 1 bedroomed units, Block C provides ground floor retail units and 2 flats above while Block D provides 3 retail units, a cafe/restaurant and 2 flats on the upper floor. Finally the new Block E provides for 2 restaurant/cafes and 10 flats on the upper floors.

The application includes a Design & Access Statement, Flood Risk Assessment, Ecological Appraisal, Tree report, Affordable Housing Statement, Noise Impact assessment, Transport Assessment, Archaeology & Heritage Statement and Planning Statement.

## Site Description

The site consists of the existing car park, swimming pool and former cycle park at Coal Orchard, together with the open space adjacent to the river. The site is bounded by the river to the west, the Brewhouse to the north, a medical centre,

public house and church to the east and St James' Street and Riverside Place to the south. The eastern part of the site to the east of 8 St James Street and including the pool lie within the revised St Mary and St James Conservation Area.

## Relevant Planning History

None

## Consultation Responses

SCC - *TRANSPORT DEVELOPMENT GROUP* - With regard to the application the points below required clarification or justification and have now been addressed:

- Frame Work Travel Plan – will be secured by S106;
- Turning Head – will be conditioned and secured within the S106 to ensure vehicles can appropriately and safely access the public highway in forward gear;
- Trip generation,

Matters unresolved or where further information will be required include;

- Construction Management Plan for both the demolition and throughout development will be required, this will be required as a planning condition;
- The existing Coal Orchard pedestrian footway to the east of the existing swimming pool site will require improvement in order to accommodate pedestrians associated with the development and travelling to and from the site. The minimum requirement of the footway would be 2 metres and will form part of the access legal agreement ;
- Parking

The planning application provides no development specific parking, which is contrary to the SCC Parking Policy, however, given that this is a Town Centre Location there is considered some scope for the development to be car free. However, the planning application does propose to provide a 'public pay and display a car park' to ensure that this isn't utilised by the employees residents of the proposed '*car free development*' it would be expected that this is a short stay, 'non permit', town centre car park'. The Travel Plan will promote sustainable travel choices to the site that will reduce the need for private car travel. It should be noted that the proposal to develop on the existing Coal Orchard Site will reduce that capacity of town centre parking spaces, no capacity study or new parking provision has been provided to date, little or no factual justification has been provided. It is noted from local knowledge that due to the town centre location, the demand for parking at Coal Orchard has traditionally been high. It is also noted that the relocation of the swimming pool has reduced the demand on the car park. The level of parking is contrary to current adopted policy. There is some concern without replacement parking vehicles associated with the site may over spill on the Highway network, which could affect both safety and capacity. It is therefore considered that this must be a matter for the Local Planning Authority to determine if the benefits outweigh the negatives.

If the Planning Authority determine to approve the above Planning Application the Highway Authority would recommend the following conditions:

- No work shall commence on the development hereby permitted until details of the access junction with an appropriate turning head linking to the adopted highway (s) generally have been submitted to and approved in writing by the Local Planning Authority. The access shall then be fully constructed in accordance with the approved plan, to an agreed specification before the development is first brought into use.
- There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 33 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.
- No development shall commence unless a Construction Traffic Management Plan (for both the removal and development of the site) has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of development and thereafter maintained until the use of the site discontinues.

The access works, footway and Travel Plan will need to be delivered via a Section 106 agreement.

**SCC - FLOOD RISK MANAGER** - The development is located within a brownfield site and as such the LLFA would expect to see a minimum of 30% reduction in runoff rates and volumes for surface water post development, however, as this site will discharge into the river Tone runoff rates must be reduced to 2 l/s as per the Environment Agency guidance.

The applicant has not provided details of either the existing or the proposed drainage designs for the capture and removal of surface water from the development. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details.

The LLFA has no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

**Condition:** No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

**Reason:** To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy

Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

*WESSEX WATER* - I have attached an extract from our asset database which shows the approximate location of our infrastructure at this location. There are existing public combined sewers in the vicinity of the site. We would require the development to provide separate systems of drainage on site.

Site survey will be required to assess existing surface water connections and agreement made with Wessex Water if surface water is to be discharged to the combined network upon redevelopment (in accordance with the SuDs hierarchy). Flow rates to be agreed with Wessex Water and the LLFA in accordance with flood risk measures. We would expect to see a reduction in surface water flow upon redevelopment.

*ENVIRONMENT AGENCY* - The Environment Agency can now WITHDRAW our objection to this proposal, providing the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) have been met, and subject to the inclusion of the following conditions within the Decision Notice:

**CONDITION:**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2016 Hydrock ref: R/C161148/001.02, and the overland plans dated 13 March 2017, and the following mitigation measures detailed within the FRA:

- 1- No residential dwelling below 15.62 m AOD.
- 2- Provide flood resilience to the ground floor of the building.
- 3- Provide floodplain compensation storage for the building located in Flood zone 3.
- 4- No interruption to the overland flood route.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

**REASON:**

- 1-To reduce the risk of flooding to the proposed development and future occupants.
- 2- To reduce the impact of flooding on the proposed development and future occupants.
- 3- To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
- 4- To prevent flooding elsewhere.

**CONDITION:**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an amendment to the remediation strategy

detailing how this unsuspected contamination shall be dealt with.

REASON: To protect controlled waters.

CONDITION:

No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA. The scheme should include details of the following:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

REASON: To prevent pollution of the water environment.

NOTE:

Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

In the event of planning permission being given we request that the Decision Notice contains the following information:

We recommend that the applicant produces a flood warning and evacuation plan in consultation with the Emergency Planners at North Somerset Council.

There must be no interruption to the surface water and/or land 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.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for some of the proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Tone, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

*HOUSING ENABLING* - 25% of the new housing should be in the form of affordable homes, however an affordable housing contribution will not be sought for the site due to the reinstatement of vacant building credit. The proposed residential space at the site is less than the existing vacant building.

*PLANNING POLICY* - Whilst this application is in outline only, there are a number of issues that will need to be addressed at the detailed design stage. The application includes drawings that have specific implications which need to be commented on.

