

38/18/0162

GALLIFORD TRY PARTNERSHIPS

Residential development of 182 no. dwellings on land to the North of Tangier and Castle Street, Taunton

Location: LAND NORTH OF TANGIER & CASTLE STREET (A3807) TA1 4AU

Grid Reference: 322298.124666

Full Planning Permission

Recommendation

**Recommended decision: Conditional Approval
Subject to a S106 agreement to secure the 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:

- (A0) DrNo 877-01F Landscape Proposals
- (A4) DrNo 877-02 Landscape Context
- (A3) DrNo 877-03 Landscape Assessment Plan
- (A3) DrNo 1000-P01 Site Location Plan
- (A1) DrNo 1001-P01 Existing Site Plan
- (A1) DrNo 1002-P01 Existing Site Section
- (A1) DrNo 1003-P07 Proposed Site Plan
- (A1) DrNo 1004-P03 Proposed Site Section
- (A1) DrNo 1005-P10 Street Elevations
- (A1) DrNo 1006-P07 Ground Floor - Parking, Bikes and Bins
- (A1) DrNo 1007-P06 Castle Street Visual
- (A1) DrNo 1008-P06 Riverside Visual
- (A1) DrNo 1009-P06 Tangier Way Visual
- (A1) DrNo 1010-P02 Block A - House Types
- (A1) DrNo 1011-P02 Block A Corner - House Type
- (A1) DrNo 1012-P02 Block B - House Types
- (A1) DrNo 1013-P04 Block C1 - Floorplans
- (A1) DrNo 1014-P03 Block C1 - Elevations

(A1) DrNo 1015-P06 Block C1 - Elevations
(A1) DrNo 1016-P06 Block C2 Floorplans
(A1) DrNo 1017-P08 Block C2 Elevation
(A1) DrNo 1018-P10 Block C2 Elevation
(A1) DrNo 1019-P04 Block D - Floorplan
(A1) DrNo 1020-P03 Block D - Floorplan
(A1) DrNo 1021-P03 Block D - Floorplan
(A1) DrNo 1022-P04 Block D - Elevations
(A1) DrNo 1023-P06 Block D - Elevations
(A1) DrNo 1024-P03 Block D - Elevations
(A1) DrNo 1025-P07 Block E - Floorplan
(A1) DrNo 1026-P06 Block F - Floorplan
(A1) DrNo 1027-P05 Block F - Floor Plan
(A1) DrNo 1028-P07 Block E-F - Elevation
(A1) DrNo 1029-P07 Block E-F - Elevation
(A3) DrNo A1030-P01 Materials Sample Board
(A0) DrNo C06718/C/002 Rev C Levels Strategy
(A0) DrNo C06718/C/001 Rev E Drainage Strategy & Exceedance Routes

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

3. Prior to the wall construction of the 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.

4. No works, other than site clearance and preparation works, shall be undertaken on site until a programme for the provision of (a) the amenity/play areas, (b) associated roads, (c) footpaths, (d) open spaces, (e) screen walls and fences, (f) parking spaces, (g) garages, (h) drainage, (i) street lighting, (j) bin storage, (k) cycle storage, (l) access's indicated on the approved plans has been first submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out other than in accordance with this programme and agreed timings of works.

Reason: The Local Planning Authority wish to control and ensure the delivery of the matters referred to.

5. 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 all accesses and extending to points on the nearside carriageway edge either side of the accesses for a distance of 33 metres. Such visibility shall be fully provided before the development hereby

permitted is first occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the scheme outlined in a) below has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (b) has been complied with in relation to that contamination.

- a) Implementation of Approved Remediation Scheme

The approved remediation scheme outlined in the document "Former Tangier Gas Works, Taunton. Updated Geo-Environmental Desk Study and Remediation Strategy Report. (Ref RP6764) Red Rock Geoscience Ltd. April 2018"

must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out additional investigations or remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

- b) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

- c) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

d) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development.

Pre-commencement reason; To ensure that land contamination can be dealt with adequately at the construction stages to prevent any harm to the health, safety or amenity of any users of the development.

7. (i) Prior to the wall construction of any buildings on the site, 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 and a phasing programme for implementation.
- (ii) Each phase of the landscaping scheme shall be completed in accordance with the timetable set out in the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority.
- (iii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

8. 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 EDP's submitted report, dated April 2018 and "It does lighting's" Planning application lighting assessment for Tangier dated April 2018 **and an up to date otter and badger survey** 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 nesting birds
4. A CEMP and LEMP
5. Full Details of 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 nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Pre-commencement reason; To ensure protection of wildlife and habitats though all stages of the development.

9. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam, Japanese knotweed, and giant hogweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason; To protect wildlife from invasive non-native species.

Reason for pre-commencement; To ensure the species are not spread during the construction phases.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated April 2018 and the Technical addendum dated 30 July 18 ref: 5005-UA006933-02, and the mitigation measures which provides betterment compared to the extant permission. Specifically, ground floor levels raised to 16.86mAOD, and finished floor levels no lower than 17.13mAOD. The mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

REASON: To reduce the risk of flooding.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule (2) Part (1) Class (A, B, C & E) and Schedule (2) Part (2) Class (A) of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

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

12. The parking space/s in the garage(s) hereby approved shall at all times be kept available for the parking of vehicles and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision in the interests of highway safety.

13. Detail of the public art element to be designed into the public realm of the site shall be submitted to and agreed in writing by the Local Planning Authority and thereafter be provided on site prior to occupation of the 90th dwelling.

Reason: To ensure public art is designed into the scheme in accordance with policy D14

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 entered into pre-application discussions to enable the grant of planning permission.
2. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
3. Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liason Officer at Somerset West Police District, Police Station, Shuttern, Taunton, TA1 3QA.
4. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

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

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

5. 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 wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development.

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

Otters are known to use the river adjacent to the site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2017. Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

Proposal

Planning permission is sought for the erection of 182 no. dwellings comprising 18 houses and 164 flats.

The scheme will provide a mix of accommodation;

- 21 one-bedroom flats
- 139 two-bedroom flats
- 4 three-bedroom flats
- 6 three-bedroom houses
- 12 four-bedroom houses

The development will comprise five blocks plus the houses; Block C1 – 5 storeys, block C2 – 8 storeys, block D – 5 storeys, block E – 4/5 storeys, block F – 4 storeys.

The application is accompanied by a Design and Access statement, a Landscape Visual Impact Assessment, Transport Statement, Lighting Assessment, Heritage Statement, Flood Risk assessment, Drainage Strategy, Levels Strategy, Ecological Appraisal, Geo-environmental desk study, Noise Impact Assessment, Archaeological Assessment and a Viability Assessment.

There will be two vehicle accesses off Tangier into the site and within the site there will be shared services to cater for vehicular, cycle and pedestrian traffic. There will be undercroft parking within the blocks of flats and houses will have integral garages. Amended plans show a total of 173 no. car parking spaces and 270 no. cycle store spaces.

There will be public access through the site and along the riverfront. The proposals include a landscaping scheme which also shows the provision of under 8's play equipment.

Revised plans have been received which reduce block C2 from 8 storeys to 7 stories. This results in the development providing a total of 178 units.

Site Description

The application site constitutes 1.23 hectares and is located on the former gas works site off Castle Street in the Tangier area of Taunton. The site lies on the southern banks of the River Tone, which runs west - east through the town centre. It is opposite Clarence Street and Goodland Gardens.

The site is enclosed by Castle Street to the south, Tangier Way to the east. Residential properties are sited on the opposite side off the river and comprise two storey terrace housing. Employment uses largely surround the site to the south of the river with large retail food stores Tesco & Lidl nearby.

There is no existing public access to the site and no access through the site along the riverside. There is no pedestrian link upstream from the Third Way Bridge to the southern bank of the river.

Relevant Planning History

It is important to note the planning history of the site. Part of the site was granted outline planning consent in 2002 for 144 units. Subsequently reserved matters was granted for 181 residential units in 2007. At the same time full planning permission was granted on the eastern part of the site for 44 elderly units.

In 2010 consent was given to two applications (38/10/0108 & 38/10/0107), replacing the extant permissions (38/07/0184 & 38/07/0183), for residential development of 225 units (including 44 elderly units). A S106 was signed which tied the developer to;

- Provision of 25% affordable housing (20% shared ownership, 80% social rented housing)
- Crossing contribution of £180,000 towards provision of footbridge or provision of footbridge.
- Education contributions.
- Highways contributions.

38/08/0372 CONSTRUCTION OF A BRIDGE IN CONNECTION WITH THE

TANGIER RESIDENTIAL REDEVELOPMENT

38/02/0114 RESIDENTIAL DEVELOPMENT, NEW SITE ACCESSES, CAR PARKING AND ASSOCIATED WORKS

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP -

The proposal is for the residential development at the above address and whilst there is no objection to the principle of the development, there are concerns identified below, which require clarification before the Highway Authority can be content that the proposal is acceptable. The proposal site is located in Taunton Town centre and is served off the existing unclassified highway (called) Tangier. Castle Street and Tangier Way border the site to the south and east respectively. It is to our understanding that the site previously benefited from planning consent for 181 dwellings (application: 38/10/0107/REX), and for 44 dwellings (application:38/10/0108/REX), a total of 225 dwellings.

Traffic impact

A Transport Statement (TS) was prepared by TPA in support of the application which has been assessed and which raises several concerns which can be found below.

The forecast trip distribution is as per the extant application [38/10/0107/REX]. This distribution is based on the 2001 census data for the 2010 application. The local highway network and how it is used, has changed since the 2010 application and therefore the data would normally be considered outdated. The applicant should have provided a sensitivity test to demonstrate that this data was fit for purpose for inclusion within the current TS. It is unlikely however that in this instance, the outcome will be significantly different.

TRICs database has been used to derive trip rates for the 18 private ownership houses. The TRICs site selection and resultant trip rates are considered representative of the proposed development. The trip rates for the 164 private flats were however, derived from the Transport Statement dated September 2004 in application reference 38/02/0114.

This would not normally be considered acceptable, however a review of the trip generation shows it is likely to be 72 & 61 two-way trips in the AM & PM peaks respectively. This equates to approximately 1 additional trip per minute and is unlikely to significantly impact the operation of the Castle Street / Tangier SignalisedJunction.

