

38/18/0357

CHURCHILL RETIREMENT LIVING

Erection of 72 No. retirement apartments, guest apartment, communal facilities, access, car parking and landscaping at the former Lidl site, Wood Street, Taunton (resubmission of 38/18/0079)

Location: FORMER LIDL, WOOD STREET, TAUNTON

Grid Reference: 322555.124763

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval subject to a legal agreement to secure the affordable housing contribution

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:

(A4) DrNo 10098TT - PLOC Location Plan
(A1) DrNo 10098TT - P101 Rev A Site Plan
(A1) DrNo 10098TT - P102 Rev A Ground Floor Plan
(A1) DrNo 10098TT - P103 Rev A First Floor Plan
(A1) DrNo 10098TT - P104 Rev A Second Floor Plan
(A1) DrNo 10098TT - P105 Rev A Third Floor Plan
(A1) DrNo 10098TT - P106 Rev A Roof Plan
(A1) DrNo 10098TT - P07 Elevations 1
(A1) DrNo 10098TT - P108 Rev A Elevations 2
(A1) DrNo 10098TT - P109 Rev A Elevations 3
(A1) Tree Protection Plan
(A1) DrNo 10098TT - P11 Rev A Flood Levels Section

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

3. Prior to occupation of the building(s), works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development,

hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority and shall include the maximum discharge rates and the means of maintenance for the life time of the development. The works shall thereafter be retained and maintained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

4. Prior to the wall construction of the building 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.

5. (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.

6. 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 ECOSA's Preliminary Ecological Appraisal, dated September 2018 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 proposed lighting

5. A Construction Environmental Management Plan (CEMP)

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 bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the

maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Reason: To protect and accommodate wildlife.

Reason for pre-commencement: To ensure no harm to species during construction.

7. Notwithstanding the details on the submitted drawings details of a turning space for a refuse vehicle within the site shall be submitted to and approved in writing by the Local Planning Authority and the development so approved shall not be occupied until space has been laid out, drained and surfaced within the site for the parking and turning of vehicles, in accordance with the details that shall first have been submitted to and approved in writing by the Local Planning Authority, and such area(s) shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

8. Details of a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building on site. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved.

Reason: To ensure a transport choice is provided and to ensure that users will travel to and from the site by means other than the private car.

9. Details of any new river flood defence wall shall be submitted to and approved in writing by the Local Planning Authority prior to its construction and shall thereafter be constructed as agreed.

Reason: In the interests of the character of the area.

10. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level (other than existing street furniture) 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 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced brought into use and shall thereafter be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

11. The proposed buggy access shall incorporate pedestrian visibility splays on

both its sides to the rear of the existing footway based on co-ordinates of 2.0 metres x 2.0 metres. Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

12. Prior to first occupation of the development hereby permitted, access to covered cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles, in the interests of sustainable transport.

13. Details of the design and materials of the buggy store and sub-station shall be submitted to and approved in writing by the Local Planning Authority prior to their wall construction commencing and works shall thereafter be carried out as agreed.

Reason: In the interests of the visual amenity and character of the area.

14. A detailed scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority and provided prior to first occupation of the development hereby permitted.

Reason: In the interests of sustainable development and reducing air pollution in town.

15. The accommodation hereby permitted (excluding staff and guest accommodation) shall only be occupied by persons aged 60 years or older, with the exception of persons of a minimum of 55 years old who are a spouse or partner of an occupant 60 years old or above, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure care provision to those in identified need.

16. Finished floor levels shall be 16.52m AOD and the flood defence bank shall be no lower than 16.37m AOD.

Reason: In order to secure the safety of the site from flood risk.

17. Notwithstanding the detail on the submitted layout plan a surfaced footway 2m wide shall be provided between Tangier Way and the riverside path prior to occupation of the new building.

Reason: In the interests of connectivity and pedestrian links around the town centre as set out in the Town Centre Design Code SPD.

Notes to Applicant

1. In accordance with paragraph 38 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.

Proposal

The proposed development consists of 72 Retirement Living units with communal facilities comprising of 51 one-bedroom units and 21 two-bedroom units guest apartment, communal facilities, car parking and landscaping and vehicle access from Wood Street. The development is accompanied by a Planning Statement, Heritage Statement, Flood Risk Assessment, Viability Assessment and Transport Assessment.

Site Description

The site consists of a triangle of land that is hard surfaced and was the former car park and now demolished building of the former Lidl store. The site is bounded by walling of varying height on all sides including a flood defence wall on the river side.

