

TAUNTON DEANE BOROUGH COUNCIL

Proposed demolition of swimming pool and erection of mixed use development comprising of retail, commercial, restaurant, residential, car park and associated public realm at Coal Orchard, Taunton

Location: CAR PARK, COAL ORCHARD, TAUNTON, TA1 1JJ

Grid Reference: 322759.124865 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval subject to a legal agreement to secure affordable housing and a children's play contribution and variation of the previous agreement to secure the highway works and travel plan

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:

(A1) DrNo COT-LL-ZZ-00-DR-L-90-200-S4 Rev B Steps/Seating Steps Sections

(A1) DrNo COT-LL-ZZ-00-DR-L-90-002-S4 Rev B Planting Strategy - Sheet 1

(A1) DrNo COT-LL-ZZ-00-DR-L-90-003-S4 Rev A Planting Strategy - Sheet 2

(A1) DrNo COT-LL-ZZ-00-DR-L-90-001-S4 Rev D Illustrative Master Plan

(A1) DrNo COT-LL-ZZ-00-DR-L-90-000-S4 Rev C Hardworks & Levels

(A1) DrNo COT-LL-A-ZZ-DR-A-20-001-S4 Rev P02 Site Location and Block Plans

(A1) DrNo COT-LL-A-03-DR-A-20-013-S4 Rev P01 Roof Plan

(A1) DrNo COT-LL-A-01-DR-A-20-012-S4 Rev P04 Second Floor Plan

(A1) DrNo COT-LL-A-01-DR-A-20-011-S4 Rev P04 First Floor Plan

(A1) DrNo COT-AHR-E-ZZ-DR-A-20-152 Planning Elevations - Block E - Sheet 2

(A2) DrNo COT-AHR-D-01-DR-A-20-050 Rev P01 Planning GA - Block D - First Floor Plan

(A1) DrNo COT-AHR-E-ZZ-DR-A-20-151 Rev P01 Planning Elevations - Block E - Sheet 1

(A2) DrNo COT-AHR-E-03-DR-A-20-050 Rev P01 Planning GA - Block E - Roof Plan

(A2) DrNo COT-AHR-E-02-DR-A-20-050 Rev P01 Planning GA - Block E -

Second Floor Plan

(A2) DrNo COT-AHR-E-01-DR-A-20-050 Rev P01 Planning GA - Block E - First Floor Plan

(A2) DrNo COT-AHR-E-00-DR-A-20-050 Rev P01 Planning GA - Block E - Ground Floor Plan

(A2) DrNo COT-AHR-D-03-DR-A-20-050 Rev P01 Planning GA - Block D - Roof Plan

(A2) DrNo COT-AHR-D-02-DR-A-20-050 Rev P01 Planning GA - Block D - Second Floor Plan

(A2) DrNo COT-AHR-D-00-DR-A-20-050 Rev P01 Planning GA - Block D - Ground Floor Plan

(A3) DrNo COT-AHR-C-01-DR-A-20-050 Rev P01 Planning GA - Block C - Roof Plan

(A3) DrNo COT-AHR-C-00-DR-A-20-050 Rev P02 Planning GA Block C Ground Floor Plan

(A3) DrNo 42312/2001/100 Rev C Vehicle Turning Area Option 1

(A3) DrNo 1634/TLP Rev A Tree Location Plan

(A1) DrNo 04115-SDS-XX-EX-DR-E-70XX-1003 Rev P02 External Lighting

(A1) DrNo C161148-C502 Post Development Overland Flow Routes

(A1) DrNo 04115-SDS-XX-EX-DR-E-70XX-1003 Rev P02 External Lighting

(A1) DrNo 42312-2001-500 Surface and Foul Water Drainage Layout

(A1) DrNo COT-AHR-D-ZZ-DR-A-20-152 Rev P01 Planning Elevations - Block D - Sheet 2

(A1) DrNo COT-AHR-D-ZZ-DR-A-20-151 Rev P01 Planning Elevations - Block D - Sheet 1

(A1) DrNo COT-LL-A-ZZ-DR-A-20-200-S4 Rev P03 Proposed Sections

(A1) DrNo COT-LL-A-ZZ-DR-A-20-103-S4 Rev P03 East & West Elevation

(A1) DrNo COT-LL-A-ZZ-DR-A-20-102-S4 Rev P03 North and South Elevations

(A1) DrNo COT-LL-A-ZZ-DR-A-20-101-S4 Rev P03 Proposed Elevations

(A1) DrNo COT-LL-A-ZZ-DR-A-20-100-S4 Rev P03 Contextual South Elevations

(A1) DrNo COT-LL-A-00-DR-A-20-010-S4 Rev P04 Ground Floor Plan

(A1) DrNo COT-AHR-C-ZZ-DR-A-20-151 Rev P01 Planning Elevations - Block C - Sheet 1

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

3.