Parking

The proposed development consists of 182 residential units and the TS specifies the provision of 155 car parking spaces. This equates to 0.85 spaces per residential unit. When considering the 'Proposed Site Plan' and the 'Ground Floor - Parking, Bikes and Bins' plan, it is apparent that there is an inconsistency between these drawings and the TS, which MUST be addressed for a full understanding of the

parking proposal to be considered.

The optimal parking provision for this site as set out in the adopted Somerset County Council Parking Strategy (SPS) should be 216 spaces for the proposed dwellings, plus an additional 37 visitor spaces (253 total). The proposed 155 spaces (TS) are therefore significantly less than the adopted standards recommend.

The shortfall in parking spaces including no designated visitor parking is likely to increase indiscriminate parking on the internal site roads and private spaces for existing land uses on Tangier. This may cause disruption within the development and issues for neighbour relations.

The plans that have been provided appear to show 150 spaces for the flats & 23 for the houses, however not all of the indicated house spaces will be accessible/useable.

The Planning Authority may wish to seek clarification of this issue, in order to assess the impacts of parking, the Highway Authority are not in a position to comment at this time, other than to confirm the shortfall.

Secure cycle parking will be required, at a rate of one space per bedroom, and this is acknowledged within the submitted document, however the provision indicated does not appear to be secure and may not therefore be utilised.

It should also be noted that the TS does not include reference to the requirement in the Somerset Parking Strategy to provide motorcycle parking or suitable facilities for electric vehicle charging, which should also be addressed by the applicant.

Access

The proposal put forward is for two simple priority junction arrangements onto Tangier. Visibility splays from these points of access should be in accordance with Manual for Streets and 2.4m x 43m with no obstruction greater than 300mm above adjoining road level, unless speed readings are taken to demonstrate that an alternative distance is appropriate.

There are concerns that the proximity of the southern access (serving the apartments) to the existing signalised junction has not been fully assessed. It is possible that queuing traffic waiting to leave Tangier, may block the ability of vehicles to turn into or out of the development.

Whilst swept path analysis has been provided for the access serving the flats, none has been provided for the residential area. This is required to ensure that refuse, delivery and other vehicles can safely and adequately access the dwellings. The swept path drawings for the turning area seem to show that there is an impact on a boundary (over-run) and that this movement has an impact on a tree. It is essential that there is clarification that this can be easily achieved, or the Highway Authority may decline to adopt this road.

No dimensions have been specified for the entry and exit radii at the junction of the two new accesses. Where there is no provision made for large goods vehicles, it is recommended that the minimum circular corner radius at simple junctions should be 6m in an urban area subject to a swept path analysis. It is recommended that a

minimum carriageway width of 5m is provided.

No specific details have been provided at this time for any footway/cycleway infrastructure either within the development or connecting to the wider highway. It seems from the plans that the road may be intended for use as a shared surface (not sufficient footway provision), however with the road markings shown this is a conflict which must be resolved to ensure highway safety is maintained.

The applicant will need to provide further detail on how the development will connect

to the existing pedestrian and cycle infrastructure to ensure accessibility.

No details of the proposed carriageway have been provided to demonstrate that suitable gradients, surface water, drains/gullies, etc can be achieved. Additional drawings would be required for this purpose, especially if there is a desire for this to

become adopted public highway.

Drainage

Whilst the FRA advises that two overland flow routes will be provided through the site, at both vehicular access points, to convey surface water from Tangier to the River Tone, the proposal to raise the levels within the site will naturally reduce the effectiveness of these routes thereby increasing the flood depth on Tangier. The public highway formed by Tangier drains to a low point of 16.00 AOD approximately 55 metres west from its junction onto Castle Street, which is between 700-800mm lower than the maximum height on the exceedance flow route.

The very slack longitudinal falls along Tangier, together with the provision of channel blocks, are not conducive to facilitating new vehicular access junctions that drain effectively without reshaping. These junctions should be designed to initially fall away from the public highway with low points to each radii. Gullies should be provided on Tangier immediately upstream of the junction and the channel blocks removed across the junction frontage, thereby also removing a potential safety issue and a point of construction weakness.

The drainage strategy indicates areas within the frontage of the proposed development that would discharge surface water into the existing highway drainage system serving Tangier. This would only be acceptable if those additional areas are adoptable as public highway and that the existing highway drainage system is both hydraulically and structurally capable of accommodating this additional flow.

It will be for the Local Planning Authority to consider the potential increase in flood risk downstream resulting from this proposal.

Internal Layout

The following is with reference to the submitted drawing number 2091/1003/P4 Proposed Site Plan.

The developer should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code.

Allowance shall be made to resurface the full width of Tangier where disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm. Cores may need to be taken within the existing carriageway to ascertain the depths of the bituminous macadam layers.

The development served by the southern junction, should include a minimum adoptable 5.0m wide bitumen macadam carriageway together with 2 no. 2.0m wide footways. If the developer intends for any other provision throughout the development, this must be discussed with the Highway Authority and may result in the layout being unfit for adoption as public highway.

It is necessary for appropriate forward visibility and visibility splays across the inside of all bends and at junctions. There shall be no obstruction to visibility within the splay that exceeds a height greater than 300mm above the adjoin carriageway level.

All splays will need to be the subject of technical approval, but impact on the layout of the development (specifically Block C2).

The proposed pedestrian link referred to, due to its width could well be used by a combination of pedestrians and cyclists and as a result, adoptable visibility splays based on dimensions of 2.0m x 20.0m in both directions, as measured from the back edge of the highway boundary, should be provided. There shall be no obstruction to visibility within the area of the splays that exceeds a height greater than 300mm above the adjoining carriageway level.

There is a proposed footway along the southern side of the internal carriageway serving plots fronting onto Castle Street that terminates prior to the Block that fronts onto Tangier Way. How will pedestrians be catered for, from this point to safely reach the remainder of the development (Block F)?

Parking bays that immediately but up against any form of structure (walls, footpaths or planted areas), shall be constructed to a minimum length of 5.5m as measured from the back edge of the prospective public highway boundary. Standard parking bays should be constructed to a minimum length of 5.0m.

Surface water from private areas will not be permitted to discharge onto the prospective public highway. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required with a copy forwarded to SCC.

With regard to the proposed highway lighting, early discussions will need to take place between the developer, SCC Highway Lighting Team and the SCC Ecology Officer in terms of lighting the site due to existing wildlife and the need for the River Tone not to be illuminated.

No doors, gates, low level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface carriageways. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.

Any planting within the proposed adoptable highway will need to be supported by a commuted sum, payable by the developer. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by SCC will be required for all trees that are to be planted either within or immediately adjacent to the highway to prevent structural damage to the highway.

A comprehensive planting schedule will need to be submitted to SCC for approval purposes.

The applicant will need confirm whether or not the proposed pedestrian links that run along the northern site boundary will be offered to SCC for adoption. If it is the intention for SCC to adopt these links then it would be preferred if they were constructed to a minimum width of 3.0m to accommodate the use by pedestrians as well as cyclists. Dialogue is recommended in relation to this matter, alongside the conversation about the internal estate road and linkages.

Regarding the proposed southern access, it is to our understanding it is to remain within private ownership. To satisfy APC legislation it must be built to an adoptable standard in terms of materials used and compaction of the materials. Surface water will not be permitted to discharge from this area out onto the public highway and SCC will require full contact details of the Management Company who will be responsible for the future maintenance of it.

For clarity any retaining/sustaining structures that form part of this site and is privately owned retaining structure that is constructed within 3.67m of the highway boundary and/or which has a retained height of 1.37m above or below the highway boundary will require the submission of detailed drawings/calculations to enable SCC to be assured of their safety and durability. Any structure to be maintained by SCC will require the submission of an Approval in Principle (AIP) for approval. The AIP submitted shall be signed by a Chartered Engineer Civil or Structural) and shall be submitted before the commencement of the detailed design. Any structure to be adopted by SCC will require from the developer, payment of a commuted sum.

Travel Plan

A Residential Travel Plan was submitted as part of the application, and this has been reviewed and there are a number of issues identified, that will require

addressing to achieve an acceptable Travel Plan (TP). Feedback on this issue will be sent to the Highway consultant, however failure to address these issues may result in a recommendation of refusal.

The key points that require addressing are:

- A Travel Plan fee must be included, in accordance with the adopted SCC Policy.
- A list of measures must be included within the Travel Plan. Whilst some measures have been included, the following also need to be added and discussed: Electric Vehicle Charging points; ATC's; Travel Plan Management Fund (for promotional events); Green Travel Vouchers; Website; Car Parking; Cycle Parking; Motorcycle Parking; Visitor Parking.
- The Travel Plan Coordinator (TPC) or manager function has been identified but only the basic responsibilities identified and committed to. This must be enhanced and included within the TP.
- The TPC function must be in place from 3 months prior to first occupation for a monitoring period of 5 years after 80% occupation.
- The hours and budget of the TPC must be a commitment within the TP, as this will be secured via s106.
- Targets will be agreed and secured as part of the TP and secured by s106.
- A safeguard sum must be secured within the TP, in the event that targets are not achieved.

It is therefore anticipated that an amended TP will be provided to address these issues.

Conclusions

With the above in mind the Highway Authority are not in a position to make a final recommendation until further information has been provided regarding the concerns raised above. The Highway Authority therefore requests that the applicant be asked to:

- Update the submitted Travel Plan as advised above. (secure via s106).
- Clarify parking space numbers and policy compliance.
- Clarify intentions for the internal road with regard to footway provision, visibility splays, etc.

Subsequent comments – In our previous response dated 4 July 2018 the Highway Authority raised several concerns and asked the applicant to address the following.

- Update the submitted Travel Plan as advised above (secure via s106).
- Clarify parking space numbers and policy compliance.
- Clarify intentions for the internal road with regard to footway provision, visibility splays, etc.

The applicant has since provided additional information which has been assessed and Highway Authority comments can be found as below.

Access & Internal Layout

The following is with reference to submitted drawing numbers 1402-92/Fig 3.1 and 1402-92/Fig3.2.

A number of pedestrian links are indicated within drawing number 1402-92/Fig3.1. The applicant will need to confirm what form these links will take, will they be footpaths only or footpaths/cyclepaths, and who will be responsible for their future maintenance.

The proposed 25m forward visibility splay as indicated within drawing number 1402-92/Fig3.1 should ideally be contained within a widened section of footway. The entrances to private parking courtyards should be a minimum of 4.5m in width.