A key issue is the extent to which the proposals are in conformity with the adopted Taunton Town Centre Area Action Plan (TCAAP).

The application proposes a retail-led mixed-use development comprising 3,000 sq. m retail space and 50 dwellings. The current application proposes somewhat less floorspace; however, the mix of uses is essentially in line with Policy Cr2 of the TCAAP.

The application proposes to incorporate a public car park with 49 spaces. This is not in accordance with Policy Cr2, which does not propose the retention of public car parking. A public car park does not seem appropriate on several counts:

- (i) Any space available for parking seems more likely to be have to be used to provide parking for residents of the 36 dwellings (or possibly the occupants of commercial space). It seems to be being assumed that open market housing can be built and sold on this site without any dedicated car parking for residents.
- (ii) Coal Orchard is a town centre location, where it would be expected that people primarily arrive at facilities on foot from larger, more remote parking facilities, by public transport, or by park-and-ride. Attempting to retain small public car parks right in the centre of the town, to serve localised areas of development, will perpetuate conflict between pedestrians and motor vehicles, and risks undermining the overall quality of the town centre.
- (iii) The scheme needs to take account of proposals for the wider town centre, particularly the potential closure of North Street and The Bridge to general traffic now that the Third Way has been completed, and provision of bus priority measures. (Policies Tr8 and Tr9 in the TCAAP). These proposals are likely to mean that, in future, there would normally be no vehicular access to St James Street from North Street. Access to the area would then have to be exclusively from the eastern end of St James Street or through Middle Street.

- (iv) There is an unresolved issue regarding the route of the National Cycle Network along the River Tone in this part of Taunton. The narrowness of the riverside path close to The Bridge means that it may well be necessary to route the NCN via St James Street, whose western one-way section would therefore have to be made two-way for cycling. Vehicles trying to access a public car park would therefore be likely to come into conflict with cyclists.
- (v) The provision of a car park may adversely affect the quality and setting of the proposed development. For example, the car park shown in the application measures nearly 40m from north to south, which when measured against the probable height of the proposed buildings, would result in a width: height ratio of more than 3:1. The car park is more than 50m from east-west (a likely ratio of 4:1).
- (vi) If in practice, the car parking is likely to be used by residents or commercial occupiers of the development, one might question why more of it is not shown as being provided in a more secure, private form within development blocks, rather than in public space.

Policy Cr2 also proposes the enhancement of St James Street (in line with the section of street east of Riverside Place/Lower Middle Street). The plans accompanying the application seems to suggest that on-street parking would be provided adjacent to the site in St James Street. This would prevent the streetscape being improved by bringing forward the building line of the former swimming pool (set back to a road widening line in the 1920s, which was never implemented) in line with Nos. 6-8a St James Street and the Ring of Bells public house.

Bringing forward the building line in St James Street could also result in the creation of a significant amount of additional floorspace.

*HERITAGE* - There are four potential issues that need to be considered here. The setting of the grade II listed old brewery house adjacent to the site. The setting of the grade II\* Church of St James. The demolition of the former 1928 Swimming Baths which are on the Historic Environment Record so represent an undesignated heritage asset (listing was declined this year by Historic England) and the setting of the wider Saint Mary and Saint James Conservation Area.

It is clear that the scheme will have an impact. However I consider that it will be 'less than substantial harm' as prescribed in the National Planning Policy Framework. The impacts have already been considered by both Historic England and the Design Review Panel. Subject to final design details the setting of the church has the potential to be improved by the scheme.

If you are content that the public benefits of this scheme offset the harm as prescribed in National Planning Policy Framework Paragraph 134, I am content that you approve this application.

*LANDSCAPE* - The scheme makes the most of the river frontage and so I consider, improves this area of Taunton. I have no objection to the felling of the conifers but would like to see the three ash trees near the Brewhouse theatre (which are

category B1 trees) retained. This could be achieved by reducing the size of the proposed building closest to the theatre.

*BIODIVERSITY* - The survey area is located in an urban setting but the River Tone (a local wildlife site) forms the western boundary of the survey area. The majority of the site is hardstanding with two buildings (swimming pool and a small single storey modern brick building). There are a few trees (Ash and Leyland cypress) located in the survey area. Grass Roots Ecology carried out an ecological appraisal of the site dated April 2016 and findings were as follows:

#### Bats

Pipistrelle, brown long eared, whiskered, Brandt and Daubentons bat have been recorded in the area. Trees on site were checked for roosting potential. The swimming pool was in good condition and considered not to offer roosting potential for bats. The smaller building offers potential for bats in the small roof voids present along the eaves. If the building is to be demolished or should works be required which would affect the roof structure of the building then bat emergence surveys are required. I agree a sensitive lighting scheme is required for the proposed development, due to the presence of bats using the river for foraging.

I support the recommendation to install bat boxes on the new development.

#### Otter and Water Vole

The river offers potential for otters. Local surveyors consider that a holt is present on/near this section of river.

#### Birds

A juvenile herring gull was observed flying over the survey area. The swimming pool provides opportunities for ground nesting birds such as gulls. I agree that demolition should take place outside of the bird nesting season. I support the introduction of bird boxes in the new development and possibly a green or brown roof to provide habitat for Black redstarts. The trees and amenity planting areas provide for minor foraging and nesting opportunities for birds so vegetation should only be removed outside the bird nesting season.

#### Condition for submission of further bat survey

The development hereby permitted shall not be commenced (including any demolition) until a bat emergence and dawn survey report has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall ascertain the usage of the site by bats. They shall be undertaken by an appropriately qualified person at an appropriate time of year (May to September) and use techniques and equipment appropriate to the circumstances.

Reason: To ascertain accurate and up to date usage of the site by bats.

#### Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Grass Roots submitted report, dated April 2016 and up to date bat surveys and include:

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

for the species;

#### 4. Details of any lighting.

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

Reason: To protect and accommodate wildlife.