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. 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, 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).

4. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

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 October 2017 and up to date 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 bats and birds;
- 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 improved footway to Coal Orchard shall be provided prior to occupation of any flat 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 car park 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.

- 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. 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 Technical Note plans dated 10 April 2018, 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 and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

9. 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.

10. 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.

11. The electrical vehicle charging points 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 **condition**. 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. Notwithstanding the materials shown on the submitted drawings and prior to the construction of any buildings, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area.

14. A contract shall be let for the construction of the replacement building in place of the swimming pool within one month of the demolition completion.

Reason: To ensure no adverse long term impact on the conservation area.

15. No demolition works to which this consent/permission relates shall commence until a programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority

Reason: In the interests of recording the building, its setting and any features of historic or architectural interest that it possesses.

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. Notes at the request of the Biodiversity Officer:
 - The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain 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).
3. Notes at the request of the Environment Agency:
 - Measures should be taken to prevent the runoff of any contaminated

- drainage during the construction phase.
 - 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>.
4. Note at the request of the Canal & River Trust:
- The Canal & River Trust act as Navigation Authority only for the adjacent river. However, the river is hydraulically linked to the Bridgwater & Taunton Canal. We would therefore wish to ensure that no pollution of the water environment takes place during the demolition and building phase and that all works comply with the environment Agency's guidance and best practice.

Proposal

The proposal is a full application 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 scheme includes 840sqm of retail/office/commercial uses, 1070sqm of restaurant space and 42 residential units (28 x 1 bed and 14 x 2 bed). There would also be a reduction of car parking spaces from 120 to 42 spaces (including 2 accessible) with 3 electric car charging points.

The development proposal gives further details to the outline development

38/16/0357 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 which was considered and approved by members in June last year. The details do not meet some of the conditions on the outline in terms of scale of development and so the current application has to be a full planning application for the development.

The development is designed in four blocks, A, C, D and E, being a mix of single storey, two storey and three storeys in height. Block A provides for a flexible mix of retail/business uses (A1/A2/A3/B1) on the ground floor, with also a potential large element as a D2 leisure/entertainment use and 12 residential units (4 x 2 bed and 8 x 1 bed) on each of the first and second floors. Block C is single storey providing retail/business uses. Block D provides a restaurant at ground floor, with further restaurant space on the first floor and 2 apartments spanning the first and second floors. Block E consists of two restaurant units at ground floor level with 4 x 2 bedroom apartments and 4 x 1 bedroom apartments on each of the first and second floors. The outline application also included a Block B, on the site of the former cycle park, but this element has been deleted from the current scheme.

The riverside blocks would be of contemporary design incorporating large elements of glazing, along with a mix of materials, including buff bricks, timber cladding and zinc cladding. The scheme would also include a river front plaza alongside Blocks D and E incorporating a stepped terrace down to the river, with the parking square alongside Blocks A and E. Block A would be more traditional to reflect St James Street and the Conservation Area.

The application is accompanied by a Planning Statement, Design & Access Statement, Topographical Survey, Affordable Housing Statement, Arboricultural Impact Assessment Report, Archaeology and Heritage Statement, Bat Survey Report, Building Services Engineering Utilities Report, Coal Orchard Car Park Availability Document, Ecological Appraisal, Environmental Noise Impact Assessment, Flood Risk Assessment and Technical Design Note, Framework Travel Plan, Heritage Statement and Certificate of Immunity, Transport Assessment and Transport Statement, Written Scheme of Investigation of Archaeological Works.