Any proposed works along the site frontage will not be permitted to encroach upon the existing publicly maintained highway and they must not result in the narrowing of the existing footway. In this instance, any proposed works within the existing highway boundary will be subject to a formal legal Agreement.

2.0m wide hardened margins will be required at the ends of the turning head at the eastern end of the development site. This is required for adoption to be achieved, but may have an impact on the parking spaces and layout.

There still appears to be an impact on the swept path at the eastern side of the site close to the turning head, (boundary and tree as highlighted in our previous comments). The applicant is reminded that unless clarity on this is shown, the Highway Authority may decline to adopt the road. A swept path analysis of an 11.4m refuse vehicle should be used on a 1:200 scaled drawing.

Parking

The proposed development will be accommodated by the provision of 183 parking spaces as demonstrated on drawing plan titled 'Ground Floor - Parking, Bikes and Bins' and in the Transport Statement Addendum. However, no visitor parking has been provided.

To reiterate from our previous comments dated 4 July 2018 the Somerset Parking Strategy (SPS) optimal parking provision for this site should be 216 spaces for the proposed dwellings, plus an additional 37 visitor spaces (253 total). The Local Planning Authority (LPA) should be reminded that the shortfall in spaces from the SPS optimum standard and no designated visitor parking is likely to increase informal parking on the internal site roads and private spaces for existing land uses on Tangier.

The applicant states in the Transport Statement Addendum that cycle parking can be accommodated in Blocks A and B via the proposed garages. The LPA should be mindful of ensuring that the garages are designed to accommodate bicycles and vehicles in this instance.

Travel Plan

A revised Travel Plan has been submitted by the applicant. Following a further assessment, the applicant has appeared to of largely addressed a number of issues raised in our previous comments dated 4 July 2018, however the following still remains outstanding and must be addressed.

- The TP should state that a S106 agreement will be used to secure the TP. The S106 agreement should contain a Travel Plan schedule and the agreed TP should

be appended to the agreement.

- Motorcycle spaces have not been allocated, this needs to be in line with the Somerset Parking Strategy (SPS).

The applicant should also note:

- Ground anchors for motorcycle parking, green travel vouchers and welcome packs should be in accordance with SCC Travel Plan Guidance.
- The Monitoring Strategy should ensure that all targets for years 1 – 5 should be provided as surveys will be conducted annually for 5 years. Therefore, please include figures for years 2 and 4.
- The TP does not state that an updated TP must be will be prepared and approved at the end of any monitoring period, agreed as part of the planning permission for the development. This must be explicitly stated in the TP.

The LPA should also be mindful of previous comments raised by the Highway Authority regarding this application.

Conclusions

In the event of planning being approved a suitable Travel Plan will need to be agreed in writing and secured via a S106. If the LPA are minded to approve the application, the Highway Authority would recommend the following conditions are 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.
- 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 all accesses and extending to points on the nearside carriageway edge either side of the accesses for a distance of 33 metres. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.
- The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is

occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

- The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
- The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
- In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- The existing access shall be closed to all traffic and its use permanently abandoned prior to the new accesses hereby permitted being first brought into use.
- 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.

Note

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

Prior to works commencing on site the Applicant is advised that plans, sections, specifications and calculations of any proposed retaining walls must be submitted to the District Council and subsequent approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980.

(For information, this relates to retaining walls, which are wholly, or partly within 4 yards (3.7m) of a street and which is at any point of a greater height than 4'6" (1.37m) above the level of the ground at the boundary of the street nearest that point.) drainage

Further comments - I refer to the amended plans received by the Highway Authority

on 7 November 2018 with regard to the above application. It would appear that the amended plans do not require any comment from the Highway Authority. Should you feel the need to discuss further please do not hesitate to contact me.

SCC - RIGHTS OF WAY - No comments received

SCC - NOW HISTORIC ENV SERVICE(AS NOT PART OF SCC 2015) - No comments received

SCC - CHIEF EDUCATION OFFICER - Although the proposed development is primarily apartments, it is likely that it will yield some children of all ages, particularly given the mix of dwelling sizes. Therefore we should assume that the proposed development would add pressure to existing primary and secondary provision in central Taunton.

The catchment primary school (Parkfield) and nearest primary school (North Town) are both full, as is the catchment secondary school (Castle) and the LA would like it noted that it may be necessary to apply for CIL funding to mitigate the pressure on school places from the proposed development should it be approved.

We are currently waiting for the revised pupil yield formulas, and following this we would be more able to estimate the number of pupils this development could generate for the school places.

SCC - ECOLOGY - An updated ecological appraisal was carried out by EDP in 2017. This reported that the site consisted of areas of hard standing and gravel, as well as earth/spoil mounds that are scattered across the Application Site, have been colonised by ephemeral vegetation, forming an early transitional grassland. There is also scattered scrub and trees on-site include numerous poplar saplings, alder and false acacia. On the northwestern part of the Application Site in particular has been colonised by areas of scattered and dense scrub. Along the boundary fence, forming a solid barrier to the river corridor, are blocks of dense bramble scrub, which back on to dense shrub and ruderal growth on the river bank. The southern bank of the river, directly adjacent to the Application Site, is densely populated with willow, sycamore, buddleia and other flora.

There are large stands of invasive Himalayan balsam, Japanese knotweed, and giant hogweed was reported in 2010. A small amount of Himalayan balsam has also colonised the Application Site itself, along its northern edge, I would recommend that the removal of invasive alien species, such as Himalayan balsam, be conditioned. The removal of such species will need to be carried out prior to any groundworks or other vegetative clearance on the site following Environment Agency guidance.

For example as per BS42020 on Biodiversity and Planning:

- Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam, Japanese knotweed, and giant hogweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

A standard condition for breeding birds should be applied, such as:

- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Alternatively this could be included within a condition for a Construction Environmental Management Plan (not a Landscape Management Plan as stated in the EDP report which is for post development management of landscape elements), such as:

- No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.

- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The development of habitats on the Application Site including bramble and buddleia scrub that produces prey species on the site as well as those Bat surveys were carried out in September 2017. These recorded the site being used by common and soprano pipistrelle, and noctule bats, and a single *Myotis* (probably Daubenton's) over the River Tone. Currently there is no lighting on the River from the site and incidental light is blocked by a fence and vegetation. It is likely that there is some light from the Third Way Bridge and the lighting along the footpath on the opposite side of the river.

However, the crucial element of the proposed development, with regard to biodiversity, particularly bats, is the lighting on the path which runs along the bank of the River Tone. The River is a Local Wildlife Site and a major wildlife corridor which runs through the urban area of Taunton, for species of European importance such as otters and Atlantic salmon. It is important that current light levels are not increased as a result of the proposed development.

It is proposed to re-profile the river bank and introduced a lit footpath along the length of the Application site. In addition the Ecology Appraisal recommends that a

'New tree planting along river edge will provide some barrier from light spill onto the river'. However, the Landscape Plan seems to ignore this recommendation and there are no trees between the footpath lighting and the watercourse. Only a generic wildflower meadow mix is proposed on the banks but no marginal bankside species is included.

Otherwise planting behind the footpath is only ground cover and tree planting is 'sparse.' The Ecology Appraisal recommends that 'Long term management of the adjacent river bank vegetation should encourage a suitable level of cover for the species and should be detailed as part of the LEMP'. The LEMP could be conditioned as follows:

· A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (*where the results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Furthermore, the eastern end of the river frontage is to be a retaining wall leading up the Third Way Bridge. This is likely to be an issue for the movement of otters during flood conditions where they will run along the banks rather than swim and will cross roads where they intersect the river rendering vulnerable to vehicle collision (there have been at least two cases of deaths within the urban area of Taunton). One otter is more than 1% of the Somerset population as whole and a greater percentage for the Tone catchment. The previous application include otter ledges and baskets with emergent and marginal vegetation to retain a 'soft edge' favourable to wildlife (see attached). This will be required to help ensure maintain the 'Favourable Conservation Status' of the local otter population and the mitigation will need to be conditioned. In addition an artificial otter holt was constructed on site for the previous application to replace one that would be lost due to the development proposals at that time.

The Ecological Appraisal recommends that 'Surveys should be undertaken prior to construction, which will determine whether the holt or nearby pull-ups are in current

usage. This should involve the monitoring of the holt using sticks or remote cameras over five consecutive days'. Again I would advise that this is conditioned, for example:

- An 'Otter Mitigation Strategy' shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of vegetative clearance or ground works on the development site. The approved strategy will be strictly adhered to and any resultant structures maintained for the duration of the development thereafter. Importantly the current planting scheme does not support the provision of an artificial holt, possibly exacerbated by the re-profiling of the bank to replace the one lost to the development.

With regard to bats, a Lighting Plan accompanies the submission which gives four options to minimise lighting on the bank of the river from these lamps. The Lux contour drawing is included within the Lighting Plan which demonstrates that for the most part a level of 0.5 Lux can be obtained on the water's edge. As discussed above the current landscape planting scheme proposed grassland and low vegetation along the river bank is unsuitable for bats generally. There may also be an element of glare from windows of the proposed buildings, including reflections on the water surface from them and the street lamps. The Lighting Plan will need to be conditioned, I would suggest the following:

- Lighting shall be installed in accordance with the details of Scenario x contained in the Planning Application Lighting Assessment (It Does Lighting Ltd, dated the 28 April 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

The Scenario 3 or 4 appear to be the best options of least impact to wildlife. I have consulted the County Council's lighting engineer and they state that, if the footpath is to be adopted, 'The Highway lighting will be designed in accordance with our zoning records'. Dimming of lighting systems is not within SCC policy and movement sensors are not permitted for Highway Lighting.

In summary I have concerns about the proposed development as submitted:

a) Given the open nature of the bank of the River Tone as proposed, it's planting and the glare from windows / reflections on the water surface; I am not convinced that there would be no effect on commuting and/or foraging bats using the river, particularly a light sensitive species, such as Daubenton's bat. Wildlife should take precedence, considering the proximity of the importance of the River Tone wildlife corridor and its function in supporting European protected species, which the local plan authority has a legal duty to ensure the 'strict protection' of under the Habitats Regulations / Directive.

b) I am also not convinced that the current planting scheme will result in no net loss of biodiversity, which currently consists of insect rich species such as bramble and buddleia across the whole site and may include nesting opportunities for solitary bees. Habitat creation of benefit to wildlife is limited an open narrow strip along the banks of the River Tone and is under the influence of street lighting.