Relevant Planning History

38/00/0249 - Erection of a retail foodstore, car parking and the construction of a new road and junction with Wood Street at the former Graham Reeves site, Wood Street, Taunton - CA 14/2/01

38/18/0079 - Erection of 72 No. apartments for the elderly, guest apartment, communal facilities, access, car parking and landscaping at former Lidl site, Wood Street, Taunton - Appeal for Non-determination

Consultation Responses

SCC - FLOOD RISK MANAGER - We welcome the reduction in impermeable area from 100% to 62%, and the impact that this will have upon the runoff rates from the site. We note that the proposals are to provide a private surface water drainage system for the site, as the easement requirements for adoption cannot be fully met. It is important that a detailed maintenance arrangement for the private sewer system is provided, as parts of the site are heavily constrained in terms of access and this could be problematic in the event of any emergency. Also parts of the

surface water drainage system are located under buildings, and assume that these sections will comply with relevant building regulations.

There is no confirmation within the FRA that no flooding of the site will occur during a 1 in 30 year event.

As the site drains to the River Tone via an existing sw outfall it is important that the drainage system operates during fluvial flood events, and the site will not suffer flooding from the drainage system backing up. Management of exceedance events is not discussed in detail as to how these will be managed within the site boundary – whilst the FRA states that properties on site will not be impacted due to raised floor levels, there is no assessment of the impact upon third parties (i.e. adjacent sites, roads etc).

It is not explicit whether the proposed permeable paving will have a purely treatment function or provide additional storage, but we note that it correctly hasn't been included in the calculations.

LEISURE DEVELOPMENT - No observations to make.

WESSEX WATER - No comment

BIODIVERSITY - The application is for the erection of 72 apartments at the former Lidl site, Wood Street, Taunton. (Resubmission of 38/18/0079)

The site is immediately adjacent to The River Tone, a local Wildlife site. ECOSA carried out a Preliminary Ecological Appraisal of the site in March 2018. The document was updated in September 2018. The site comprises predominately hardstanding with a small amount of scrub, tall ruderal vegetation and scattered broadleaf trees. It is immediately adjacent to the River Tone.

The scheme will include lighting but currently details are unknown. **The sensitive design of lighting is very important due to the possible impact lighting could have on wildlife using the river.**

Findings of the survey were as follows

Bats - The site itself provides negligible potential for foraging and commuting bats however the River Tone provides important habitat for bats, particularly pipistrelle, lesser horseshoe and noctule bats. The introduction of lighting is likely to have a negative impact on these bats so must be sensitively designed with lux levels as low as possible.

I support the installation of bat boxes.

Birds - The site has potential to support nesting birds. Removal of vegetation should take place outside of the bird nesting season

I support the installation of bird boxes.

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 ECOSA's Preliminary Ecological Appraisal, dated September 2018 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 proposed lighting
5. A Construction Environmental Management Plan (CEMP)

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 bats and birds shall be permanently maintained.

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

Reason: To protect and accommodate wildlife.

Informative Note

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.

SCC - TRANSPORT DEVELOPMENT GROUP –

The Highway Authority do not object to the proposal in terms of traffic impact on the local highway network given that the development proposed is likely to generate less vehicle movements than the sites past consent as a supermarket.

However, the Highway Authority has concerns with the proposed refuse vehicle arrangement (raised previously to the LPA for previous application 38/18/0079).

For this application the applicant has demonstrated a swept path analysis (Drawing No: 135.0013.007) for a refuse vehicle measuring approximately 6.6m in length. The Highway Authority do not consider this acceptable given that the proposed refuse vehicle would appear to measure smaller than some emergency service vehicles. It is considered necessary that the internal layout of the site can accommodate the safe manoeuvring of all emergency service vehicles to allow all

associated vehicles to enter the public highway in a forward gear.

Furthermore, it is the view of the Highway Authority that such a proposed refuse vehicle (6.6m) may be difficult to condition or ensure future service of the site. There would appear sufficient space within the internal layout to provide suitable manoeuvring for standard refuse vehicles (11.4m in length) that would also allow sufficient parking for associated users in line with the Somerset Parking Strategy (SPS). It is therefore advised that the applicant provide a suitable swept path analysis (a scale of 1:200 advised) for an 11.4m refuse vehicle.

The applicant has not proposed any cycle parking for the associated residents/visitors/employee(s) on the basis that surveys indicated that cycle parking demand was limited considering the type of accommodation that is being proposed. Notwithstanding this, the Highway Authority would still recommend appropriate cycle parking is provided in line with the Somerset Parking Strategy (SPS) to promote sustainable travel. Cycle parking should be safe, secure and sheltered. Electric car charging points would also be recommended.