Site Description

The site consists of the existing car park and swimming pool, together with the open space adjacent to the river. The site is bounded by the river to the west, the Broomhouse 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

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 - CA 23/4/18

Consultation Responses

DESIGN REVIEW PANEL - This is the second time the Design Review Panel has reviewed a proposal for this site. A scheme on this site has previously been reviewed by The Design Review Panel on 19th May 2016.

The Panel raised the following points: -

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

The Panel continues to consider that the proposals on this site result in a positive repair to the urban block and result in good connections to the immediate surroundings, also generally result in a positive street layout. The opening up of, and provision of access to, the river frontage is also still considered to be extremely positive.

The Panel remains very supportive of the proposal to use the proposed central car park as an urban square / flexible space; the Panel is also supportive of the proposed materials and detail proposed for the hard landscape in this regard. As previously suggested, the Panel feels that it may be beneficial for electric car charging points to be integrated into the proposals. It is also again strongly suggested that raised curbs should not be incorporated, so as to ensure that the space may embody the feeling of an urban square in accordance with the stated aspirations.

The mature trees proposed to be provided at key points around the perimeter of the proposed square are welcomed, however the Panel do have a concern that the trees previously proposed for the proposed urban square have been removed. It is felt that it would be beneficial for trees to also be provided within the square, in order to provide a structure and sense of green space. It is accepted that the number and grid shape of the proposed trees may differ from the previous proposals/approved scheme.

It is felt that the proposals result in very strong routes through the site, and this is supported by the Panel. Furthermore, the Panel welcomes the provision of a cycle path that is separate from the proposed pedestrian route.

Notwithstanding the above, the Panel feels that the proposals may benefit from there being a defined destination at the end of the route, which is not currently present. It is however acknowledged that the proposals create an opportunity for complimentary future development in this area, which is supported.

The Panel feels that the proposed Blocks feel sensitive to the character of the surrounding conservation area, whilst at the same time successfully proposing a contemporary sense of place. In particular, it is considered that Blocks D and E work well in terms of façade and articulation; which it is felt provides a ghost of agricultural vernacular which the Panel consider to be contextually appropriate for Taunton, being the county town of Somerset.

The Panel is very positive in regard to the design of Block A, and feels that its' diversity picks up upon the diversity within the conservation area along St James Street. It is felt that the proposed ground floor active street frontages work well and ties in well with the existing.

The mix of materials is considered to be very positive, and it is felt that these are appropriately reflective of the conservation area. It is however reiterated that the quality of detailing and materials should be carefully considered to ensure that the proposals meet the stated aspirations.

The Panel notes the loss of the small business incubator units which were aimed at technology and creative startups / small live work units, that were approved within the previous scheme. However, the Panel notes the flexibility provided within the proposals which may allow adaptability of future uses and this is supported.

In terms of ecology, it is considered that the proposals would benefit from the incorporation of ecological measures within the scheme; for example, such as bat boxes that are integrated into the building structures. It is also felt that the proposed buildings offer an opportunity to incorporate Swift boxes at high level. It is suggested that it may be beneficial to the proposals to create a biodiversity budget for the whole scheme, in order to be able to compare the overall biodiversity impact of the proposals; which the Panel suggest should be able to demonstrate an overall gain.

SCC - TRANSPORT DEVELOPMENT GROUP - Comment awaited

LANDSCAPE - The scheme makes the most of the river frontage and so, I consider, improves this area of Taunton. However I would like to see some soft edges with native waterside planting adjacent to the riverside.

I have no objection to the felling of the conifers.

The choice of planting material, with the exception of bed 5 which should have some native species, is generally satisfactory but a full planting plan is required.

HERITAGE - The potential impacts were considered in outline by both Historic England and the Design Review Panel. There were four issues that I raised. The setting of the Grade II Listed Old Brewery House adjacent to the site. The setting of the Grade II* Listed 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 by Historic England) and the setting of the wider Saint Mary and Saint James Conservation Area.

It is evident from the detailed submission that the scheme will have an impact. However I consider that it will be 'less than substantial harm' as prescribed in paragraph 196.

As envisaged the setting of the church will in my view be improved by the scheme. The setting of the Old Brewery and the Saint Mary and Saint James Conservation Area will be harmed, but this will be 'Less than substantial harm' as prescribed in

paragraph 196 of the National Planning Policy Framework.