Subsequent comments - Further to my email comments and suggested conditions in an email dated 17 May 2018 and following a meeting with the applicant's agents and consultant ecologists EDP I am satisfied my concerns raised at the end of that email have been answered, although the matter of lighting the riverside footpath has yet to be finalised.

I can confirm that my recommendations for conditions in that email dated 17 May 2018 stand with the exception that I would replace the condition with regard to otters in the email with either a specific condition or alternatively details included within the text of a CEMP which would then need to be conditioned as set out previously for nesting birds, for example. A specific condition could state:

Prior to any work commencing on site a check for the presence of otters will be made by a suitable qualified ecologist and the findings reported in writing to the Local Planning authority either confirming absence or by providing a method statement to enable development. Should a Natural England licence be required pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead a copy should be submitted to the local planning authority

Reason: A pre-commencement condition in the interest of the strict protection of European protected species.

In addition, with regard to the lighting effects of lighting on bats and other wildlife I previously suggested and given the uncertainty in 2.7 of the submitted EDP Ecological Statement August 2018 I would amend as follows:

· Prior to construction works, a “lighting design for bats” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through the provision of lighting contour plans and’ technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Local Plan policy.

ENVIRONMENT AGENCY - The Environment Agency OBJECTS to the proposed development, as submitted, on the following grounds:

The above proposal falls within Flood Zone 3 which is an area with a high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year).

This proposal would result in increased flood risk to third parties by impeding overland flood routes. This would be unacceptable to the Environment Agency and we will object until a proposal is put forward for redeveloping this, which does not have a detrimental impact on others.

This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any

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>.

If the above flood risk objection can be overcome the Agency would wish to be re-consulted to make further comments on matters such as contaminated land and environment management. A copy of the subsequent decision notice would be appreciated.

Subsequent comments - The Environment Agency must maintain its OBJECTION to this proposal, at present, on the following grounds:

All previous modelling exercises showed that raising the Tangier site increased flood risk to third parties as it blocks the overland flood route of the Galmington stream, preventing discharge into the River Tone. This latest report shows there is no impact to third parties when the Tangier site is raised. Two model runs are being compared as part of this addendum. One model run has the Tangier site raised as per the extent permission. The other model run has the Tangier site raised as per the new proposal including mitigation. For both model runs, the Cattle Market / Firepool site does not seem to have been raised. The report compares both model runs and concludes on the flood risk impact of the two Tangier development proposal. This is not what we asked the applicant to look at. The applicant has already demonstrated that the proposal provides a flood risk betterment compared to the extent permission. The extent permission was never tested for overland flood routes as our understanding of the flooding mechanism in Taunton was not as good then as it is now. We are looking at this site as a fresh application with our updated knowledge and under the National Planning Policy Framework.

At the meeting of the 17 July 2018 held with the Local Planning Authority, we agreed that the applicant would test additional model runs to help understand the flooding issues of raising the Tangier site or not. The applicant mentioned that Cattle Market/ Firepool site would increase flood risk to third party around the Tangier area if the Tangier site remained undeveloped. We asked the applicant to substantiate their statement by running additional model runs as follows:

- Run the model with both the Tangier site and the Cattle Market / Firepool site as they are at the moment.
- With the Cattle Market / Firepool raised but not Tangier.
- With the Cattle Market / Firepool raised and Tangier site raised as per the extent permission.
- With the Cattle market / Firepool raised and Tangier site raised as per the new proposal including on site mitigation.

The aim of these additional model runs was to demonstrate that once the Cattle Market / Firepool is raised, raising the Tangier site as per the new proposal including mitigation does not increase flood risk to third parties as much as any of the other model runs above.

For the Cattle Market / Firepool application, we agreed that the applicant could use 15% for climate change impact as the changes to 40% climate change took place

towards the end of determination period. This approach was consistent with other applications we dealt with at that time.

In the case of the Tangier application, the revised scheme was put forward after the changes to the climate change factor. The revised application for Tangier will therefore be subject to the 40% Climate change factor. We look forward to receiving the additional information to address the above concerns in due course. A copy of the subsequent decision notice would be appreciated.

Further comments – The Environment Agency has recently had meetings with the applicants and Local Planning Authority (LPA) on the 24 Oct 2018, and the previously on the 17 July 2018.

We now have a better understanding of flood risk issues to this site. Whilst we would prefer the new proposal to be flood neutral to third parties, we realise that the new proposal offers a flood risk betterment compared with the extant planning permission.

We have now received a copy of the model which shows that the current proposal will have no impact on third parties for a 1 in 20 year event taking place within the next 20 years. However, although the current development proposal for the site will increase flood risk to third parties land for a 1 in 100 year event plus climate change, the model has demonstrated that the third parties impact of the current proposal won't have as extensive an impact as the live extent permission. Therefore, on the undertaking that the council will be delivering a strategic scheme to improve flood risk throughout Taunton within the next 20 years, thereby removing the impact of the site to third parties beyond 20 years, we can now WITHDRAW our earlier objection, subject to the inclusion of the following condition within the Decision Notice:

CONDITION: The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated April 2018 and the Technical addendum dated 30 July 18 ref: 5005-UA006933-02, and the mitigation measures which provides betterment compared to the extant permission. Specifically, ground floor levels raised to 16.86mAOD, and finished floor levels no lower than 17.13mAOD. The mitigation measures should 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: To reduce the risk of flooding.

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

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any 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><https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

gov.uk/guidance/flood-risk-activities-environmental-permits.

It must be noted that any works in proximity of a watercourse other than a main river, may be subject to the regulatory requirements of the Lead Local Flood Authority. 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:

A copy of the subsequent decision notice would be appreciated.

WESSEX WATER -

Sewerage Infrastructure

The site will be served by separate systems of drainage constructed to current adoptable standards.

Foul Drainage - The Drainage Strategy Statement (Hydrock April 2018) proposes a foul connection to the public foul sewer in Castle Street which has been agreed in principle by Wessex Water. The point of connection on the network is by application and agreement with Wessex Water. Sewers can be offered for adoption under a S104 application subject to technical review and satisfactory engineering proposals. The developer should continue to liaise with our local development engineer development.west@wessexwater.co.uk to agree proposals and submit details for technical review prior to construction. Please see guidance notes 'DEV011G – Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections' for further guidance Surface water Drainage.

The drainage strategy indicates on site surface water attenuation with discharge to the River Tone via three separate headwalls with flap valves. Discharge rates and flood risk measures will be subject to approval by the Lead Local Flood Authority, Environment Agency and appropriate river authorities. Elements of the surface water can be adopted by Wessex Water. Surface water proposals to be agreed at detailed design stage with Wessex Water local development engineers in consultation with LLFA. Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

Water Infrastructure

A water supply can be made available from the water network in Castle Street with new water mains installed under a requisition arrangement. The point of connection will be reviewed upon receipt of a Section 41 Requisition Application. The applicant should consult the Wessex Water website for further information. www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections. Buildings above two storeys will require pumped storage

NATURAL ENGLAND - Natural England has no objection to the proposals and supports the advice that the County Ecologist has provided.

Subsequent comments - The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

SCC - FLOOD RISK MANAGER - The LLFA **object** to the proposed development on the grounds that overland flow routes will be impeded. The scheme should be designed so as not to increase flood risk to others. It is clear that the proposed raising of grounds levels for the development would shut off the overland flow routes across the site, and would result in an increased risk of flooding elsewhere, particularly to the area to the south of the site. Whilst the developer has proposed to provide overland flow routes through the site, these are insufficient to address the issue.

The surface water drainage system calculations show the site to flood during the 1 in 100 year flood event with 40% climate change. Whilst the amount of flooding caused by the exceedance of the drainage system in this event is relatively small, it is not clear how these flows will be managed and or how they track safely through the site. The FRA states that the flows will “generally bypass dwellings” and flow along paths and drives but the route isn’t shown on the drainage strategy plan (CO6718/C/001). The plans simply show a depressed area where exceedance flows will be stored. However, it is not clear how exceedance flows reach that area, or what happens to this stored water ultimately.

The annotation on the same plan (Blue Arrows) shows proposed overland flow routes, being provided through the site from Tangier to the River Tone marked up as “exceedance routes”. However, these are not the exceedance routes associated with the surface water drainage system for the development. Some clarity in this respect would be helpful.

In accordance with sites within the River Tone and Parrett catchments, which have known problems with flooding, runoff from the site for the 1:100 year event should be discharged at either 2 l/s/ha or the average annual peak flow rate (i.e. the mean annual flood QBAR), whichever is the greater. We recognise that the developer has done the drainage calculations based on submerged outfalls, in the event of flooding in the River Tone, and we are supportive of that approach.

The proposals do not constitute a particularly sustainable drainage scheme as they comprise a traditional piped network and underground attenuation tanks. We recognise the site is constrained and infiltration poor, but all opportunities for the storage, management and treatment of surface water should be fully explored.

Subsequent comments - The additional information submitted (FRA technical addendum and plans) do not address the specific drainage issues outlined in our previous response dated 2nd July 2018. Therefore, our comments still apply and we look forward to receiving information in due course.

BIODIVERSITY - The application site has a long planning history and benefits from planning consent for new apartments granted in 2007. The consent was partially implemented including demolition of the gas works and clearance of the site. EDP carried out an ecological appraisal of the site dated April 2018 following earlier baseline surveys.

Findings were as follows:

Habitat - The development is situated directly adjacent to the River Tone, a Local wildlife site. Since clearance the site has colonised with grassland, ephemeral vegetation and scrub. I am not convinced that the current planting scheme will provide some barrier from light spill onto the river and result in no net loss of biodiversity. Habitat creation of benefit to wildlife is limited to an open narrow strip along the southern bank of the River Tone and is under the influence of lighting.

Bats - The bat activity survey undertaken in 2007 found high levels of bat activity, along the River Tone. The site itself offers sub-optimal foraging habitat for bats. There are no trees or structures on site that offer bat roosting opportunities. After consultation with myself and Larry Burrows further survey was carried out in 2017. A total of three species of bat (common pipistrelle, soprano pipistrelle and an unknown myotis bat- likely to be Daubentons) were identified foraging/commuting on the site, mostly adjacent to the river.

I agree with Larry that currently there is little lighting on the River from the site and incidental light from the south is blocked by a fence and vegetation. Therefore the key element of the proposed development, with regard to biodiversity, particularly bats and otters, is the lighting both on the path which runs along the southern bank of the River Tone and also from the new buildings themselves.