#### Informative Note

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

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

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

*SOMERSET WILDLIFE TRUST* - We fully support the comments of the Biodiversity Officer in respect of an up to date bat survey and we would also support the proposals for enhancements such as bat and bird boxes as well as requesting that consideration should be given to the provision of at least one 'green roof'. Research has shown that contact with wildlife in its many forms improves people's physical and mental health and therefore their well being. On the face of it this development replaces one area of habitat which is not particularly friendly to wildlife with another which does nothing to improve the situation. We feel a golden opportunity to enhance Taunton's riverside environment which has been a major aim of the very successful Routes of the River Tone, of which Taunton Deane Borough Council has been a partner, is being missed. Neither does this development do anything to address the aims and principles of Taunton's "Garden Town" status. Much more should be done at this stage before the opportunity is lost.

*ENGLISH HERITAGE NOW HISTORIC ENGLAND (ALL CONSULTATIONS)* - The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

#### *SCC - NOW HISTORIC ENV SERVICE( AS NOT PART OF SCC 2015)-*

The applicant has submitted an archaeological Written Scheme of Investigation (WSI) that details the archaeological work that will be carried out in order to assess any remains present on the site and where appropriate carry out excavation or other mitigation. I am happy that the WSI represents a comprehensive strategy appropriate to this proposal. The condition will not require discharging as it is to ensure the WSI is implemented rather than requiring further submissions.

For this reason I recommend that the developer be required to archaeologically investigate any heritage assets present on the site and provide a report on any

discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of the following condition.

"The development hereby approved can only take place when the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with the submitted written scheme of investigation (ref. WA 112672)."

*POLICE CRIME DESIGN ADVISOR* - Sections 58 and 69 of the National Planning Policy Framework March 2012 both require crime and disorder and fear of crime to be considered in the design stage of a development and ask for:-

***"Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."***

Guidance is given considering 'Crime Prevention through Environmental Design', 'Secured by Design' principles and 'Safer Places.

Comment

Crime & ASB Statistics – reported crime for the area of this proposed development (within a 200 metre radius), during the period 01/10/2015-30/09/2016 is as follows:-

Burglary - 17 Offences (incl. 1 dwelling burglary, 3 commercial burglaries & 13 non-dwelling burglaries)

Criminal Damage - 21 Offences (incl. 8 criminal damage to buildings & 8 criminal damage to vehicles)

Drug Offences - 9

Other Offences - 11

Fraud/Forgery - 1

Robbery - 3 (incl. 2 personal robberies & 1 business)

Sexual Offences - 5 (all sexual assault on females)

Theft & Handling Stolen Goods - 164 Offences (incl. 3 theft from motor vehicles, 92 theft from shops & 16 theft of pedal cycles)

Violence Against the Person - 144 Offences (incl. 3 wounding, 63 assault ABH, 39 common assault and battery & 17 harassment or causing intentional harassment, alarm or distress)

Total - 376 Offences

This averages 31 offences per month, just over 7 offences per week, which are fairly high levels of crime bearing in mind the proximity to the town centre. Peak offending days are weekends and peak times afternoons and around midnight.

2. Layout of Vehicular & Pedestrian Routes – appear to be open and direct with good natural surveillance opportunities for users and from nearby buildings. The proposed surface changes by colour and texture help reinforce the defensible space of the area.

3. Public Space/Surveillance – communal areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow surveillance from nearby buildings and dwellings. Most of the areas of public space appear to be well overlooked by nearby buildings.

4. Courtyards – entrances to the internal courtyards appear to be fenced and gated (presumably out of hours), which is recommended, as this prevents unlawful access to these concealed areas during the hours of darkness.

5. Street Furniture – external street furniture such as benches, planters, litterbins etc should be of robust vandal and graffiti resistant design and securely fixed to the ground to prevent damage, removal or misuse. Such street furniture should

not be located at or close to buildings where they could also be used as climbing aids. Litterbins, can also be used for climbing or to start fires, and should preferably be locked onto fixed bases and located away from buildings. They should not be wall mounted beneath windows or on walls consisting of combustible material.

6. Planting – in areas where visibility is important, i.e. Arts Square and Courtyard Parking, shrubs should be selected which have a mature growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. Defensive planting (prickly shrubs) could also be used in appropriate locations to deter unauthorised access.

7. Maintenance – adequate measures should be put in place to ensure the satisfactory future management of the public spaces.

8. Street Lighting – all street lighting for the public spaces, footpaths and courtyard parking should comply with BS 5489:2013. Care should be taken to ensure that such lighting is compatible with any cctv system in the area and not obscured by planting.

9. Vehicle Parking – the proposed courtyard parking area appears to have a clearly defined boundary demarcated by surface changes and street furniture, which should ensure persons only use the designated route. Parking spaces are aligned in straight rows which assists natural surveillance and the car park is bounded by buildings on all sides which further enhances this. Suitable arrangements should be made for two-wheeled motor and pedal cycle parking including shelters & ground anchors.

10. Physical Security of Dwellings – in respect of the dwellings only, external doorsets and easily accessible windows and rooflights must comply with Approved Document Q ‘Security – Dwellings’ of Building Regulations.

#### *SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY -*

Whilst SIAS welcomes the retention of buildings such as Foundry House and the former Manager’s House (now part of the Brewhouse Theatre) we are also aware of the overall area involved for redevelopment. This presents a challenge in archaeological terms but also opportunities to discover unrecorded features such as the West Somerset Brewery and the various structures along the river frontage.

SIAS would therefore request that as a condition to approving this application there should be inserted a policy for archaeological investigation in the form of selected areas for excavation and monitoring throughout the period of redevelopment.

The stance of SIAS to this application is that of conditional approval.

#### *DESIGN REVIEW PANEL -* In summary the main conclusions of the Panel were:

Generally subject to the comments within the feedback the Panel is very supportive of the proposals presented.

Analysis of the wider strategic public transport, pedestrian & cycle links would help to further inform the design proposals.

The proposals result in a positive repair to the urban block.