The demolition of the swimming pool which is an undesignated heritage asset will proceed, but the harm can be mitigated by a detailed recording condition to retain evidence of the historic use.

If you are clear that the public benefits of this scheme offset the harm as prescribed in National Planning Policy Framework Paragraph 196, I am content that you approve this application.

ECONOMIC DEVELOPMENT - No comments received

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comments received

ENVIRONMENTAL HEALTH - FOOD SAFETY - No comments received

HISTORIC ENGLAND - On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

LEISURE DEVELOPMENT - In accordance with TDBC Adopted Site Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play space should be made for the residents of these dwellings.

An off-site contribution for children's play of £3,263 per each of the 2 bed dwellings should be made. The contribution should be index linked and spent on play equipment within the vicinity of the development.

SCC - CHIEF EDUCATION OFFICER - No comments received

WESSEX WATER - No comments received

ENVIRONMENT AGENCY (Comments following receipt of revised technical design note) - 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:

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 Technical Note plans dated 10 April 2018, 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.

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.

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>.

THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS) - The Canal & River Trust act as Navigation Authority only for the adjacent river. However, the river is hydraulically linked to the Bridgwater & Taunton Canal. We would therefore wish to ensure that no pollution of the water environment takes place during the demolition and building phase and that all works comply with the environment Agency's guidance and best practice.

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 hard standing with two buildings (swimming pool and a small single storey modern brick building)

There are a few trees (Ash and Leyland cypress) located within the survey area. Grass Roots Ecology carried out an Ecological Appraisal of the site dated

April 2016. A bat report was carried out in October 2017. 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.

Two bat emergence surveys were carried out on this smaller building in September 2017.

No bats were seen to emerge/enter the building during the surveys with only low levels of activity attributed to occasional Common Pipistrelle and Soprano Pipistrelle.

If works do not commence before the 2019 active season then a further check of the building will be required.

I agree that 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 within the new development

Otter and water Vole - The river offers potential for otters. Local surveyors consider that a holt is present on/or near this section of the river.

Birds - A juvenile herring gull was observed flying over the survey area during survey.

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 minor foraging and nesting opportunities for birds so vegetation should only be removed outside of the bird nesting season.

Suggested 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 reports, dated April 2016 and October 2017 and up to date 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 bats and birds
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 the 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 wildlife. 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 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)

HOUSING ENABLING - 25% of the new housing should be in the form of affordable homes, with a tenure split of 60% social rented and 40% intermediate housing. On the basis of 42 dwellings, this would equate to 10.5. It is noted that a viability assessment has been submitted with the application.

Following detailed discussions regarding viability, the proposal includes 8 x discounted open market apartments to be sold at no more than 75% of the open market value.

In order to meet current local demand, Housing Enabling would suggest these are provided as 5 x 1 bedroom apartments and 3 x 2 bedroom apartments.

Subsequent comments following receipt of affordable housing plan – Housing Enabling are satisfied with the Affordable Housing Scheme shown on the submitted plan COT-LL-A-ZZDR-A-20-400 dated 7/4/18, incorporating 8 discounted units.

PLANNING POLICY - The scale and mix of uses is generally in conformity with Policy CR2 of the TCAAP.

One major concern is the failure of the proposals to reinstate the pre-1920s building line in St James Street. When the swimming pool was built, the building

line was set back, a fact that is quite noticeable when viewed from the adjoining sections of the street. Setting back was also done to the section opposite St James' church, to allow for widening of the street throughout its length. The widening was not completed, and will now never be carried out, but the street scene has been spoilt. The building line therefore should be brought forward again, by about 4.5m. It seems wrong to be retaining a 1920s road widening apparently to make room for a limited number of servicing spaces - could these not be moved elsewhere?

LOCAL LEAD FLOOD AUTHORITY - LLFA - The applicant proposes to redevelop the existing Coal Orchard site to provide a mixed use development. As part of the application the developer has submitted a flood risk assessment (FRA - July 2016), plus a technical note (November 2016), produced for a previous outline planning application at the site.

A further technical note dated April 2018 covers floodplain storage compensation issues.

