

| Application Details | |
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| Application Reference Number: | 38/21/0464 |
| Application Type: | Full Application |
| Description | Formation of vehicular access with associated works and alterations to highway at the Firepool Regeneration Site, Trenchard Way (and land to the south), Taunton |
| Site Address: | FIREPOOL, Land south of Trenchard Way, North of Canal Rd, Taunton |
| Parish: | Taunton unparished area |
| Conservation Area: | No |
| Somerset Levels and Moors RAMSAR Catchment area: | Yes |
| AONB: | No |
| Case Officer: | Simon Fox, Major Projects Officer (Planning) 07392 316159 s.fox@somersetwestandtaunton.gov.uk Should you wish to discuss the contents of this report item please use the contact details above by 5pm on the day before the meeting, or if no direct contact can be made please email: planning@somersetwestandtaunton.gov.uk |
| Agent: | J Price Consulting Ltd |
| Applicant: | Somerset West and Taunton Council |
| Reason for reporting application to Members: | In the interests of probity - The proposal is submitted by Somerset West and Taunton Council with assistance from Somerset County Council on a strategic regeneration site owned and due to be developed by Somerset West and Taunton Council. |

1) Recommendation

That planning permission be **GRANTED** subject to conditions

2) Executive Summary of key reasons for recommendation

- 2.1 The application seeks permission for a vehicular access inclusive of pedestrian and cycle paths into the Firepool Regeneration site, off Trenchard Way. After consideration of all representations and material considerations (for example the planning history, policy support, the scope of the application, the status of Trenchard Way, funding availability, the knock-on benefits of the scheme and improved cycling infrastructure) the application is considered appropriate to be recommended for approval subject to the conditions listed at Appendix 1 to this report.

3) Planning Obligations and conditions and informatives

3.1 Obligations

None

3.2 Conditions (see Appendix 1 for full wording)

- 1) Time Limit
- 2) Drawing numbers
- 3) Construction Environmental Management Plan (CEMP)
- 4) Tree protection
- 5) Landscaping scheme
- 6) Archaeology
- 7) Contamination
- 8) Surface treatments for non-adopted areas
- 9) No through access from Canal Rd
- 10) Streetlight spill mitigation
- 11) Drainage for non-adopted areas

3.3 Informatives (see Appendix 1 for full wording)

- 1) Public Right of Way
- 2) Working together
- 3) SWT Public Realm Design Guide
- 4) Network Rail Asset Protection

4) Proposed development, Site and Surroundings

4.1 Details of proposal

- 4.1.1 This is a full application for the provision of highways works comprising alterations to Trenchard Way and the creation of an access into the Firepool site.
- 4.1.2 These proposals follow and amend a previously consented access scheme approved in full detail as part of an outline application (LPA ref: 38/17/0150) in 2019. The changes seek to reduce the scale of the junction and enhance the priority given to pedestrians and cyclists. Further works will be undertaken by Somerset County Council, as Highways Authority, along Trenchard Way.
- 4.1.3 The access will enter and exit Trenchard Way opposite the new Multi-Storey Railway Station Car Park, and adjacent to Lock House which is 'retirement living accommodation'.
- 4.1.4 Trenchard Way is sited at a higher level than the majority of the Firepool site and therefore the access will slope down from north to south.
- 4.1.5 It should be noted that Somerset West and Taunton Council is in this case both applicant and Local Planning Authority. The scheme has been designed

by Somerset County Council as Highway Authority, who also provide comments to the LPA on the transport elements of planning applications. The application is being brought forward by the Somerset West and Taunton Council after the site has lain dormant for many years and to provide some stimulus to unblock and unlock the site for development. Reference hereon to 'the Council' is as applicant/developer. The Somerset West and Taunton Council planning team is referred to as the 'Local Planning Authority' or 'LPA' whose defined role is to apply national and local planning policy and assess material considerations without fear or favour in order to provide a recommendation to the Planning Committee.