It is noted that section 3.24 of the Transport Assessment proposes that a buggy store at the northern end of the site, to accommodate parking for up to 12 buggies and access onto Tangier Way may be provided. The applicant would need to ensure suitable pedestrian visibility splays are provided onto the footway on Tangier Way, all buggies can safely enter/exit the parking area and appropriate charging facilities are provided.

The applicant may wish to consider a safe, separate pedestrian access to the proposed building to reduce any risk of vehicle and pedestrian conflict within the mouth of the proposed parking area.

With reference to the submitted Flood Risk Assessment and appendices, there is currently insufficient information to confirm whether any surface water runoff will drain towards the public highway. Provision will have to be made within the site to prevent any discharge of surface water entering out onto the public highway and conditioned.

No Travel Plan has been submitted as part of this application. A Full Travel Plan is required in this instance that will need to be secured under a S106 Agreement.

On balance of the above it is recommended that the applicant revisit the current proposal and address the following points:

- Submit a suitable Travel Plan (to be agreed in writing and secured under a S106).
- Submit a suitable swept path analysis of an (11.4m refuse vehicle, 1:200 scale advised).
- Demonstrate appropriate cycle parking storage.

Once the Highway Authority are satisfied that suitable detail and drawings have been provided by the applicant, appropriate conditions can be recommended to the

LPA.

AMENDED COMMENTS

In our previous comments dated 12 November 2019 it was recommended by the Highway Authority that the applicant revisited and provided further suitable detail as set out below.

- Submit a suitable Travel Plan (to be agreed in writing and secured under a S106).
- Submit a suitable swept path analysis of an (11.4m refuse vehicle, 1:200 scale advised).
- Demonstrate appropriate cycle parking storage.

It would appear however, that the additional information submitted does not address any of the points advised above and as such previous Highway Authority comments remain valid. To reiterate there is no objection to the principle of the proposed development although the above points do need to be appropriately addressed by the applicant.

There appears scope within the site to satisfy the above relative points and in the interest of moving the application forward, the Highway Authority recommend that a suitable Travel Plan is agreed in writing and secured under a S106 prior to commencement of the development and the following conditions are also recommended if members are minded to granting planning permission.

- 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 made before commencement and maintained thereafter at all times.
- 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 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced brought into use and shall thereafter be maintained at all times.
- The proposed buggy access shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0 metres x 2.0 metres. Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times.
- Plans showing a parking and turning area providing for an agreed number of vehicles shall be submitted to and approved in writing in conjunction with the Local Planning Authority before the development is commenced. The agreed parking and turning area shall be able to accommodate all associated vehicles to the consented development (including refuse and emergency

service vehicles) that will safely allow entering the public highway in a forward gear. This area shall be properly consolidated before first occupation and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

- Prior to first occupation of the development hereby permitted, access to covered cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
 - Any proposed pedestrian and buggy access onto the public highway shall not be first brought into use until an agreed consolidated access is constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access(es) shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.
 - Prior to first occupation of the development hereby permitted, access to covered electric vehicle charging points will need to be available to all residents. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.
 - During the construction phase 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 and thereafter maintained until the construction phase of the site discontinues.
 - No development shall commence unless a Construction Environmental Management Plan 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, if required.

Note

The applicant will be required to secure an appropriate licence/legal agreement for

any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

SOMERSET WASTE PARTNERSHIP - We are raising concerns over the proposed collection and return of at least 16 wheeled bins from the main road (A3087 - Tangier Way). We would block the road here while making collections which I estimate could take up to 20 minutes per collection. This would cause danger to our collection crews and members of the public using the road. We would much prefer to make the collection from the parking area for those homes where it would be safer for all. The bin store would need to be capable of holding at least 10 x 1100L (1335mm x 1360mm x 1030mm) refuse bins and at least 6 x 240L (1065mm x 575mm x 735mm) communal recycling bins. It is worth noting this service will be expanded in the future so additional capacity for this number of bins should be considered.

LANDSCAPE - The proposed landscape strategy appears to be satisfactory with a good palette of trees and shrubs proposed. However full details are required.

ENVIRONMENT AGENCY – The Environment Agency wishes to maintain its **OBJECTION** to this proposal, as set out in previous correspondence dated 5 November 2019 to the Local Planning Authority.

We will object until we see details of the flood defence wall being built as part of this proposal. We have repeatedly requested these details and look forward to receiving them in due course.

HOUSING ENABLING - Owing to the viability issues regarding this site, an affordable housing contribution of £167,430 is deemed acceptable in this instance.