We support the Environment Agency's response that a revised technical note to address overland flow routes, based on the revised site proposals, should be submitted prior to any approval. Overland flow routes must not be impeded by the proposals as this may increase flood risk elsewhere. The July 2016 flood risk assessment submitted with this application provides no information about the drainage regime at the site in terms of existing and proposed development runoff rates. We would expect to see this information at this stage of planning, and recommend that this information is submitted prior to approval.

As this is a brownfield development, we would usually expect to see at least a 30% betterment over existing drainage conditions, which is in line with the West of England SUDS Handbook, for all events up to and including the 1 in 100 year (+ 40% climate change) event. However, as this site discharges to the River Tone runoff from the site should be discharged at either 2 l/s/ha or the average annual peak flow rate (i.e. the mean annual flood QBAR), whichever the more stringent.

The FRA proposes that the addition of permeable paving at the site will provide betterment on the existing situation, but does not provide details to quantify this betterment or any further information to demonstrate feasibility. Any opportunities to further explore sustainable drainage techniques should be taken as part of the drainage strategy for the proposed site. If you are minded to grant permission for this development, we would request that the following condition is attached.

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, 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).

SOMERSET WILDLIFE TRUST - Potential light spill onto the river corridor. Work has been undertaken in recent years to protect this valuable corridor for wildlife including bats and otters. Fully support comments of Council's Biodiversity and Landscape Officer regarding measures for mitigation and enhancement. Request all of her proposals are incorporated into the Planning Conditions if permission is granted.

Representations Received

A petition signed by 1138 signatures requesting the Council to withdraw their proposals under planning application 38/18/0185 on the grounds that:

- The development is premature and disregards the Council's own planning policy of providing a cultural quarter with independent shops, offices, workshops, artists studio and galleries.
- The reduction of car parking spaces from 120 to 42 and disabled spaces from 8 to 2 is unacceptable.
- The proposed servicing is inadequate and will lead to congestion.
- There is no affordable housing and the lack of dedicated car parking for all 42 flats is unworkable.
- The proposed buildings are out of scale and out of character with the area.

1 letter of support on the grounds of:

- It will make a positive contribution to leisure, utilising a great waterfront site.
- Less parking and cars restricted would not spoil views of river.
- Support idea for larger restaurant based units.
- Proposals will enliven the waterfront and create a real asset.

38 objections (including one from Pegasus Court Residents Association) raising issues of:

- Proposed development conflicts with plans for Garden Town and green corridor from Firepool to town centre, area should be an extension to Goodlands Gardens.
- Loss of open space along the river.
- The riverside site could be a green space and a real asset to the town.
- Proposed development would be overcrowded with little open space. Design would be more suited to a larger site. Form and materials are alien to the existing buildings.
- Proposed buildings block views of iconic church tower/Tone bridge and overpowers listed Brewhouse building. Wharf building is too high and unsuitable. Buildings would be more appropriate to a city canal, river or harbourside development, out of place in Taunton.
- Failing to retain swimming pool facade is unacceptable given the number of people that wanted it retained, it should have been listed.
- Plans do not reflect the vision for Coal Orchard in the Taunton Rethink document. Does not meet Council's policy of creating intimate spaces, a fine grained urban structure and small specialised shopping.
- Outline application attempted to meet Council's objective, this application ignores them.
- Current proposals conflict with original 'ideals' of the Council. Complete redesign is required.
- Conflicts with future plans for Brewhouse and Cricket Club. Future plans of both will result in increased pedestrians on summer evenings, conflicting with more traffic movements in a small area.
- Town already has oversupply of cafes/restaurants and gyms nearby.
- Small shops nearby are regularly changing hands so more are not required.
- Query viability of attracting sufficient new business to fill the site and likely impact on the rest of the retail activity in the town.
- Concerns regarding unfinished site and empty premises.
- Suggest redesign of commercial uses.
- Plans do not include starter units, small specialised shops or facilities for artists/craftsmen as promised.