A detailed Lighting assessment has been submitted in support of this application. The document suggests four options to minimise lighting on the bank of the river. Option four is the most favourable scenario. The Lux contour drawings demonstrates that for the most part a level of 0.5 Lux can be obtained on the water's edge, which is good. However Larry has consulted the County Council's lighting engineer and they state that, if the footpath is to be adopted, 'The Highway lighting will be designed in accordance with our zoning records'. Dimming of lighting systems is not within SCC policy and movement sensors are not permitted for Highway Lighting.

Given the open nature of the bank of the River Tone as proposed with its sparse planting and possible glare from windows / balconies, I too am not convinced that there would be no effect on commuting and/or foraging bats using the river, particularly a light sensitive species, such as Daubenton's bat. It is very important that current light levels are not increased as a result of the proposed development. I suggest that additional planting is proposed, and a detailed lighting scheme including any lighting on balconies is conditioned to avoid light spill on the river.

Birds - Birds are likely to be using vegetation on site so removal of vegetation should take place outside of the bird nesting season. I support the erection of bird boxes on site.

Reptiles - A reptile survey undertaken in September 2017 but no reptiles were found.

Otter - The River Tone is known to be used by otters. There is past evidence that otters were using a clay pipe in the river bank adjacent to the site. As part of the partial implementation of planning consent granted in 2007/8 an artificial otter Holt was installed into the river bank towards the western end of the site near the existing pipe bridge.

I support further survey for otters. If the Holt is found to be in use then it will need to be blocked under licence from Natural England during the duration of construction works. Larry has noted that the eastern end of the proposed river frontage is to be a retaining wall leading up the Third Way Bridge. I agree that this may be an issue for the movement of otters during flood conditions where they will run along the banks rather than swim and will cross roads where they intersect the river rendering them vulnerable to vehicle collision. The previous application included otter ledges and baskets with emergent and marginal vegetation to retain a 'soft edge' favourable to wildlife, which is preferable.

Badgers - Badgers are likely to be foraging on site.

Invasive species - There are large stands of invasive Himalayan balsam, Japanese knotweed, and giant hogweed reported in 2010. A small amount of Himalayan balsam has also colonised the Application Site itself, along its northern edge, I agree that the removal of invasive alien species, such as Himalayan balsam, be conditioned. The removal of such species will need to be carried out prior to any groundworks or other vegetative clearance on the site following Environment Agency guidance. Larry's suggested condition could be used.

Suggested condition for Invasive species

Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam, Japanese knotweed, and giant hogweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

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 EDP's submitted report, dated April 2018 and" It does lighting's" Planning application lighting assessment for Tangier dated April 2018 **and an up to date otter and badger survey** 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 nesting birds
4. A CEMP and LEMP
5. Full Details of 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 nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

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 wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development.

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

Otters are known to use the river adjacent to the site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2017. Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

Subsequent comments - Further to the submission of additional biodiversity information, I find it difficult to dispute with the applicant's findings and conclusions.

I therefore withdraw my biodiversity objections subject to the placing of suggested conditions on any permission. This is mainly because the present river bank is not being re-profiled so the vegetation strip will remain and because the intention is to try to implement option 4 for lighting by the County Council not adopting the footpath/cycleway.

HOUSING ENABLING - Owing to the viability issues regarding this site, it is noted that there is no provision for affordable housing in this instance.

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

The development proposal of 182 dwellings includes 161 x 2 bed+ dwellings. Every 2 bed+ dwelling should provide 20sq metres of both equipped and non-equipped children's play space. In this instance, 161 x 20 = 322 sq metres of play.

Children aged 8 years and under should not have to walk more than 400 metres to their nearest equipped play area via a safe walking route. If access from the site is permitted via the Riverside Chambers footpath as the shortest route, the majority of the site will still be more than 400 metres from the nearest under 8's play ground in French Weir Park.

The development should therefore provide an on-site equipped LEAP consisting of at least 5 pieces of play equipment covering the disciplines of swinging, sliding, rocking, climbing, spinning and balancing together with sign, seat and bin. It should be centrally located within the site and overlooked by the front of properties to promote natural surveillance. All equipment should have a minimum manufacturer's guarantee of at least 15 years. TDBC Open Spaces should be asked to approve both the equipment and layout of the play area.

A 400 sq meter LEAP is the requirement generated by 20 x dwellings. Off-site provision should also be made for children of 8 years plus, by way of an off-site payment per dwelling. If the development proposal provides a LEAP and no other meaningful play space then an off-site contribution of £3,263.00 per each remaining 2 bed+ dwelling should be made for provision of additional children's play equipment within the vicinity of the development.

Subsequent comments – No further observations

LANDSCAPE - The LVIA produced by Bridge Associates is satisfactory. I agree that the development of the site and the introduction of a riverside walkway, will integrate well with its surroundings and improve the townscape of this area of Taunton. However I have concerns with regards to the replacement of the existing riverside stone wall, and with regards to the width of the riverside strip. A wider landscape strip with additional trees will provide a more pleasant environment and be of more benefit to wildlife by providing more cover and by helping to control light spill on the river.

I note that the existing willow tree will be retained in the proposed scheme, which I approve. The new blocks are very high but I concede that they are of similar height to the BT building on the north side of the river. It is unfortunate that the attractive views of St John's spire from the north side of the river will be lost.

Subsequent comments - The latest elevation of Block C appears to me to be more balanced.

ENVIRONMENTAL PROTECTION CONTAMINATED LAND -

Re: Noise

The site is adjacent to a busy road (The Third Way) and so there is the potential for traffic noise to disturb residents in the new dwellings. A report has been submitted with the application - Noise Impact Assessment, January 2018. Clark Saunders.

The report gives details of noise monitoring carried out at the site which was used to estimate noise levels at the facades of the proposed dwellings. An assessment was carried out to determine the level of noise attenuation required to ensure acceptable internal noise levels (using criteria from the World Health Organisation guidance). A higher level of attenuation would be required on facades facing the road. The recommended minimum sound insulation specification are given in Table 6.3 of the report, and the facades where this will be required are in Table 7.1.

The report also states that "The sound reduction of the windows should be met by the entire framed assembly with any proposed trickle vents installed and open. If this cannot be met then alternative means of ventilation may be required. There is no reason, however, why windows cannot be openable for rapid or purge ventilation or occupants' preference."

"Due to high sound insulation performance required from the Type A glazing located on the Block F North-east, South-east & South-west facades, high performance acoustic trickle vents are likely to be required. Depending upon airflow rates required, an alternative solution may be necessary to provide background ventilation to these rooms."

The developer should seek advice to ensure that the glazing and ventilation specified and installed in the development meets the requirements recommended in the Clark Saunders report. It should be noted that even with a higher level of attenuation noise (from traffic and other activities) are still likely to be audible inside the new dwellings.

Re: Contaminated Land

A report has been submitted with the application - Former Tangier Gas Works, Taunton. Updated Geo-Environmental Desk Study and Remediation Strategy Report. (Ref RP6764) Red Rock Geoscience Ltd. April 2018.

This report refers to a number of previous site investigations, reports and remedial works that have been carried out at the site, which was a former gas works. These investigations were carried out over a number of years, with the more recent investigation, assessment and remedial work being carried out in 2007-8. The work in 2008 included removal of contaminated soil, excavations of tar tanks and treatment of contaminated ground water. Excavations did not take place in some areas of the site due to proximity of the river wall, services or other properties (details were in the remediation Validation Report).

The Red Rock report included a review of the work carried out on the site and states that and includes an assessment of the potential risks from the residual contamination and concludes that "on the basis of the works undertaken and documentation reviewed, it is considered that the bulk of contamination has been removed and disposed of offsite and that although residual contamination may still be present, risk to future receptors can be minimised using construction based measures as detailed in the following section."

The report then outlines a Remediation Strategy (Section 5) to mitigate future risks. This includes ground gas protection (using vapour proof membranes), displacement piling, requirements for buried services and water mains and capping of garden and landscaped areas.

Regarding the river wall. The report notes that the previous Remediation Statement (Yeandle Geotechnical Ltd 2007) recommended the replacement of the river wall, however, the information in the validation report refers to an easement of 3m being in place along the river wall suggesting that the wall was not replaced. Therefore, it is likely that there will still be some contamination present in this area. The developer should liaise with the Environment Agency regarding any proposed works to the river wall as the main risk from this work would be to the river Tone. To ensure that the work is carried out as part of the planning process I have suggested a condition (below). This is based on the standard contaminated land condition that would be used for this type of site, but takes into account that the initial investigations, risk assessments and a Remediation Strategy have been submitted with the application.

The developer should carry out the remedial works in line with the scheme outlined in the Remediation Strategy and provide verification of the works (as required by part c) of the condition). Note that part b) regarding unexpected contamination is in place until works on the site have been completed. The developer should be aware that under the National Planning Policy Framework, where a site is affected by contamination responsibility for securing a safe development rest with the

developer and/or landowner. If any unexpected contamination is found during site works the developer should assess any potential risks and carry out any appropriate remedial work. Compliance with the planning condition does not rule out future action under Part 2A of the Environmental Protection Act 1990, for example, if additional information is found concerning the condition or history of the site.

Condition re Contaminated Land.

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the scheme outlined in a) below has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (b) has been complied with in relation to that contamination.

a) Implementation of Approved Remediation Scheme

The approved remediation scheme outlined in the document "Former Tangier Gas Works, Taunton. Updated Geo-Environmental Desk Study and Remediation Strategy Report. (Ref RP6764) Red Rock Geoscience Ltd. April 2018" must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out additional investigations or remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

b) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

c) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced.

The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above). The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

d) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved. All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in

accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework.

ENGLISH HERITAGE NOW HISTORIC ENGLAND (ALL CONSULTATIONS) -

The application site sits at the corner of Tangier and Castle Street on the banks of the River Tone. To the east is Castle Green and Bath Place Conservation Area, a surviving enclave, where post-war destruction has been avoided allowing for the complex palimpsest of historic development to survive. It retains a number of highly graded listed buildings as well as being a scheduled monument within the Castle complex. To the south is Park and Welington Street Conservation Area which includes the grade I listed church of St John the Evangelist. It is characterised by Victorian villas and terraces, which retain an attractive composition with the associated church.