SOMERSET WILDLIFE TRUST - We repeat the comments on the previous application 38/18/0079. We support the recommendations for Mitigation and Enhancement. However we are still very concerned about the possible impact of lighting from this development on the wildlife corridor of the River Tone. The development is in particularly close proximity to the river and is not well shielded as only a few small trees are shown between the development and the river. In our view the development should be lower and set back from the river frontage.

SOMERSET HERITAGE TRUST - No objection on archaeological grounds.

DESIGN REVIEW PANEL - In summary the main conclusions of the Panel are:

The presentation given at the session was clear thorough and professional. The Panel is not supportive of the design of the proposals which it is felt are not of a sufficiently high standard for such a predominant site within Taunton's townscape.

the proposal to split the building and the proposal to re-orientate part of it is considered to be an improvement

There is a concern that the proposed form feels homogenous and appears to be out of keeping with its context

There is concern that the proposals (building & landscape) do not address the public footpath located to the east of the site

It is felt there may be too much parking provision being proposed for the scheme.

It may be helpful to produce a river frontage elevation

The proposed drop in ridge height along Tangier Way as well as the proposed hipped roof appears incongruous

It is felt that there is an opportunity for the South West corner of the proposed building to become a key nodal point.

The proposals may benefit from the reconsidering the overall landscape strategy.

There is a concern that the proposed trees indicated along the riverfront may not work as currently placed.

It is felt the railings proposed around the site boundary are of poor quality

The Panel has a concern regarding the proposed ramp levels & general accessibility across the site and amenity areas

It may be beneficial to demonstrate how low energy and renewable energy considerations may have informed the building design & building form on a site specific basis.

Empirically demonstrating an ecological enhancement may be a consideration in favour of the proposals.

Representations Received

1 letter of objection on grounds of design, materials will not enhance centre of town, some commercial space should be provided

1 objection on the basis of a lack of retail use on the site to anchor this end of Taunton and residential should be resisted.

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.

SP1 - Sustainable development locations,

CP1 - Climate change,

CP4 - Housing,

CP5 - Inclusive communities,

CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
A1 - Parking Requirements,
A2 - Travel Planning,
D7 - Design quality,
ENV4 - Archaeology,
ENV5 - Development in the vicinity of rivers and canals,
ENV2 - Tree planting within new developments,
ED1 - Design,
ED4 - Density,
TG1 - Wood Street Sites,
ED6 - Off-site Public Realm Enhancements,
F1 - Flooding,
F2 - Developer Contributions to Waterways and Flooding,
D13 - Public Art,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

The application is for residential 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.

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	£77,963
Somerset County Council	£19,423

6 Year Payment

Taunton Deane Borough	£466,157
Somerset County Council	£116,539

Determining issues and considerations

The main issues for consideration here are the policy, design, access, parking and drainage.

POLICY

The site lies within the town centre and is subject to a number of planning policies

including the Core Strategy, the Site Allocations and Development Management Plan and the Taunton Town Centre Area Action Plan. Policy Tg 1 of the latter plan set out the potential requirements for individual sites in Wood Street. The Lidl site was identified for residential use, a potential swimming pool or library and an improved riverside path with development of 3-4 storey envisaged by the design guide. The Town Centre Area Action Plan was adopted in 2008 and given the circumstances over the intervening 10 years it is no longer envisaged that there is a need for additional swimming pool or that the library will move to this location. The site is available for residential use and there is scope to improve the riverside as part of any development.

The applicant has demonstrated that there is a need for elderly persons accommodation and that such provision would have social, economic and environmental benefits for the area. The applicant has submitted a viability assessment which demonstrates that affordable housing provision in terms of a commuted sum would be limited to £167,430. In addition to this the new NPPF suggests a minimum 10% requirement for affordable home ownership in certain circumstances but also provides exemptions to this. The provision of purpose-built accommodation for the elderly is one such case, so consequently it is accepted that the commuted sum for affordable provision shall be provided subject to a legal agreement.

The use for elderly person's accommodation is one that is considered acceptable in principle given the central location of the site and ease by which residents could access facilities. A condition to address the age limit of residents is proposed. The issues to consider are whether there are any adverse impacts from the proposal to outweigh the benefits.

DESIGN

The main issue here is the design given that the site is a very prominent one in terms of townscape as it will be clearly visible from the road and from the conservation area on the opposite side of the river. The site is already set above river level and to satisfy the Environment Agency requirements to allow for residential use it is necessary to increase the level of the site by around 1m. This will accentuate the prominence of the building and it is vital that given the poor design of the previous building the replacement here is of a good design. The previous scheme was for a rectangular block that addressed the river but did not properly address the road frontage and included a number of design features that were not characteristic of the area. The previous scheme was considered unacceptable in design terms and following appeal against non-determination Members determined it would have been refused on design grounds only.

