

UNAVEND TAUNTON LTD

**Reserved matters for the approval of layout, scale, appearance and landscaping for the proposed development of Area I, Firepool Lock to provide 44 residential dwellings**

Location: AREA I, FIREPOOL LOCK, TAUNTON, TA1 1PJ

Grid Reference: 323143.125406 Reserved Matters

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## **Recommendation**

**Recommended decision: Conditional Approval**

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

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

(A1) DrNo 2072-MAL-01-ZZ-DR-A-003 C Floor Plans  
(A3) DrNo 2072-MAL-01-ZZ-DR-A-002 Site / Landscape Plan  
(A3) DrNo 2072-MAL-01-ZZ-DR-A-001 B Location Plan  
(A1) DrNo 2072-006 East, West Elevation  
(A1) DrNo 2072-005 North, South Elevation

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

2. No development, excluding site works, shall begin until a panel of the proposed materials has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

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

3. No dwelling shall be occupied until the parking and turning spaces have been laid out in accordance with the submitted plans. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted

Reason: to ensure that adequate parking and turning is provided and in the interests of highway safety

## **Proposal**

This is a reserved matters application for 44 apartments in a single block. It follows the grant of outline planning permission in 2015 for 99 dwellings of which 55 have been constructed in the new McCarthy and Stone and Gadd apartment blocks on the southern side of the NIDR (recently named Trenchard Way). This proposal makes up the balance of dwellings and would provide a mix of one, two and three bedroom apartments in a six story block between Trenchard Way and the railway line to the north.

The submitted details accompanying the application state that the applicants have been considering a proposed hotel development which has been discussed with the council and taken through the design review panel. The agents also state that the hotel that was proposed may not be coming forward and the land owner wishes to preserve the extant outline pound commission the 44 aims through the submission of this reserved matters application.

## **Site Description**

The site is on the northern side of the Trenchard Way between the new road and railway line. It is to the east of the car parking area for Taunton Station and west of the existing apartments that were constructed by Crest and number of years ago. The site is currently brownfield and unused and is triangular in shape, being approximately 125 metres long and 20 metres wide at the eastern end.

## **Relevant Planning History**

An outline application was submitted in 1999 to redevelop the former East Goods Yard for a mix of uses including residential, B1 employment, conversion of pumphouse, access road and new canalside walkway. Permission was granted in August 2004 (ref 38/99/0394).

In 2006 a further application to vary the time limit and masterplan conditions was submitted and subsequently approved. This extended the time period for the submission of reserved matter applications for 6 years until 19 May 2012 and required the submission of an indicative masterplan. (ref 38/06/0135).

In 2007, following a public consultation and presentation to the Regional Design Review Panel, as masterplan was submitted and agreed by TDBC. This document was referred to as the Design and Access Statement and allocated/zoned 10 areas for a mix of uses that were predominantly residential. It proposed 460 dwellings comprising 443 apartments and 17 houses at an average density of 140 dwellings per hectare.

In April 2007 a reserved matters application for B1 office development on Area I (with additional surface level car parking on Area J) was submitted. This included 7,200 sq m of B1 office space in a building ranging from 5 to 7 stories. Permission was granted in December that year but has not come forward. (ref 38/07/0193).

A reserved matters application for 100 apartments and 4 town houses was submitted in 2008 for Area A. This had a Planning Committee resolution to approve subject to a variation in the Section 106 Agreement, but was subsequently withdrawn once planning permission was granted for an alternative development

In 2009 a reserved matters application was submitted by Knightstone Housing Association for 108 apartments that was compliant with the approved masterplan and is under construction. This provided the affordable housing element of the outline planning permission. (ref 38/09/0190)

In December 2011, two applications for 240 houses and apartments were submitted by Crest on Areas A,B,C,D and J. Planning permission was granted and these are currently under construction.

In April 2015, outline planning permission was granted for the erection of up to 99 dwellings on areas H and I with vehicle access off the Northern Inner Distributor Road (NIDR). This current reserved matters application forms part of that outline planning permission. Area H had a reserved matters consent granted in March 2016 for McCarthy and Stone and Gadd to build 2 blocks of 45 and 10 apartments respectively. This have been constructed

## **Consultation Responses**

### *SCC - TRANSPORT DEVELOPMENT GROUP –*

I refer to the above-mentioned planning application received on 1 May 2018 and have the following observations on the highway and transportation aspects of this proposal:-

The application is for the approval of 44 residential dwellings, with associated parking and ancillary accommodation. The site is part of a larger site that benefits from outline planning permission (38/13/0477) which permits potential development of up to 99 dwellings.

The site is situated on land within the redevelopment area of Firepool, located to the north of Taunton town centre. Access to the proposal site will be via an existing access on the Northern Inner Distributor Road (NIDR/A3087). There are existing pedestrian and cycle routes which were constructed in relation to the NIDR development.

Trip Rates have previously been agreed as part of the outline application therefore no further comments are to be made.