The opening up of, & provision of access to, the river frontage is considered extremely positive.

Use of the proposed central car park as an urban square is supported, however it is felt that the detail will be crucial to ensure that this area does not feel like a supermarket car park.

Provision of some very short stay on-street parking may also be beneficial.

There may be an opportunity to change access to the car park between night and day through use of technology.

Electric car charging points should be provided.

Due to the nature of the site and the proposals, a high level of detail in regard of the landscape, planting and lighting design should be produced at the outline stage.

External lighting should be sensitively designed.

It may be beneficial to consider how the car park/urban square could be developed in the future should this become necessary or desirable. The Panel has some concern in regard to Block E & its relationship with the edge of the proposed square & the external riverside space.

It may be of benefit to increase the height of the proposed residential Block B. The relationship with the potential future expansion of the Brewhouse should be further considered at this stage.

There is concern in regard to the quantum of proposed retail floor space & the longer term town centre needs, & future flexibility should be considered including the long term impact of technology on town centres.

It is questioned by the Panel if there is an opportunity to also include provision of service industries.

It would be useful to produce eye level perspective views from within the corners of the square.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - The assessment looks at the potential impact of the existing noise sources on the new development, and the impact of the proposed development on existing and proposed residential premises. Monitoring was carried out at the site, and this was used to estimate noise levels at the façade of residential properties. The report includes proposals for the level of noise attenuation that would need to be provided on different facades. However, it does note that as this is an outline application, the internal layout of the properties is not known so the proposals are only indicative.

The assessment identified some existing noise sources that are “likely to require further assessment to confirm façade mitigation”. These are Zinc bar and nightclub; extractor fans at Miles at the Riverside and condensing units at Foundry Court. It also notes the potential for noise from the commercial developments on the new site to affect residential premises, recommending further assessment of any mechanical plant, and noise breakthrough from commercial to attached residential premises.

Comment.

The report does provide useful information about the potential impacts of noise at the new development. As the report recommends, further assessment will be required when the details of the development are submitted. This would include noise from existing sources, noise from new plant and equipment, and noise break-through from new commercial premises. I think that the noise that has the greatest potential to cause disturbance would be the noise from Zinc nightclub.

I would recommend that the applicant considers noise in the early design and internal layout of any buildings. For example, they should ensure that any noise sensitive rooms do not face existing noise sources. This is a much more effective way of minimising noise disturbance than using a standard design and installing high specification glazing on noisy facades.

*THEATRES TRUST* - The Theatres Trust is not opposed to the concept of a residential led mixed use scheme next to Brewhouse Theatre, as we recognise the importance of regeneration within our town centres to boost the local economy and support the cultural wellbeing of the local community. However, the Theatres Trust is concerned about the potential adverse effect this development may have on the long term viability and operation of the Brewhouse Theatre.

We are aware of plans being considered by Taunton Theatre Association Ltd, the current leaseholder of the Brewhouse Theatre, to upgrade and expand the theatre and its cultural offer and development of this site in an uncoordinated manner will restrict the potential to renew the theatre as a key cultural asset for Taunton. In particular, proposed Block E encroaches on the theatre's forecourt and we note that this proposal includes the removal of the terraced area and garden in front of the former Brewer's House which is used by the theatre for staging outdoor performances. This area is part of the land demised to TTA under the terms of their lease and therefore represents the loss of a cultural and theatre space, which is contrary to the guidance in paragraph 70 of the NPPF regarding the safeguarding of cultural assets.

#### *Policy Position*

The Trust's advice is based on clear directions for the safeguarding of culture venues within the National Planning Policy Framework (NPPF). The importance of cultural facilities and cultural well-being is highlighted by its inclusion as one of the 12 core planning principles (paragraph 17) with further guidance in paragraph 70 which states that in 'promoting healthy communities', planning decisions should 'plan positively for cultural buildings', 'guard against the loss of cultural facilities and services', ensure that such facilities 'are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community'.

#### *Recommendation*

We therefore support the views and submissions of Arts Taunton and the Taunton Theatre Association Ltd and call for the application to be withdrawn to enable a coordinated approach to be taken to the renewal of both the Coal Orchard and the theatre to benefit both developments, and most importantly, the people of Taunton.

## **Representations Received**

90 objections raising issues of

- Loss of parking capacity will exacerbate congestion and impact on residents businesses and community groups.
- Does not meet objectives of Coal Orchard development appraisal
- Will create more traffic
- Will increase hazards
- Will conflict with elderly flats
- Existing car park is well used
- Parking is already an issue for the medical centre
- Car parking needed for shopping and insufficient provided on this side of town

- Need for more parking not less
- Loss of parking for elderly
- Need to extend permit parking scheme to Sundays
- Insufficient parking for residential use and will impact on limited parking provision
- Should extend the car park
- Transport assessment does not take account of the revised traffic arrangements to St James Street, lack of turning for large vehicles
- Alternative car parks are too far away for people with restricted mobility or when its raining
- Part of site should be used as a coach drop off/pick up point and a visitor reception area
- Car park should be removed
- Car park should be a market
- Impact on traders
- Will impact on the Brewhouse and design should reflect theatre transformation
- No gallery/arts space and no thought to future of the Brewhouse which should be part of the scheme
- Jeopardises Brewhouse development
- No artist's studio space
- Should provide an indoor market or food hall
- No need for further retail outlets
- No need for new build office space
- Should be a full application to take account of the heritage assets
- Should be deferred until Firepool is determined
- Design and materials should be high quality
- Safety of steps down to water
- Will block views of the river
- Restaurant use will impact on residential flats
- Block A should be replaced with 3 storey town houses and rear parking and delete block B and replace with parking and extension to medical centre.
- New 3 storey block is out of character, inappropriate and unnecessary and will cause loss of openness
- Parking loss will cause closure of Brewhouse and affect those using the church and in poor health using medical centre.