Due to the importance of the site the Authority has taken the revised scheme to the Design Review Panel and their summary comments are included above. The applicant has made a number of changes to the design of the building to address many of the concerns of the panel. The whole roof design was looked at, however a mansard design would create a heavier looking roof that would be considered incongruous and a half dormered solution would introduce a more broken roof form that would lead to a large number of down pipes and is again considered unsympathetic to the area. The current pitched roof design is considered an

acceptable one. The roof over the Tangier Way elevation has been simplified and the hipped roof removed. The south west corner elevation has been amended to replace the blank elevation and provide bay windows to new apartments. The access has been amended to provide a safer pedestrian access and the access ramp has been re-sited and steps added to provide an alternative shorter route. Steps to the riverside which would have breached the flood defence wall have been moved to the east, thus allowing pedestrian access to the buggy stores and end of the car park. The bin store has also been relocated within the building so it is easily accessible from the car park and the parking has been reduced, with a turning head and increased landscaping. A detail of the end elevation in context has been produced and an example of railings provided. The context is being addressed through high quality materials and a condition to ensure the appropriate material details is proposed. Similarly there is a condition in respect of landscaping to ensure an appropriate visual link with the surroundings. In addition to the above improvements ecological enhancements are proposed in terms of control over lighting with any lighting having hooded luminaires directed away from the river, new landscaping to be native species wherever possible to provide greater ecological value and bat tubes to be incorporated into the fabric of the new building.

ACCESS

The access to the site is off Tangier Way and the scheme utilises the existing access point. The Highway Authority consider this access, parking and visibility suitable and raise no objection in principle. An issue of concern was the siting of the bin collection area and the intended servicing of this from the highway. The bin storage area has been relocated within the building so it can now be serviced from the car park. There is no reason to believe the servicing of the site could not take place from here and a condition to ensure a suitable turning space is provided and can be conditioned.

The current layout indicates 24 parking spaces for 72 units set out in an area that will be screened by tree and shrub planting. The car parking requirement of policy A1 is flexible and allows for the consideration of impact on urban design, the accessibility of the site and the nature of the development. The policy states reductions in level of car parking will be expected for elderly person's accommodation. The parking area has been reduced to one space per 3 units and as there are nearby public car parks it is considered that this provision could be reduced further. However while a further reduction in numbers would be acceptable, the provision is not considered contrary to policy and the nature of the current layout is an improvement and allows for improved landscaping.

DRAINAGE

The site lies within the flood risk area adjacent to the river Tone and a FRA has been submitted with the scheme. The site is allocated in the Local Plan and passes the sequential test as a result. Under the NPPF guidance the site also has to pass the Exception Test. In this instance the sustainability benefits of having a residential scheme of this nature close to the town centre is considered to provide benefits such as jobs and needed accommodation that outweigh the flood risk. Furthermore the FRA indicates that the site will be safe and will not increase risk elsewhere and

overall. The developer has approached the Environment Agency for pre-application advice and seeks to raise levels across the site and provide a floor level of 16.52 AOD and a new flood defence level of 16.37m AOD. This would help safeguard the site and help prevent flooding to other parts of the town centre. It will also avoid the need for temporary flood defences in this location as envisaged by the Firepool scheme. As a result of this intended enhancement the Environment Agency does not consider provision of off site flood mitigation storage is required. The building is designed to be a 'safe haven' should a flood event occur and a Flood Emergency Plan will take into account such an eventuality. The Environment Agency still raise an objection as the details of the flood defence wall have not been submitted. However there does not appear to be any reason this detail cannot be conditioned and it would need separate consent from the Environment Agency under the flood defence regime in any case.

The surface water drainage currently operates to existing drains to the river and agreement would need to be reached with Wessex Water and the Lead Local Flood Authority. The current site is 100% hardstanding and the development will see 38% permeability which is a significant betterment. The latter has raised objection as there is a lack of information in terms of the surface water provision on site. The developed site will have a greater permeable area and will reduce the surface water run-off and it is considered a suitable condition can be imposed to address this. The foul drainage scheme is to link into the existing Wessex Water system and there has been no objection to this.

SUMMARY

In conclusion the use of the site for elderly person's accommodation is considered an appropriate re-use of a vacant brownfield site and is acceptable in principle. The scheme would secure an improvement in flood defences and subject to appropriate conditions in terms of design, drainage, turning, materials and footway the scheme is considered acceptable.

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