The conservation area has a consistency in terms of the scale and architectural character which reinforces its domestic appearance. The grade I listed church by George Gilbert Scott is substantially unaltered. It has a striking spire that is visible within the surrounding area. From elevated locations, the skyline of Taunton is distinguishable by the punctuation of a number of church towers. Church towers form spiritual symbols but were also a display of wealth and grandeur by rival patrons and congregations. The most notable of towers are those of St James (grade II*) and St Mary's Church (grade I) which are often viewed together. The spire of St John the Evangelist is also a conspicuous feature within these views and contributes to the articulation and strong historic character of the Taunton skyline.

The proposal is to redevelop the site to provide 182 dwellings through a mix of building types including an 8 storey tower. There is an extant permission, granted consent in 2007, for 220 units between 4-6 storeys. Historic England is not averse to the redevelopment of the site but we have concerns regarding the 8 storey tower and its impact on the significance the grade II* listed St John the Evangelist derives from its setting. The new tower is slightly lower than the spire but is robust giving it a conspicuous visual appearance. We have concerns that the tower could form a competing feature to the visual primacy of the church within the surrounding location. There is also potential for it to form an intrusive addition into wider vistas of Taunton that at present are punctuated by the historic towers of the numerous churches. Further assessment into the potential impact of the new 8 storey addition into the wider view of the church towers and spires needs to be undertaken to determine what impact the new tower block will have on this attractive composition (Para 128, NPPF). Notwithstanding the outcome of the assessment harm has been identified through the introduction of a conspicuous feature that competes for primacy with the spire of St John the Evangelists.

In addition we have been unable to find evidence within the application that the archaeological potential of the site has been assessed in accordance with the requirements of the NPPF (Para 128) for this application although we note reference to archaeological reports in the Heritage Statement. We refer you for more detailed advice in this regard to your specialist archaeological advisor at South West Heritage Trust and recommend that you are guided by their advice as to whether any further information is required prior to determination of this application.

The council under Para 129, NPPF, should look for ways to avoid or minimise harm when conflict between the proposals and the asset's conservation have been identified. Any harm will need to be clearly and convincingly justified to demonstrate that the same benefits could not be offered in a less harmful manner (Para 132, NPPF). Therefore, we would question the necessity of an 8 storey block and whether the same benefits could be offered through a less harmful solution.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 128, 129 and 132 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

Subsequent comments – Thank you for your letter of 6 November 2018 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The additional information does not address our previous comments concerning the height of the 8 storey tower and its impact on the grade II* listed Church of St John the Evangelist. This is set out in our letter dated 24 July 2018. This advice is still extant and this letter (12 September 2018) should be read in conjunction with it.

In that advice, Historic England highlighted the contribution that St John the Evangelist's spire contributes to skyline of Taunton. It is one of a number of churches within the town that articulate the town's silhouette, which is an important aspect of the churches setting. The churches are an important aspect of Taunton's historic development, as they are a display of wealth and grandeur by rival patrons and congregations within the town. The importance of setting lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. Consequently, the ability to view these competing church spires from longer ranged views, which have formed a characteristic of the settlement's skyline, is an important part of their collective significance.

Since providing this advice, Historic England has had the opportunity to visit the grade I registered park and garden at Hestercombe, whose principal house is grade II* listed. Hestercombe is located on the southern slopes of the Quantoxhills and overlooks the Vale of Taunton. The gardens were laid out by Coplestone Warre Bampfylde during the mid and late 18th century to create a landscaped garden articulated with follies and naturalistic features including the Hestercomb, which is characterised by a series of walks and viewing points to take in the surrounding landscape. The next phase of significant development occurred in the early 20th century. Sir Edwin Lutyen's designed formal gardens that were planted by Gertrude Jekyll, primarily to the south of the house, which were set within the

18th century landscaped parkland.

The gardens, garden frontage of the house and the topography of the comb and the land around it, result in the sites orientation taking advantage of the expansive views of the Vale of Taunton. The site is well established with vegetation but viewpoints have been created that allow for the vale to be appreciated at various levels and locations to offer different views across. As part of these expansive views, the aesthetically pleasing spires and towers of Taunton articulate the middle ground forming features of interest. The design intention appears to have been to use the valley as a '*borrowed*' feature, enriching the views from the House, providing a greater sense of depth beyond the boundaries of the designed landscape. The rural foreground and the surrounding trees screen much of Taunton, the town, leaving the spires and towers to punctuate the views uninterrupted.

The development site will sit between Hestercombe and the spire of St John the Evangelist. The 6 storey elements will be prominent in these views but we do not believe will form a competing feature along the skyline. In contrast, the 8 storey element will form an intrusive and competing feature that will erode the contribution made by St John the Evangelist's Spire to these important views from Hestercombe and to the skyline of Taunton. It will also introduce a structure that lacks the refinement and quality provided by the historic spires and towers, a characteristic of the town.

Historic England has concerns about the proposal. In our previous correspondence, we highlighted the potential impact of the new 8 storey addition into the wider view of the church towers and spires and that further assessment was required. This could be through the form of visualisation and photomontages to allow for a greater understanding of the potential impacts on these longer views.

Following the information provided above, this should also include views from Hestercombe across the Vale of Taunton (Previously Para 128, now in Para 189, revised NPPF). These landscapes are dynamic and meant to be viewed as you move through them and this will need to be appreciated as part of the assessment. However, the assessment should not be limited to Hestercombe and as previously requested should consider viewpoints that take the skyline of Taunton into consideration to appreciate the full impact of the development.

Following an initial assessment, there is a strong possibility that the level of harm proposed by the scheme could be increased due to the impact of the development on Hestercombe (Para 195-196, revised NPPF). At this point the level of that harm cannot be ascertained without the additional information being provided to assess the potential impact. The council under Para 190 (formerly Para 129), NPPF, should consider ways by which to avoid or minimise the harm caused and the conflict in terms of its impact on a number of heritage assets. Any harm will need to be clear and convincingly justified, to demonstrate that the harm is necessary and the scheme could not be delivered in a less harmful way (Revised Para 194, formerly Para 132). Therefore, we would question the necessity of an 8 storey block within the development and would encourage steps to be taken to address the concerns raised above.

Recommendation

Historic England has concerns regarding the application on heritage grounds. Further assessment is required to fully appreciate the impact of the development in those longer ranged views including from Hestercombe, a grade I registered park and garden (Para 189, NPPF).

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

Further comments – Thank you for your letter of 6 November 2018 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

In our previous correspondence, Historic England raised concerns over the proposed development on the land North of Tangier. The issue was the height of the proposed 8 storey tower and the potential impact on the primacy of St John the Evangelist Church (grade II* listed), part of whose significance is derived from its setting. The church retains significance through its primacy within the surrounding locality as well as its contribution to the Taunton skyline. A key feature of the town is its articulation by prominent church spires and tower and can be clearly appreciated from the longer range views towards the settlement. This includes views from the surrounding hills and the grade I registered park and garden at Hestercombe. The designed landscape and house are orientated towards Taunton and the churches articulate the medium ground of views from within the designated gardens.

In our previous correspondence, we stressed the need for the longer range impact of the development to be assessed through photomontages or visualisations. The applicant has produced a number of viewpoints including views from Hestercombe and within the town centre. These have been helpful in understanding the potential impact of the scheme. We do have one note of caution regarding the methodology of the visualisations. These have been taken with a 50mm lens, which presents a much wider view point and is more typically used for landscape assessments. A more accurate representation would have been to produce the images by an equivalent focal length of 70mm - 80mm (see for instance Visualisation Standards for Wind Energy development (Highland Council 2010 and 2013)). We have not come across a 24mm lense and therefore, it is not clear how this may alter the image presented.

The visualisations from Hestercombe show that the 8 storey block will form a conspicuous feature within views from the gardens. This is due to the scale of the building and its position in the foreground of the town. Steps have been taken in the design to soften and reduce the overall appearance of the block through the choice of materials. We would encourage further steps to be taken that reduce the amount of render of this elevation especially down the central spine of the balconies and that where render is used a more muted tone is utilised. The current use of white reinforces the conspicuous nature of the building, especially with the

scale and massing proposed.

The visualisations from within the town appear to show that the impact of the new development on the church and the other designated assets including the castle complex will be limited. Photomontages although hugely beneficial are only static images limited in terms of time and position within the landscape. Following a brief walk around the site and the adjoining townscape, we consider that the impact maybe greater than the images represent. Therefore, the council need to undertake a robust assessment of the impact from within the surrounding locality to be confident in determining the level of harm caused.

Notwithstanding the council's need to undertake their own assessment to determine the level of harm caused, we have identified that the scheme will still cause some harm on the setting of the church due to the scale of the 8 storey block and its impact on the primacy of St John the Evangelist's Spire. We remain of the position that any harm will need to be clear and convincingly justified, to demonstrate that the harm is necessary and the scheme could not be delivered in a less harmful way (Revised Para 194 and 190). This is with particular regard for the 8 storey building and whether the additional units could be accommodated elsewhere. The council need to be satisfied that this has been rigorously justified within the application.

Furthermore, as harm has been identified, this needs to be considered against the public benefit of the scheme (Para 196, NPPF). Any harm needs to be demonstrably outweighed by the public benefit.

Recommendation

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

CRIME PREVENTION DESIGN ADVISOR - No objection – subject to comments

Crime Prevention Design Advisor's (CPDA) working in partnership within the South West region, have a responsibility for Crime Prevention through Environmental Design projects within the Taunton Deane Borough Council area. As a Police Service we offer advice and guidance on how the built environment can influence crime and disorder to create safer communities addressing the potential of the fear of crime and anti-social behaviour.

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

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

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

Comments:-

1. **Crime Statistics** – reported crime for the area of this proposed development (within 200 metre radius of the grid reference) during the period 01/05/2017 – 30/04/2018 is as follows:-

Burglary – 2 Offence (both business/community)

Criminal Damage - 6 Offences (incl. 4 criminal damage to motor vehicles)

Robbery – 1 (Personal Property)

Sexual Offences - 2

Theft & Handling Stolen Goods - 27 Offences (incl. 2 theft from motor vehicles & 2 theft of pedal cycles)

Violence Against the Person - 28 Offences (incl. 1 malicious wounding, 8 assault ABH, 8 common assault & battery, 1 assault police & 7 causing harassment, alarm, distress)

Total - 66 Offences

This averages less than 6 offences per month, which is classed as a low reported crime level.