- Proposed ground floor uses are not a mixed development and street scene will be bland.
- Town has an abundance of flats especially at Firepool. More pressure on traffic and medical facilities that are already not coping.
- Insufficient space for pedestrians, mobility scooters, cyclists, etc.
- Design results in poor pedestrian links.
- Pedestrian flow from Morrisons and town centre is life blood of Coal Orchard shops and will be diverted away from these.
- Concerns regarding lack of parking and loss of existing parking.
- Lack of parking will make apartments unattractive to potential purchasers.
- Parking needed for success of Brewhouse Theatre, Church and local retailers. Details of Car Park Availability and Capacity Map indicates closeness of other car parks, actual routes on the ground are much longer and not obvious to visitors.
- Concerns over reduction of disabled parking. Query whether this meets Council's inclusivity policy.
- Many visitors to the Church and Halls rely on car parking being unable to walk the longer distance from other car parks, particularly those with toddlers and wheelchair users.
- Closing car park for a week in January had a significant impact upon footfall and turnover of local businesses within that week.
- Little consideration given to traffic needed to serve the development. Turning head/delivery bay is insufficient and access dangerous.
- Access is required to Pegasus Court garages and by service/emergency vehicles.
- More parking would encourage people to support town centre.
- Suggest quick turnaround parking bays on side of street and cheap parking for quick visits to encourage, not deter, people to visit the town centre.
- No provision for secure cycle park.
- National cycle route passes through the site but no allowance made for this.
- Suggest one-way traffic system.
- Concerns that adequate provision has not been made for buses or coaches, which are important to the proposed enlarged theatre and town centre.
- Nearby medical practice has expanded significantly in last 18 months and needs good access, adequate parking, relatively unencumbered egress from the site and preserving space for a possible extension to the front of the medical centre.
- Concerns regarding health and safety. Oversize steps on river edge are particularly hazardous.
- Unique riverside site has become little more than a housing site.
- Scheme should include some useful employment.
- Scheme includes no affordable housing.
- Scheme should include more first time buyer/social housing to increase social mix.
- Query future of Annual Dragon Boat Day and Somerfest.
- Seek assurance over minimal disruption during construction.
- None of objections to original application have been addressed.
- Query validity of original application.
- Concerns regarding noise and smell of flats over restaurants.
- Large buildings will affect sunlight on the Plaza area
- Concerns that hard and soft landscaping will not be maintained.
- Query future of valuable Ginkgo trees.

- Very little green areas or grass proposed.
- Pegasus Court are not starter homes and may not sit happily alongside social housing/starter homes in the proposed plan.
- Concerns that phasing may mean swimming pool is developed last and may never be developed, if site stalls, to detriment of amenity of Pegasus Court. Suggest phased program is agreed.
- Council is taking a huge financial risk in undertaking this development. Concerns that this could impact upon future Council Tax charges. Query why a private developer is not undertaking the project.
- The town already has several areas closed off, eyesores waiting for development to start and give a negative feeling to the town.
- Alternative schemes suggested for site including town houses with undercroft parking, an attractive footpath from the pedestrian bridge to St James Street, extend the car park.
- Concerns that application is premature as there is still a great deal to be agreed e.g transport plan.
- Proposals not in the public interest.

Letter received from Taunton Area Cycling Campaign support the principle of the cycle route between the riverside paths and St James Street. Suggest moulded inlays rather than white paint, adequate slip resistance, at least 3 metres of width should be allocated for cycling. Suggest visibility issues are addressed where route joins St James Street. Welcome further discussion on cycle parking provision, including security, location. Suggest car club vehicle is provided.

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.

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,
D10 - Dwelling Sizes,
D12 - Amenity space,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

The application is for residential and retail development in Taunton Town Centre where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development. CIL is not chargeable on commercial or business uses.

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	£45,318
Somerset County Council	£11,340

6 Year Payment

Taunton Deane Borough	£271,908
Somerset County Council	£67,998

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 within 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 840sqm of new retail/office/commercial space, 1070sqm of restaurant/café space as well as 42 residential units, which is considered in keeping with the provision of providing a sustainable redevelopment scheme in this location. 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 at Blackbrook.

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 92 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 outline permission was granted without provision for affordable housing as required by policy C4, due to the understanding that the vacant building credit off set this policy requirement, given the scale of the scheme. There has been some confusion that the current application also fails to provide affordable housing, as is referred to in many objection letters and the submitted petition. This application does however, include 8 units of affordable housing, in the form of discounted open market properties to be sold at 75% of Open Market Value. Due to viability this has been accepted by the Housing Enabling Lead as an appropriate affordable housing scheme and a plan indicating the 8 units to be provided has been agreed.