- Loss of parking would lead to congestion and loss of trade
- No reason to develop Coal Orchard immediately
- Loss of valued community resource which will affect the ability to access shops, cafes, cricket ground, theatre, medical centre and church.
- Will damage people's lives, livelihoods, pleasure and health.
- Dwellings should be houses with garages, as new occupants will have vehicles
- Loss of generating income for the Council
- Will impact on the church and associated community uses
- The tall building nearest the river is unnecessary and overpowering and should be deleted
- New buildings of no architectural merit, poor design
- The façade of St James Pool must be retained and objection to pool demolition
- Should be more community use buildings
- Need more green space and a multi storey car park
- Inadequate layout that fails to meet the quality of townscape necessary, it ignores immediate needs of the area
- Layout does not take full advantage of pedestrian/cycle links
- Needs to be more in line with Taunton Rethink document
- Shopping provision unsustainable
- Restaurant provision is excessive and poorly sited
- Loss of trees
- Lack of variety of house types and tenure
- No provision for resident and visitor parking
- No coherent phasing plan
- Inadequate delivery access and loading space
- Conflict over access and deliveries
- Would create more opportunity for crime
- Trees cause a nuisance
- Access road is not wide enough and should be widened
- Development overly dense
- Should be a coach park
- Adequate covered cycle parking should be provided
- Cycle route not clear, it needs to be maintained and to be sign posted as part of

## National Cycle Network

- St James Street should be two way for cycles
- Coal Orchard shared access is not appropriate alignment for cycles and route should be through the square to the bridge over the river.
- Upgrade path on east side of the Tone and design out conflicts with cyclists
- Loss of bike park building for the medical centre
- River pontoon should be moved upstream so it doesn't constrict navigation and there should be no encroachment into the river
- Noise during construction will make psychological therapy centre use impossible and significant noise reduction measures should be imposed
- Disruption during construction
- Decision should be deferred to allow for Brewhouse development

ArtsTaunton - object on basis of piecemeal development, putting "the cart before the horse" and any redevelopment must be coherent and based on the design of the new arts centre. It is inconsistent with the Taunton rethink document. The new building crowds the Brewhouse and will overshadow it and obscure the outlook to the waterfront. The car park should be removed and be a piazza with only disabled spaces provided. A proper assessment of listed buildings and the conservation area should be undertaken. Considerable weight should be given to the desirability of preserving the setting of listed buildings or character and appearance of the conservation area. It is impossible to properly assess the impact without the knowledge of detailed design, layout, appearance and mix of uses proposed.

Taunton Theatre Association – commercial and residential uses not appropriate for 'cultural quarter', overdevelopment, the appearance and size of the buildings are not in keeping with the area, adjoining residents will be overshadowed, external alterations to front of Brewhouse not in character, inadequate parking development should be carried out in conjunction with modifications to the theatre.

St James Church - object on the basis of the loss of car parking

1 letter of support

## Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan

(2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

TTCD - Taunton Town Centre Design Code 2008,  
CP1 - Climate change,  
CP3 - Town centre and other uses,  
CP4 - Housing,  
CP6 - Transport and accessibility,  
CP8 - Environment,  
DM1 - General requirements,  
CR2 - Coal Orchard car park,  
ED1 - Design,  
F1 - Flooding,  
A1 - Parking requirements,  
A2 - Travel Planning,  
A3 - Cycle network,  
A5 - Accessibility of development,  
D7 - Design quality,  
ENV4 - Archaeology,  
ENV5 - Development in the vicinity of rivers and canals,  
C4 - Protection of community facilities,

## **Local finance considerations**

### **Community Infrastructure Levy**

This is an outline application so definite floor areas are not known.

The application form states 1295m<sup>2</sup> Use Class A, 20x 1 bed flats and 16x 2 bed flats (market housing).

Using Residential Testing Assumptions for the flats this equates to approx. 1796m<sup>2</sup> (45m<sup>2</sup> per 1 bed flat and 56m<sup>2</sup> per 2 bed flat).

#### **RETAIL:**

The application is for retail development within Taunton town centres where the Community Infrastructure Levy (CIL) is rated zero.

#### **RESIDENTIAL:**

The application is for residential development in Taunton town centre where the Community Infrastructure Levy (CIL) is zero rated.

Total CIL receipt for this development will be zero.

### **New Homes Bonus**

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

#### *1 Year Payment*

Taunton Deane Borough	£38,846
Somerset County Council	£9,712

#### *6 Year Payment*

Taunton Deane Borough	£233,079
Somerset County Council	£58,270

## **Determining issues and considerations**

The main considerations with the submission are compliance with policy in terms of the principle of the redevelopment, together with impacts on the heritage assets of the area, design, access and parking and flood risk.

### **Principle**

The site lies within the town centre and is identified with the adopted Taunton Town Centre Area Action Plan as an area for development under policies Cr2 and Cr3. These policies relate to development of Coal Orchard Car Park and the Brewhouse Theatre. Policy Cr2 states:

Redevelopment of the Coal Orchard car park will provide:

- a. an additional 3,000sqm gross of comparison and convenience retail floorspace
- b. leisure retailing, such as restaurants and bars
- c. approximately 50 dwellings on upper floors, including 25% affordable housing
- d. space for small-scale offices and creative industries
- e. potential for active frontages at ground level as shown on the proposals map
- f. an improved riverside walkway and cycle route to The Bridge
- g. secure covered cycle parking
- h. enhancement of St James Street adjacent to the site
- i. replacement swimming provision elsewhere in the town centre before the current pool is closed

Policy Cr3 states:

Land adjacent to the Brewhouse Theatre will be safeguarded for its potential expansion. New facilities will be made available for appropriate community use.

These policies stem from the 2008 Taunton Town Centre Area Action Plan. The scheme has been designed with a view to retaining space around the Brewhouse building for possible extensions/alteration in compliance with Cr3. The 2008 Action Plan is considered out of date in terms of the quantum of new retail provision required. The submission provides for 740sqm of new retail space which is considered in keeping with the provision of providing a sustainable redevelopment scheme in this location. It also provides 555sqm of leisure retailing for restaurant/café space as well as 800sqm of flexible B1 office/workspace and 36 residential units. This reduced scheme is considered to be compliant with the general redevelopment aims of the policy. In addition, given the nature of the

scheme, it will address active ground level frontages, enhance routes through the site and provide for covered cycle parking. The replacement of the St James Street swimming pool has already been provided to allow for its closure and redevelopment.