2. Road & Footpath Layout – the internal road and footpath layout appears to be visually open and direct and likely to be well used. The single vehicular entrance/exit is also beneficial from a crime prevention perspective in that it can help frustrate the search and escape patterns of the potential criminal.

3. Communal Areas – in particular alongside the River Tone, have the potential to generate crime, the fear of crime and ASB and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. In this regard, this area appears to be well overlooked by the majority of the apartment blocks and houses.

4. Defensible Space – it is important that boundaries between public and private space are clearly defined and the plans show surface changes by colour and texture in the form of contrasting brick pavers within the development which should indicate private property and help deter casual access. Block A appears to have some defensible space in the form of patio gardens, a 1.2 metre rail and low level planting to the river elevation but no boundary treatment to the shared surface inner elevation. Block B has a 1.2 metre closeboard fence topped with trellis and a wall to the rear but also no boundary treatment to the inner shared surface. Both blocks have some planting to the gable ends, which should also include defensible space in the form of a buffer of planting or similar. If space permits, I also recommend some form of defensible space adjacent to the rear of the houses where they abut the shared surface, even if also in the form of a narrow buffer of planting.

5. Natural Surveillance – optimum natural surveillance should be incorporated whereby residents can see and be seen, this should include unobstructed views from the development of all external spaces, including footpaths, roadways, internal communal areas and landscaping. Any recesses, blind corners or potential hiding places should be eliminated. Being apartment blocks, Blocks C, D, E & F should enable good surveillance opportunities.

6. External Security Lighting – appropriate ‘dusk to dawn’, low energy security lighting should be designed to cover potential high risk areas including main site access points, undercroft and surface car parks, cycle/refuse stores and any other secluded areas around the site. Also main entrance doors, secondary access doors and fire exit doors. All lighting should be vandal-resistant and automatically controlled by photo-electric cell or time switch with manual override. There is existing street lighting in Tangier which assists in this respect.

7. Landscaping/Planting – should not impede opportunities for natural surveillance. As a general rule, where good visibility is needed shrubs should be selected which have a maximum growth height of no more than 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision. Defensive planting (prickly shrubs) should be used in appropriate areas to deter unlawful access.

8. Car Parking – the design includes both undercroft and surface parking for the apartment blocks and I have some concerns that the undercroft parking does not appear to have any form of access control applied to the external vehicular and

pedestrian entrances to prevent unauthorised access into the car parks. This potentially leaves residents and parked vehicles open to the risk of crime and raises the fear of crime. Parked vehicles will also be out of sight overnight, increasing this risk. As undercroft parking appears to be essential in the case of the apartment blocks, I recommend that the car parks should be protected by roller grilles or inward opening gates capable of being remotely operated by a driver whilst sitting in a vehicle. Lighting of the car parks should be to BS5489 levels and walls and ceilings should have light coloured finishes to maximise the effect of the lighting. CCTV may also be desirable to monitor the car parks and entrances. The houses incorporate integral garages, which is recommended.

9. Cycle and Bin Stores – the plans indicate integral Bin Stores located in the undercroft car parks in the apartment blocks, which should be lockable to deter the use of wheelie bins for climbing or arson. I have serious concerns regarding the location of the large number of external bike spaces proposed all of which, with the exception of those serving Block C2, appear to be external and not contained within any form of secure cycle store(s). Ideally, secure cycle stores should be provided in the undercroft car parks in the same manner as the bin stores. Failing that, external secure cycle stores should be provided for each block in order to deter cycle theft.

10. Climbing Aids – as the apartment blocks incorporate balconies, any potential climbing aids should be avoided.

11. Doorsets & Windows – in order to comply with **Approved Document Q: Security Dwellings** of Building Regulations, all easily accessible external doorsets (including communal and flat entrance doorsets) and ground floor or easily accessible windows (including rooflights) must be tested to PAS 24:2016 security standard or equivalent.

12. Access Control – an appropriate form of access control system should be installed in each block, with video confirmation on main and secondary entrances, electronic lock release and entry phone linked to each flat to ensure that only genuine callers gain access to the buildings. The doors leading from the undercroft car parks to the lobbies, stairs, lifts and to individual landings should be included in the access control system.

13. Other Internal Security Issues – 24 hour lighting should be provided to all communal parts of the buildings including the communal entrances, landings, corridors, stairwells and all entrance/exit points.

14. Secured by Design (SBD) – if planning permission is granted, the applicant is advised to refer to the additional comprehensive information available in the '**SBD Homes 2016**' design guide available on the on the police approved SBD website – www.securedbydesign.com.

HERITAGE - In my view due to the height of the scheme is likely to cause less than substantial harm to the setting of the church of St John the Evangelist as prescribed in paragraph 196 of the National Planning Policy Framework.

Changing the colour of the tower is likely to improve the views from Hestercombe. I would suggest that the existing visualisations be updated to confirm this. If demonstrated then a condition would be acceptable.

I am not in a position to offer comments on the lens used for the visualisations as I don't have the expertise.

My main concern regarding this scheme has always been more difficult to assess.

The impact of the height has been assessed from individual locations. The experience is likely to be one that changes as you walk and drive around. It is dynamic. There will I expect be many views that you experience the new development and the old at the same time. On similar schemes in the past (In Torbay) there has been dynamic modelling of the scheme which has been put into a Z Map. This has allowed more thorough interrogation of the proposal from any location as you move around it. It resulted in some amendments that allowed large very successful schemes to be built. I don't feel we have this level of information here so my confidence regarding harm is not great.

It is highly likely that the removal of a storey will reduce the impact of the scheme and reduce harm. However as I understand it we are not yet clear about the viability of achieving this or the public benefits that would be achieved if either the current or a reduced height scheme was constructed. Because of this I find it hard to help you come to a recommendation.

THE GARDENS TRUST - No comments received

PLANNING POLICY - As discussed, here is a summary of the main issues with this application that I feel need to be addressed.

1. Probably the biggest concern is the fact that the ground floors of the apartment blocks are occupied by car parking, rather than this being placed below ground. The street/riverside elevations at ground level are thus 'dead', rather than occupied space. As an example, the site has a total riverside frontage of some 280m, of which about 170m will be fronted at ground level solely by car parking or by incidental open space. There is thus no habitable ground floor frontage to the river along 60% of the river side of the development.

2. There has to be concern about the height of some parts of the development. TCAAP policy refers to 4/5 storey development. The 4-storey apartments fronting Castle Street (Block E) seem about right in terms of scale, but the other apartment blocks appear too high. Block D towers over the 4-storey Block E by at least 2 storeys – this means that it will probably be as tall as the telephone exchange, and taller than Pegasus Court which adjoins the cricket ground. Block C2 appears to be too high (8 storeys) when compared to the general skyline of the development. The Debenhams building near St Johns church appears to be used as some kind of precedent, but you can see that it is significantly taller than the 'general' skyline, and from some angles interferes with the view of the tower/steeple of the church.

3. If the car parking for the apartments could be placed underground, this would enable the overall height of the development to be lowered by one storey, thereby addressing a lot of this concern (the blocks facing the river would then be 5 storeys rather than 6).

4. Bath Quays development – I was advised on a site visit that car parking to serve a mixed commercial/residential development is proposed underground within the floodplain of the River Avon. If it can be allowed there, why not on a site in Taunton? (Drawings of the Bath Quays proposal, including a cross-section showing the parking in relation to the river, can be seen on the web).

5. The ground floor at the corner of the junction between Castle Street and Tangier Way is 'blank'. Page 8 of the Design & Access Statement refers to the importance of the development 'turning the corner', but the development itself features a window-less, door-less façade at this point.

6. The absence of a continuous riverside path linking to Tangier Way by the

bridge. If there are specific reasons why the developer cannot provide it, then the development ought to allow for such a path to be installed at a later date. In their comments, members of the public have clearly picked up this. More generally, the riverside walkway needs to be at least 4m wide to allow for shared pedestrian/cycle use, and to reflect the width of the established paths in Goodland Gardens.

7. Whether the eastern access road should be designed as a shared surface street, rather than as a road with separate carriageway and pavements.

Experience suggests that with a road of this width (seemingly 4.8m), drivers will park on it by 'bumping up' onto the footway.

8. The development ought to be based on the principle of non-assigned parking spaces, so that spaces are used efficiently

9. The applicant proposes 270 cycle spaces, but the Council's adopted parking standards in the SADMP require 1 cycle space per bedroom. 377 spaces are therefore needed, meaning that there is a substantial under-provision.

10. The Residential Travel Plan seems insufficiently ambitious – for example, the target of 50% for trips made as a car driver is actually higher than the existing figure of 45% for that electoral ward.

Representations Received

12 letters received raising the following points:

- Overdevelopment of site that does not enhance river setting
- Some properties are more than 2 storeys high, too close to River Tone and not in keeping with other properties in the area, suggest revised to not more than 2 storeys
- Design is unattractive and unimaginative
- Site is more suited to industrial development not residential
- It does not have affordable housing
- Inadequate flood protection and concerns regarding exacerbating flooding to nearby properties
- No designated public footpath or cycleway linking to existing surrounding paths, which would benefit wider community
- Landscaping should screen development from Clarence Street and create natural barrier to the river
- Willow tree should be protected by a TPO
- Current traffic congestion would be exacerbated and insufficient parking
- Increased noise levels
- Loss of privacy, overlooking, overshadowing and light pollution to properties on Clarence Street
- Loss of riverside trees, hedgerows and open space
- Request financial viability assessment to be published
- Request Swift Schwegler bricks and nest boxes are included in scheme to safeguard swift population
- Query statements set out in environmental assessment in relation to otters, migrating birds and bats
- Concerns regarding impact on bats and otters in terms of lighting and access
- Negative impact upon already oversubscribed local facilities and services

One letter received from Somerset Waste Partnership requesting bin stores to be capable of accommodating relevant amount of bins plus additional capacity for future increase in bins. Bin stores should not be more than 25m from a suitable point for bins to be loaded on to a vehicle.

One letter received from SCC Public Health raising the following points:

- Concerns regarding the lack of emphasis on active travel and discrepancies in figures relating to car parking and cycle parking quotes.
- Riverside cycle and walkway is a cul-de-sac so does not provide a usable route along the river.
- The number of cycle spaces and car parking spaces differs between the application and travel plan.
- The travel plan targets are unambitious for a town centre location with cycle network and bus station nearby.
- Query use of car club; cycleway/footway giving way to east entrance and proposed radii; potential reduction of speed limit on Tangier; and contribution towards widening of footbridges at French Weir due to there now being no new bridge proposed.