The enhancement of St James Street next to the site is addressed through the new block fronting the street and is being addressed through other town centre proposals such as pedestrianisation, The retention of the highway area in front of the old pool is considered necessary by the Highway Authority for servicing the area and so it is not considered possible to pull the new building forward to the original alignment. The scheme reflects the principles of the scheme put forward at outline stage.

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 development will see the demolition of the St James Street pool and its replacement with a three storey building (Block A) that will house flexible use units on the ground floor, with apartments over the first and second floors. 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. As it is a heritage asset a recording condition has been suggested. 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 new block C is a small single storey building of contemporary style on the edge of the Conservation Area and is not deemed to have any adverse impact on any listed buildings. Block D is two storey, with accommodation within the roof of part, whilst Block E is three storey. These buildings lie outside the conservation area and Block D is not considered to adversely impact on the setting of any listed building. The new build block E will be 3 storey and will encroach towards 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 196 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. No objection is raised by Historic England and 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 scheme is considered to broadly reflect these principles. It is noted that limited start up units are provided but the alternatives proposed are considered to provide more flexible options for businesses.

The original scheme was considered by the Design Review Panel in May 2016 and the revised design was considered again in February 2018. Their response was very supportive of the proposal presented. The scheme provides the positive repair of an urban block, with good connections to the surroundings and opens up access to the river frontage. The panel were very supportive of the urban square and proposed materials for this, along with the mature perimeter trees and consider the overall design allows for complimentary future development to the surrounding area. Following their comments regarding electric car charging points, these have been incorporated into the scheme. The proposed Blocks are considered sensitive to the character of the surrounding conservation area in terms of design and materials, with Blocks D and E deemed contextually appropriate for Taunton in terms of façade and articulation. The diversity of the design of Block A reflects that of the conservation area along St James Street, with ground floor active street frontages complimenting those already present. The bricks proposed have been revised and subject to a condition to control this element, the recommendation in terms of design is acceptable and reflects paragraph 129 of the NPPF.

Whilst the loss of smaller start up units set out in the outline permission is noted, the replacement units are considered to provide flexibility and potential adaptability for future uses, including B1 business use. The incorporation of ecology measures as suggested has also been endorsed by the Councils Biodiversity Officer and a condition to this effect is recommended.

Access and Parking

A considerable amount of public responses to the scheme have revolved around the parking provision and concerns regarding the reduction. 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 (42 spaces including two accessible spaces), although this is 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, where it would have been totally lost, 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 Highway Authority has yet to comment, however it is considered that the scheme will achieve the necessary footway improvements and turning on Coal Orchard as required under the outline scheme.

The main issue for Members, in light of the many comments received, is whether there is sufficient parking to serve the adjacent uses. The parking strategy for the town identifies sufficient spaces and 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 a condition is required requesting details of remediation of any contamination if found. The Environment Agency raises no objection following the receipt of the revised technical note including overland flow routes for the new layout and recommends conditions to ensure that the development is undertaken in accordance with the FRA and updated technical note and to address necessary mitigation of any contamination found or any instances of pollution 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 LLFA seek betterment over the existing situation and suggest a condition requiring a drainage strategy to ensure that surface water runoff is attenuated and discharged at an appropriate rate.

Other Issues

There is currently no indication of protected species using the site, although it is clear that bats use the river corridor, as well as potential for otters and ground nesting birds. The Biodiversity Officer is satisfied that appropriate conditions can be imposed to address necessary mitigation measures such as bat box provision, lighting details and the appropriate timing of works to minimise disturbance. The Landscape Officer requires a full planting plan to ensure that the landscaping contributes to public realm enhancement. Conditions to cover these aspects are therefore recommended.

Concerns have been raised regarding the impact upon the amenities of the

occupiers of the apartments due to the noise and smells from the restaurants below. The close proximity of residential units to restaurants/hot food establishments is a common situation, particularly in town centre locations and it is not considered that this would result in harm that would outweigh the benefits of the scheme as mitigation can be designed into the construction.

The receipt of the New Homes Bonus and Community Infrastructure Levy is noted, however, it is considered that this matter carries very limited weight in this case.

Conclusion

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 to be in line with the sustainable planning objectives set out in paragraph 8 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