With reference to submitted drawing number 2072-MAL-01-ZZ-DR-A-002/A the internal arrangements of the site will not be adopted and therefore will remain within

private ownership. The Highway Authority would require the applicant to provide full contact details of the Management Company who will be responsible for the future maintenance of the application site.

The extent of the red line site boundary does not appear to include the access that will provide access onto the adjoining highway. The applicant will need to have been granted rights over the access to enable them to access the highway.

Any proposed planting along the back of the existing footway, fronting the site, will require the submission of a comprehensive planting schedule to the Highway Authority for checking/approval purposes.

Any planting adjacent to parking bays, shall be of a low-level variety so that visibility for motorists is not effected in any way.

No surface water from the application site, will not be permitted to discharge onto the publicly maintained highway.

The applicant/developer will be held responsible for any damage caused to the public highway by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the applicant/developer representative in the presence of the Highways Authority Highway Supervisor showing the condition of the existing public highway adjacent to the site and a schedule of defects agreed prior to works commencing on site.

The applicant/developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the works at all times and ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.

Any existing services located within the carriageway/footway fronting this development that may need to be diverted, lowered or protected will have to meet the requirements of both the relevant Statutory Undertaker and the Highway Authority. It should be noted that all services shall be lowered to a depth to allow full road construction, inclusive of capping, to be constructed over. The design must comply with the requirements of 'Code of Practice' measures necessary where apparatus is affected by major works (diversionary works) under Section 84 NRASWA 1991.

Existing road gullies/drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the site works. If any extraneous matter from the development site enters an existing road drain or public sewer, the applicant/developer will be responsible for its removal.

The existing public highway must not be used as site roads for stockpiling and storing plant, materials or equipment. The applicant/developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.

The applicant has proposed one parking space for each dwelling. However the number of bedrooms to be provided within each of the dwellings does not appear to

of been specified. The number of parking spaces provided should identify with the Somerset Parking Strategy (SPS). The applicant will need to provide a designated, safe, covered cycle and motor cycle parking area for the proposal. Cycle parking should be provisioned to one per bedroom within the site, in line with the SPS. Electric car charging points would also be recommended.

There doesn't appear to be any refuse vehicle tracking within the internal layout of the site. The Highway Authority would require all associated vehicles with the site to be able to enter the public highway in a forward gear, including the construction phase. Subject to approval and given that the site is to remain private the applicant would need to contact the local waste management company to discuss waste pick up arrangements.

No Drainage details would appear to of been submitted to date, the Highway Authority would require further information on this to ensure there is no discharge of surface water run-off from the development onto the public highway formed by application site.

A Travel Plan for the proposed development has not been submitted It is understood that there was a Framework Travel Plan agreed in principal during the early phases of the Firepool Development, however no legal agreement was produced to secure the plan, therefore the Highway Authority look to the individual development to produce a detailed Travel Plan in line with the Somerset County Council Travel Planning Guidance, adopted November 2011 and in line the National Planning Policy Framework. As in line with the Highway Authorities guidance, at a minimum a measures only statement would be required as part of the application.

With the above in mind there is no objection from the Highway Authority. If the Local Planning Authority are minded to grant planning permission the Highway Authority would recommend the following conditions to be attached:

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 use of the site discontinues.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

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.

Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times.

The area allocated for parking and turning on the submitted plan, drawing number 2072-MAL-01-ZZ-DR-A-002/A, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Prior to first occupation of the development hereby permitted, access to covered cycle, motor cycle and electric vehicle charging points will need to be available to all dwellings. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

#### *LANDSCAPE –*

I would like to see further tree planting along the road, where space allows. Full planting details are required.

#### *HOUSING ENABLING –*

Owing to the decision made at Outline application stage which deemed it unviable for affordable housing to be provided on this site, Housing Enabling have no comments to make on this application.

#### *LEISURE DEVELOPMENT –*

I have no observations to make on this application other than Open Spaces should be asked to comment on the landscaping plan.

*WESSEX WATER* – – no comments received

*ENVIRONMENT AGENCY* – – no comments received

*THE CANAL & RIVER TRUST (FORMERLY BRITISH WATERWAYS)* –

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Based upon the information available we have no comment to make.

*ECONOMIC DEVELOPMENT* - – no comments received

*ENVIRONMENTAL PROTECTION CONTAMINATED LAND* - – no comments received

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - – no comments received

*HERITAGE* - – no comments received

*BIODIVERSITY* –

Reptiles and nesting birds may be present on this site.  
I suggest that a wildlife survey and strategy be submitted prior to development

*NATURAL ENGLAND* –

Natural England has no comments to make on this application.

*NETWORK RAIL* –

Thank you for your email dated 25 April, together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as

planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

#### FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

#### DRAINAGE

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, soakaways/attenuation ponds/septic tanks should not be constructed within 20 metres of Network Rail's boundary. Surface / foul water is to be discharged into the public sewer. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land. The Land Drainage Act is to be complied with.

#### SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. The developer must liaise with Network Rail's Asset Protection at the earliest point, with at least 3 months' notice, prior to work starting, to ensure the continued safe operation of the railway. The close proximity of the proposed site could bring a risk to the railway and Asset Protection involvement may be required. The applicant/developer may need to sign into a Basic Asset Protection Agreement, contact Richard Selwood at Network Rail on [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk) before works begin.

#### SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

#### PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### EXCAVATIONS/EARTHWORKS



All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

## SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

## NOISE

Network Rail would remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary. The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

## LANDSCAPING

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fence. Lists of trees that are permitted and those that are not are provided below and these should be added to any tree planting conditions: Permitted:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby

Salix), Thuja Plicatata “Zebrina” Not Permitted:

Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

#### *WESTERN POWER DISTRIBUTION –*

Western Power has high and low voltage apparatus on this site. As long as this apparatus is observed or deviated to avoid damage/interference we have no objection

*SCC - NOW HISTORIC ENV SERVICE (AS NOT PART OF SCC 2015) – no comments received*

*ASC - CRIME PREVENTION DESIGN ADVISOR – no objection subject to comments:*

## **Representations Received**

2 letters of OBJECTION received which raise the following issues:

- Scale of building is inappropriate for the area.
- Mass of the building is too large.
- The site is too small to accommodate 44 dwellings –resulting in an uncomfortably large building.
- This will attract additional traffic in an area that is becoming congested.

## **Planning Policy Context**

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

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

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

Relevant policies of the development plan are listed below.

CP1 - Climate change,  
CP3 - Town centre and other uses,  
CP4 - Housing,  
CP6 - Transport and accessibility,  
CP7 - Infrastructure,  
CP8 - Environment,  
SP1 - Sustainable development locations,  
SP2 - Realising the vision for Taunton,  
DM1 - General requirements,  
DM4 - Design,  
FP1 - Riverside content,  
FP2 - Riverside transport,  
FP3 - Firepool Lock,  
TR2 - Parking Standards,  
TR3 - Accessibility,  
ED1 - Design,  
ED4 - Density,  
IM1 - Priorities for developer funding,  
IM2 - Approach to viability,  
C4 - Protection of community facilities,  
D1 - Taunton's skyline,  
D7 - Design quality,  
D8 - Safety,  
D10 - Dwelling Sizes,  
D12 - Amenity space,  
A1 - Parking Requirements,  
A3 - Cycle network,  
A5 - Accessibility of development,  
ENV2 - Tree planting within new developments,

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of dwellings is CIL liable. The proposed development measures approx. 4036sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £282,500.00. With index linking this increases to approximately £375,750.00.

### **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	£47,479
Somerset County Council	£11,870

*6 Year Payment*

Taunton Deane Borough	£284,874
Somerset County Council	£71,218

## **Determining issues and considerations**

As this is a reserved matters application, the principle of residential development and the total number of dwellings has already been established through the granting of outline planning permission. The reserved matters that are for consideration are layout, scale, appearance and landscaping. The access to the site was determined at the outline stage and is off Trenchard Way at the south eastern part of the site. This access also serves the 3 blocks of 36 apartments to the east.

The site is long and narrow as it sits between Trenchard Way and the railway line to the north and it has always been envisaged that the site would accommodate a tall building of up to 6 stories. This is set out in the adopted Design Guide that followed the Taunton Town Centre Area Action Plan. In 2007, planning permission was granted for office development on this site in a six storey building. This has not come forward for development and in 2015, outline consent was granted for an alternative residential use. Although the use may have changed, the importance of delivering an efficient use of land in a building that is appropriate in the local context has not. The site is triangular at the western end which allows for a focal point to be created that makes an architectural statement at the western end of the East Goods Yard site. The previous proposals for offices did this and so does this current proposal. Acting as a gateway, to the development the building will be 6 stories high at the western end and the rear wall projects beyond the proposed balconies, creating the slender focal point and dominating design feature. This is considered to be an appropriate response to the shape of the site. The building drops down to 5 stories at the eastern end where there are existing 3 storey apartment blocks beyond.

The proposed building design was presented to the Design Review Panel (albeit for a different use as a hotel) and the response was positive. The panel did have some comments in regard to the internal layout, but these related more to the use, rather than the outward appearance of the building. The panel supported the scale and elevational treatment of the building.

The use of glass and set back of the top floor and core helps to reduce the mass of the long building and visually break it up into two elements.

Due to the narrowness of the site and the railway line to the north, it is difficult to accommodate a significant amount of landscaping, however the western end of the site (where it narrows to a point) is the most appropriate area for specimen tree planting that would help soften the corner of the building. Low level shrub planting and hedges would be planted between the building and Trenchard Way and further specimen tree planting at the eastern end of the building. It is considered that the

landscaping is appropriate to the area and would tie in with the other surrounding developments.

The proposals include a mix of external and undercroft parking. There would be 1 parking space for each apartment which is considered to be an appropriate level of provision given the location of the site directly adjacent to the railway station and within walking distance to the town centre.

Overall, the design of the site is considered to be acceptable and would result in an efficient use of land and makes a positive contribution to the urban environment and a gateway point to the East Goods Yard site. It is therefore recommended that reserved matters consent be granted.

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

**Contact Officer: Mr B Kitching**