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.

A1 - Parking Requirements,
A3 - Cycle network,
C2 - Provision of recreational open space,
D7 - Design quality,
D8 - Safety,
D9 - A Co-Ordinated Approach to Dev and Highway Plan,
D10 - Dwelling Sizes,
D12 - Amenity space,
SD1 - Presumption in favour of sustainable development,
CP1 - Climate change,
DM1 - General requirements,
DM4 - Design,
DM5 - Use of resources and sustainable design,
CP4 - Housing,
A2 - Travel Planning,
A5 - Accessibility of development,
ENV5 - Development in the vicinity of rivers and canals,
CP6 - Transport and accessibility,

This takes into account the recent adoption of the SADMP.

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	£ 192,074
Somerset County Council	£ 48,019

6 Year Payment

Taunton Deane Borough	£1,152,445
Somerset County Council	£ 288,111

Determining issues and considerations

There are two extant consents on the application site which would, if completed, provide for 225 residential units. The applicant has put forward this application which shows a new scheme for the site to account for the changes in demand for residential housing. Revised plans have been submitted which show 178 units, including the provision of some two storey housing and apartments.

Planning policy requirements

Affordable Housing- Policy CP4 of the Core Strategy seeks a contribution of 25% affordable units within the development. A Viability Assessment has been submitted with the application and this had been independently assessed. The report states; "The results of the viability assessment show that the scheme is not viable, even with no affordable housing, and that there would need to be very significant changes in the costs to alter this finding." It is therefore accepted that the scheme is not able to contribute towards affordable housing through a S106 agreement.

Provision of footbridge – The site lies within the areas identified for development

under the Taunton Town Centre Area Action Plan (TTCAAP) policy Tg2. The site forms part of a mixed use allocation and has been designated to provide residential development and a new riverside path and bridge across the River Tone. The extant consents secured contributions towards the provision of the footbridge through a S106 agreement. It has since been brought to light that there are other issues regarding the construction of the bridge in respect to changes in levels which may preclude the provision of the bridge coming forward. With the current application it is accepted that the viability assessment demonstrates that there would be no scope for the development to contribute towards the provision of the footbridge. The scheme does provide for a riverside path with open public access through the site.

Design

Prior to submitting the application the applicant took the proposals to the Design Review Panel. The comments were largely positive with the emphasis on providing an attractive riverside development, making the most of the town centre site to provide for a high density development. Pre-application advice was also sought which resulted in several changes to the scheme.

The proposals are of modern design, typical of a riverside frontage. It is important that the development addressed all frontages, including the riverside, Castle Street and the Third Way. The units on Castle Street have therefore been designed with direct access onto the street. The site is currently vacant so the buildings will initially appear very large and dominant on the surroundings. It is acknowledged that this is part of an allocated site for re-development, very close to the town centre, where high density development is supported. The dominance of the site will reduce as the other parts of the allocation come forward for development.

Following negotiations amended plans have been submitted to address some initial concerns regarding the elevational treatment of the buildings. The appropriate use of materials, glazing and the addition of balconies helps to reduce the impact from the mass of the buildings. The tower has been reduced to 7 storeys, again reducing the overall scale and massing. The tower is sited further away from the riverside, providing a landscaped area in the central section of the development and creating visual interest along the site. Visuals have been submitted to aid the assessment of the application. The houses are positioned to the west of the site which enables the development to reduce in massing as the distance from the town centre increases. It is considered that the development makes a positive contribution to the appearance of the riverside and will enhance the Tangier area of Taunton.

The proposals meet the requirements set out in policy D10 of the SADMP for dwelling sizes. Policy D12 of the SADMP expects all flats to have a private balcony or access to a private shared garden. The applicant has submitted amended plans which show 81% of all proposed apartments and dwellings meeting the policy. There are a certain amount of units which are unable to have balconies due to overhanging the highway. Given the site constraints, the provision of open space and play equipment within the site and the close access to French Weir Park it is deemed that the level of amenity space to be provided is acceptable.

It is expected that an element of public art is integrated within the development and this can be secured via a suitable condition.

Ecology

The application site does not include the river bank. The bank is not being re-profiled and will remain as an area of vegetation. In the past there has been evidence of otters in the river. It is therefore necessary to have a suitable condition to ensure that the presence of otters is checked prior to commencement of development and that a method statement is approved and implemented if required to ensure their protection.

The 2007 bat survey found high levels of bat activity from three species of bat (common pipistrelle, soprano pipistrelle and a myotis bat) foraging and commuting on the site. The lighting from the development may affect the bats ability to commute along the river. A suitable conditions will ensure the lighting from the development is controlled to prevent adverse impact upon the bats.

There are invasive species of plants on the site which need to be removed via an invasive non-native species protocol.

Bird boxes are to be provided within the site to compensate for the loss of nesting habitat through scrub clearance.

Landscape

A landscaping scheme has been submitted as part of the application. This provides a landscaped walkway along the riverfront comprising specimen trees, multi-stem trees, shrubs, hedges, ornamental ground cover and grassed areas. Some landscaping has been incorporated between the blocks where possible, to break up the mass of hard surfacing. Trees will be planted along the roadside to Castle Street and the Third Way to ensure the development make a suitable contribution to the street scene.

Flooding

The site lies with Flood Zone 3. The scheme will provide for two overland flow routes. Discussions have taken place with the Environment Agency (EA) to establish the impacts of the proposal on flooding. The proposals will result in an increase in risk of flooding to third party land for a 1 in a 100 year event plus climate change. However, the applicant has demonstrated that the proposed development would result in less increased risk than the extant consents. The flood mitigation measures include a traditional piped network and underground attenuation tanks. The LLFA object to the proposals. The constraints of the site and the viability of the scheme preclude more effective flood mitigation measures from being implemented. The EA has therefore withdrawn their objection. It is considered that all the measures referred to in the submitted Flood Risk Assessment should be implemented and conditioned accordingly to be approved in line with guidance from the Lead Flood Authority.

Heritage

Conservation areas lie close to the site and there are several historic buildings from

which the proposed development may be visible. The skyline of Taunton is defined by church spires and the relationship between them are of historic value. Concerns were raised from Historic England and the Council's conservation officer regarding the impacts of the proposals on the historic environment, in particular resulting from the overall height of the proposals. The applicant has undertaken surveys and provided photomontages to aid the assessment of the impacts. Following discussions it has been agreed that the proposals are likely to result in harm to the historic environment but that the harm is considered to be "less than substantial".

In line with the requirements of the NPPF the applicant needs to therefore justify the development. To overcome the concerns raised the applicant has set back the top floor of the tower, reduced its height from 8 stories and also made changes to the fenestration and materials so that the block is less dominant within the landscape. In doing so the impacts have been mitigated and the proposals are considered to result in less impact than the extant permission.

Residential amenity

Residential properties are situated on the opposite side of the river. It is considered that they are sufficient distance away to not be affected by loss of light or loss of privacy. The outlook across the river will be significantly altered, although it is considered that the alterations to the design and the reduced height of the proposal has reduced the overbearing impact of the scheme to the nearby dwellings.

Children's play space

The scale of the development requires provisions for under 8's and over 8's play equipment/space. Without the provision of a footbridge over the river the site is not within the required 400m to the nearest under 8's play space. The plans show under 8's play equipment being provided within the site. This will comprise 5 pieces of equipment being sited within the landscaped area between the buildings and the riverside. The details and exact location of the equipment can be controlled via a suitable condition.

In respect to over 8's play space the calculations provided by the Community Leisure Officer require contributions of £3,263 per two bedroom plus unit.

Highways

The proposals show the provision of 183 parking spaces. SC highways have stated that their parking strategy requires a total of 253 parking spaces plus motorbike spaces. Taunton Deane has adopted its own parking standards within Site Allocations Development Plan 2016 (Appendix E) which states a maximum provision of 1 space per unit within Taunton town centre. In this instance the proximity of the site to the town centre, the bus station and the train station the development is providing sufficient parking spaces and it is not considered necessary to meet the parking standards set by SCC.

SCC highways have raised concerns regarding the internal layout. Whilst the proposals may not meet all the requirements of SCC they are not considered to

pose a risk to public safety and do not affect the existing highway. It is acknowledged that failure to meet the requirements of the highways authority may result in the roads and paths not becoming adopted.

Visibility of the access need to be ensured and conditioned. It will also be necessary to ensure the vehicles leaving the site during the construction phase do not result in increased risk to highway users. This can be ensured through the access visibility and a phasing scheme.

A Travel plan is required and will need to be secured via an appropriate S106/condition. Details for the internal roads, footways and cycleways will need to be submitted and approved via a condition. A condition restricting permitted development will be required to ensure the dwellings retain their parking spaces.

Planning balance

The viability assessment was carried out on the basis of a scheme of 182 units. With the reduction of the tower to 7 storeys the development will only be able to bring forward 178 units. This will have a further impact on the viability of the scheme. The applicant has estimated this to be a figure in the region of £500. It is accepted that with this further impact on the viability of the scheme there is no scope to provide the contributions for over 8's play equipment of £3,263 per two bed plus unit which would equate to £512,291. In this instance, with the proximity to the existing play space at French Weir, it is considered more appropriate to reduce the impact of the scheme on the historic environment by removing one floor from the tower than seek contributions to enhance an already well equipped play space. The development will result in payments of the New Homes Bonus. There is no requirement for CIL payments due to the town centre location of the site. Education provision is now achieved through CIL and cannot be secured in a S106 .

Whilst there is still an impact on the historic environment this must be considered against the public benefits of developing the site. The proposal is considered to be an improvement on the extant permission in terms of design and density. The development of the site will enhance the viability and vitality of the town centre and encourage the regeneration of other allocated sites in the town centre. The public benefits of granting consent for this scheme are considered to justify the less than substantial harm to the historic environment.

Conclusion

The principle of re-developing the brownfield site is supported. The proposals have been amended to take account of concerns raised and it is considered that the scheme cannot be reduced any further without additional threat to its viability. The proposed development is considered to enhance the riverside frontage of the area and it has been designed to minimise impacts upon the historic environment and the nearby residential area.

The application is recommended for approval subject to securing a Travel Plan through a S106 and conditions re; time limit, plan no's, material/samples, construction management plan, phasing plan, contamination, landscaping, ecology,

lighting, flooding, public art, permitted development restrictions.

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

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