The red line area of the development extends to the north to encompass potential public realm improvements, however it does not result in the loss of open space in front of the Brewhouse for cultural and theatre space. Block E does not encroach on the theatres forecourt and there is not considered to be a conflict with Paragraph 70 of the NPPF. The scheme safeguards necessary land and does not therefore prevent future expansion of the Brewhouse.

The development is considered to accord with policies CP1, CP2, CP3 and CP4 of the Core Strategy. The removal of the building currently used by the doctor's surgery would be contrary to policy C4 of the Site Allocations and Development Management Plan. However it is considered that replacement facilities can be provided for within the new development and that this can be conditioned as part of the detailed scheme provision. On this basis it is considered the scheme would be acceptable. The development does not provide for affordable housing as required by policy C4, however the Government's new vacant building credit off sets this policy requirement, given the scale of the scheme. The enhancement of St James Street next to the site does not form part of the current outline but is being addressed through other town centre proposals, although the retention of highway area in front of the old pool is considered necessary by the Highway Authority for servicing the area.

### **Heritage Assets**

The application site lies partly within the conservation area and to a degree will affect the setting of the listed buildings of the St James church, the terrace at 5-8 St James Street and former Old Brewery House adjacent to the Brewhouse Theatre. Consequently sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply. These require special regard to be had to the desirability of preserving or enhancing the character or appearance of that area and of preserving listed buildings or their settings. The swimming pool could also be considered as an undesignated heritage asset, although a statement of immunity from listing has been issued.

The submitted scheme although in outline, does provide extensive design details in terms of the layout, scale and design of buildings and the mix of intended uses in order to enable a proper assessment of the scheme. Consequently if considered acceptable it is possible to condition these details, so that any diversion from them would require the submission of a separate full planning application. Historic England has been consulted on the proposals due to the scale of the development and has raised no objection. The development will see the demolition of the St

James Street pool and its replacement with a three storey building (Block A) that will house business units over the three floors on the corner with St James Street, while the remainder of the block will house retail on the ground floor with flats above. This building will reflect the scale of the buildings along St James Street and is not considered to harm the views of the Church tower or harm the adjacent terrace which historically would have continued along the street. The existing pool building is not considered to be listable and an immunity from listing has been granted. It is considered that the scale of the replacement building indicated in this location is acceptable and in keeping with the character of the conservation area while removing a negative feature identified in the Conservation Area Appraisal.

The two storey flats proposed in Block B are not considered to harm the setting of the church and reflect the scale of the adjacent public house and would not harm townscape views of the church tower. The block will address the highway and can be seen as an improvement to the character of the area reinstating street scape. The scale of these buildings can be controlled by condition.

The new build blocks C and D are indicated as 2 storey with flats above A1 and A3 uses and these buildings lie outside the conservation area and are not considered to impact on the setting of any listed building. The new build block E will be 3 storey and will encroach towards the Old Brewery House. This is introducing a structure closer to the river, where there historically was one and this reinstatement of an urban block was supported by the Design Review Panel. The provision of this block can be considered to cause an element of harm to the setting of the listed building. Paragraph 134 of the NPPF states where a development will lead to less than substantial harm to the significance of a designated heritage asset, then the harm should be weighed against the public benefits of the proposal. It is considered that the benefits of the redevelopment of the site in terms of jobs and urban realm enhancements outweigh the limited harm of the new buildings' impact on the setting of the listed buildings and loss of the old swimming pool in respect of the character of the conservation area.

The area has been identified as being in an area of archaeological interest and both the Somerset Industrial Archaeological Society and the County Archaeologist have identified that there needs to be an investigation of the area. This requirement is also reflected in policy ENV4 and a condition to secure the necessary investigation and recording is considered appropriate to include to ensure suitable mitigation is provided.

## **Design**

The design approach stems from the Taunton town centre design code which was adopted as a supplementary planning document following the Area Action Plan in 2008. The design principles for the area were to establish a robust movement framework connecting the riverside with St James Street, North Street and East Street via a network of attractive safe lanes; to promote active ground floor uses to create a vibrant street scene with residential development on upper floors; to encourage start up units and creative industries and studio/workshop space; to

encourage cafes and small restaurants in the area, especially along the waterfront; and to promote a character with buildings designed to reflect the scale and massing of the existing historic buildings in the area, whilst allowing a modern interpretation. The submitted scheme is considered to reflect these principles.

The development scheme has been considered by the Design Review Panel in May 2016 and their response was very supportive of the proposal presented. It provides the reinstatement of an urban block and opens up access to the river frontage. The nature of the relationship between Block E and the urban square has been amended as has the design of the block in terms of views from the town bridge. While the application is in outline form a number of details of the design in terms of heights, uses and positions of buildings has been considered carefully in terms of assessing impacts on the character of the area and nearby heritage assets. Illustrations of the appearance of the buildings have been submitted and while this may not be the final detailed design, I consider it is sufficient information to be able to properly assess and determine the impacts on the character of the area. Clearly if the detailed submission does not reflect this then the Authority has control over this detail.

### **Access and Parking**

The majority of public responses to the scheme have revolved around the parking provision and whether there was too little or too much. The designers have retained the level of parking proposed on the basis of the responses received to the consultation exercise. The original policy Cr2 of the Town Centre Area Action Plan envisaged the development of the whole of the area and loss of the car park entirely. This was based on the provision of increased parking at the Park and Ride sites and new multi-storey car parks. The current scheme retains an element of on-site parking (49 spaces on the illustrative plans), although a reduction from the current 120. The concern over parking stems from the level of use of the existing car park, together with a concern that the new area will be insufficient to meet the evening requirement of the Brewhouse and the day time requirement of the doctors, as well as the on site users. However, given that the current proposal is an improvement on the parking provision of that envisaged in the original policy, it is considered that the use of this car park is down to its management by the Council, which is not an issue that can be controlled under the planning legislation. The new flats in the area are proposed to be car free, given the central sustainable location of the site which would comply with policies A1 and A5 of the Site Allocations and Development Management Plan and this is considered acceptable.

The parking area is designed into a landscaped square with access proposed off the lane to the east. The Highway Authority has commented and consider the means of turning for vehicles needs to be maintained and a condition to this effect is necessary, together with a requirement for a new footway on the western side of the Coal Orchard access adjacent to the new building to secure an appropriate width and standard of pedestrian access. The parking on the illustrative plan will be removed from this area and the widening of this route will also enhance its use for bicycles. Existing routes through the site will be maintained. The siting of buildings on the St James Street frontage, reflects the current line of the swimming pool building. Pulling the buildings forward to reflect the adjacent end of terrace would conflict with the public highway and the Highway Authority has advised that this area will still be required for servicing even with traffic restrictions on the road. A Travel

Plan has been developed as part of the submission and includes a number of measures including travel vouchers and an electric vehicle charging point on site. While the latter can be conditioned the majority of measures will need to be secured by legal agreement.

The main issue for Members, in light of the many comments received, is whether there is sufficient parking to serve the adjacent uses. A revised parking strategy for the town is being finalised, however in view of the adopted Area Action Plan and the current parking policy, given the central location of the site, the provision of a smaller car park here is considered acceptable.

### **Flood Risk**

The site lies within the flood risk zone of the River Tone and a Flood Risk Assessment was submitted as part of the development. The site is identified as a redevelopment site within the adopted Local Plan and has previously been assessed in terms of the SFRA and so a separate sequential test is not required. The site may be subject to overland flows from the river at times of extreme events, however the scheme is designed to maintain such routes. The scheme will not reduce storage capacity and will provide mitigation through the creation of steps down to the river and so the risk to other sites elsewhere is not worsened. The area may be subject to contamination and so a condition is required to address this. The Environment Agency has not raised objection and recommends a number of conditions to address necessary mitigation of any proposal including levels, flood storage, resilience, contamination and protection during construction.

The surface water drainage to the current area is dealt with by either the existing surface water system or by run off directly to the river. The submitted scheme seeks to ensure a betterment over the current situation with an increase in impermeable areas acting as a reduction in run-off levels.

### **Other Issues**

There is currently no indication of protected species using the site, although it is clear that bats use the river corridor. The Biodiversity Officer is satisfied that appropriate conditions can be imposed to address necessary mitigation measures such as bat box provision, lighting details and further assessment of the Bicycle Chain building before any demolition. The scheme will ensure that additional tree planting is provided over and above the current situation as part of the public realm enhancement.

The Police Design Advisor has not identified any issues of concern concerning the design principles of the scheme and crime and there is no reason points he has raised cannot be incorporated into a detailed design. A similar approach will need to be taken in terms of noise and sensitive location of condensers and flues to avoid harm to any residential elements of the proposed scheme. It is not considered possible to reduce noise levels during construction as requested as it is not possible to define what an appropriate noise level to operate a therapy centre would be, let alone monitor the day to day noise levels on a construction site and so any condition would not be reasonable or enforceable.

## **Conclusion**

In summary this application, although in outline form provides details of the range of uses and scale and massing of the proposed new buildings that will form the development. This information is considered sufficient to be able to assess the impact of the scheme on the character of the area and the nearby heritage assets that would be affected. The scheme is considered to safeguard the character and appearance of the conservation area and while it will impact on the setting of the Old Brewery house this impact is not considered substantial and the benefits of the redevelopment of the area in terms of townscape and employment is considered to outweigh the limited harm. The parking provision retained on the site is considered suitable to serve the development and adjacent uses subject to suitable management of the car park. There are no objections from the main statutory consultees and the development is considered is considered in line with the core planning principles set out in paragraph 17 of the NPPF. As such the scheme is considered an acceptable redevelopment of the site and is recommended for approval.

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

**Contact Officer: Mr G Clifford**

48/17/0025

QUICK AND SONS

**Erection of Stage 2 of a steel framed agricultural building for the housing of livestock at Quantock Farm, West Monkton (retention of part works already undertaken)**

Location: QUANTOCK FARM, QUANTOCK LANE, WEST MONKTON,  
TAUNTON, TA2 8LR

Grid Reference: 325748.129948

Retention of Building/Works etc.

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (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:

Proposed New Steel Framed Cubicle Building for Dairy Cows (Stage 2) and Site Location Plan, dated 20th April 2017.

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

3. An earth mound shall be constructed and maintained in the location shown on the submitted plan to a height of not less than 2 metres in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall be provided within three months of the commencement of any part of the development.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area.

Notes to Applicant

## **Proposal**

The application is for the erection of a further cubicle building to house dairy cows. The materials will be concrete panel and Yorkshire boarding sides, profile fibre cement sheets for the roof to match the existing buildings. This application is for the second part of a structure recently granted planning permission by the Planning Committee. A new bund to the north and east of both phases will be landscaped.

It is understood that the total number of cattle will remain at a total of 550. The milk collection and feed deliveries will remain the same. Provision for slurry collection will remain as recently improved and extended.

## **Site Description**

The site, Quantock Farm, is to the north west of the village of West Monkton, and is accessed via rural lanes. The application site is in a field on the eastern side of an existing complex of agricultural buildings, and it would be partial sunken into the ground, as the ground rises to the north of the field. There is a significant treed boundary to the north and north east of the field. The land is open to the south, and it is some distance (around 600m) to nearest dwellings in this direction. A public footpath passes through part of the farm and the main vehicular access to the farm.

The site is in open countryside, within the Quantocks Landscape Character Area, outside the West Monkton Conservation Area (1.1km to the nearest point) and outside the Quantock Hills Area of Outstanding Natural Beauty (1.4km to nearest point). There is a County Archaeological site to the east of the application site.

## **Relevant Planning History**

There have been a series of applications and permissions for agricultural buildings, covered stock yards, works to the Listed Building, and change of use and conversion of barns to holiday units and an extension to the time limit of the previous permission and Listed Building Consent.

The erection of an agricultural cubicle building was granted planning permission by Committee in December 2011 (48/11/0039). A second phase was subsequently granted planning permission by Committee in 2012 (48/12/0007). This second phase was not implemented and the planning permission lapsed.

Permission was granted in September 2013 for the installation of an underground slurry pit (48/13/0047).

The erection of an umbrella roof over the below ground slurry stores was permitted in June 2016 (48/16/0027).

A new agricultural building was approved by Committee in March 2017 (48/16/0046).

## Consultation Responses

*WEST MONKTON PARISH COUNCIL* - Comments awaited.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Comments awaited.

*LANDSCAPE* - The structure is adjacent to similar buildings on the farm.

*ENVIRONMENT AGENCY* - Comments from previous application:

We are happy with your on site arrangements for slurry capacity. This is helped by the good practice of recently roofing the silage clamp, and the intended roofing of the larger slurry store early next year.

- We looked in the 3 streams below Quantock farm and were happy that no pollution was present.
- There were 2 areas of bank side cattle poaching which can, result in a deduction of RPA payments. Please can you let me know that this is no longer the case.
- We are happy with the available land bank and spreading risk maps.
- Fuel oil stored on site is bunded, and pesticides are not stored on site.
- Overall there were many examples of good agricultural practice and improved practice for protecting the water course. Some of these are; improved buffer strips, wild flower establishment on buffer strips which also increase the effectiveness of water penetration, rough ploughing along a slope gradient with a deep furrow before the buffer strip, the establishment of winter cover crops preventing bare soil being exposed to rainfall, and ponds along the water course before leaving the farm which can help to further improve water quality.

## Representations Received

One letter of objection has been received to date raising concerns about nuisance from the increase in traffic and noise. In addition, it is questioned whether adequate information has been submitted in connection with the numbers of additional cattle to be accommodated. Finally, it is claimed that the slurry storage area is insufficient.

## Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP8 - Environment,  
DM2 - Development in the countryside,  
SB1 - Settlement boundaries,

This takes into account the recent adoption of the SADMP.

## **Determining issues and considerations**

The proposal is for the erection of an further sections to the agricultural building permitted by Committee earlier this year. The proposed site of the building is to the north and east of other agricultural buildings, and will not be visible from any nearby properties. The building would be seen in association with the other buildings and adjacent covered slurry heaps. There is a wooded area to the north/north east and the plans indicate a bund to the north and east which will be landscaped. The site is a distance from any residential properties and it is not considered that there will be any detriment from the building itself or its use to any residents. There is no impact on the Listed Building or its setting as the proposed site is away from the farmhouse and there are several other intervening buildings.

The number of milking cows and its impact on traffic generation has previously been raised by local residents as a cause for concern. However, as previously stated, the numbers of cows or other animals on a farm is not normally a planning issue, as the matter of exact numbers is not controlled by the Local Planning Authority. Vehicular access to the farm is via the local roads, and the route through West Monkton village appears to be that most used by the farmer and for his deliveries (both to and from the farm). It has previously not been considered appropriate or enforceable that the Local Planning Authority could condition that a particular or an alternative route should be used. This remains the case. The state of the roads is the responsibility of County Highway Authority, however mud/straw on rural roads is commonplace, and may not be cleared up to the expectation of some local residents. Large agricultural vehicles travelling through rural areas and in the vicinity of farms is to be expected, and is experienced throughout the Borough and country.

Noise from farm vehicles and smells emanating from farms are a normal occurrence within rural areas.

With regard to the storage of slurry, a new purpose built below ground slurry tank has been built recently. In addition, an umbrella canopy will be installed over the tank to prevent it becoming filled with rain water. This has significantly increased the capacity for slurry storage on the site. There are also separate environmental regulations governing the storage of slurry and the safeguarding of watercourses from pollution controlled by the Environment Agency.

In addition, there are regulations in respect to whether an environmental impact assessment is required. The current proposal has been screened out of the need for a formal EIA.

In conclusion, the proposal is for an extension to an agricultural building in a location

which is considered in visual terms to be appropriate. The numbers of animals housed cannot be controlled by the planning system as it would be considered unreasonable and would not be enforceable. The proposal is agriculturally related and is considered to be acceptable. Officers do not consider that there has been any material change in planning considerations which would warrant coming to a different conclusion from the previous decision.

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

**Contact Officer: Ms A Penn**

**APPEALS RECEIVED – 21 JUNE 2017**

**Site: FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD, TAUNTON, TA3 7RW**

**Proposal: Change of use of land and buildings from equine to commercial dog breeding business to include siting of mobile home for use as temporary workers dwelling at Fairfield Stables, Moor Lane, Churchinford (resubmission of 10/16/0008)**

**Application number: 10/16/0028**

**Appeal reference: APP/D3315/W/17/3172566**

**Start Date: 22 May 2017**

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**Site: 8, 9 & 10 PARSONAGE COTTAGES, PARSONAGE LANE, KINGSTON ST MARY, TAUNTON, TA2 8JF**

**Proposal: Formation of parking area in front gardens of 8,9,& 10 Parsonage Cottages, Kingston St Mary (Retention of works already undertaken).**

**Application number: 20/16/0038**

**Appeal reference: APP/D3315/W/3174852**

**Start Date: 05 June 2017**

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**Site: HOLBAINES MEADOW, WHITEBALL ROAD, SAMPFORD ARUNDEL, WELLINGTON, TA21 0LS**

**Proposal: Formation of new access onto A38 at Holbaines Meadow, Sampford Arundel**

**Application number: 32/16/0001**

**Appeal reference: APP/D3315/W/3173329**

**Start Date: 07 June 2017**