4.2 Site and surroundings

- 4.2.1 The application site is located within Taunton Town Centre. It comprises an area of approximately 0.185 hectares (ha) as shown on the submitted site location plan.
- 4.2.2 The application site is bounded by Trenchard Way to the north and Canal Road to the south and currently comprises previously developed land. The railway station, including its recently constructed new multi-storey car park, lies to the north of the site on the other side of Trenchard Way. The site is bordered to the west by part of the Firepool site known as Block 3 and beyond further previously developed land which has recently been granted planning permission for a three storey Innovation Centre which is being developed by Somerset County Council (ref SCC/3775/2020) and is now under construction. To the east, the site is bordered by a four-storey retirement apartment building (Lock House) and residential beyond (Firepool Lock). The site is therefore surrounded on three sides by either recently constructed or consented development.
- 4.2.3 The site, along with the adjoining land described above to the north, west and east, forms part of a wider previously developed area of land known as Firepool which has been vacant for over ten years.
- 4.2.4 Formerly, the wider Firepool site comprised a livestock market, but this use ceased in 2008 and the site was largely cleared to facilitate its redevelopment. The Block 3 site and access area has since been used as a site compound for construction within the wider area, while also including the existing GWR office building which is to be retained. The existing application site is also largely fenced around the perimeter.
- 4.2.5 The application site is not within a Conservation Area, nor does it contain any Listed Buildings. However, there are a number of listed buildings in the wider vicinity, including Grade II Listed Taunton Station to the north and the Firepool Pumping Station to the east.

5) **Planning (and enforcement) history**

| Reference | Description | Decision | Date |
|--|--|-----------------|-------------|
| Somerset County Council Decision 4/38/08/223 | Taunton Northern Inner Distributor Road (NIDR): Proposal for a new highway linking Staplegrove Road to Priory Avenue. | Approval | 28/04/2008 |
| Somerset County Council Decision 4/38/09/338 | Link section of the Taunton Northern Inner Distributor Road across the Firepool Lock development site, consisting of 460m of distributor road, 130m of estate road and 160m of cycleway links. | Approval | 24/09/2009 |
| Firepool South - 38/10/0214 | Up to 11,200 sq m of office floorspace, up to 4,475 sqm of hotel floorspace, up to 49 residential units together with associated car parking, landscaping, infrastructure and access on the southern part of the Firepool site adjacent to Priory Bridge Road, including the now constructed Viridor building which was later granted reserved matters approval pursuant to this outline. | Approval | 30/11/2010 |
| Wider Firepool Site - 38/15/0475 | Outline planning application with some matters reserved for the redevelopment of the former cattle market site to provide up to 3500sqm of convenience retail development, up to 6000sqm of non-food development (class A1), up to 4000sqm of office (B1) or hotel (C1) use, up to 2400sqm for a cinema (D2), up to 2600sqm of food and drink establishments (A3/A4/A5) and up to 200 residential units with redevelopment of the former priory bridge road car park to provide up to 4014sqm of office (B1) and 4475sqm of office (B1) or hotel (C1) uses and a further 1300sqm of A3/A4/B1 (office) D2 uses with car parking, landscaping, public realm, access, highways, infrastructure works and relevant demolition. | Refusal | 01/09/2016 |
| Wider Firepool Site - 38/17/0150 <i>'the approved St Modwen scheme'</i> | Outline planning application with some matters reserved, except for access for the NIDR only, for the redevelopment of the former cattle market site to provide up to 3500sqm of convenience retail development | Approval | 13/03/2019 |

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| | (Class A1), up to 6000sqm of non-food development (A1), up to 4000sqm of office (B1) or hotel (C1), up to 3900sqm of assembly/leisure (D2) and non-residential institutions (D1) (of which no more than 1500sqm shall be D1), up to 2600sqm of food and drink establishments (A3/A4/A5), and up to 200 residential units (C3) with redevelopment of the former Priory Bridge Road car park and former 84-94 Priory Bridge Road to provide up to 2964sqm of office (B1) and 5525sqm of office (B1) or hotel (C1) uses and a further 1300sqm of A3/A4/B1 (office) D2 uses with car parking, landscaping, public realm, access, (in detail for the NIDR connection) highways, infrastructure works and relevant demolition, (resubmission of 38/15/0475) | | |
| 38/21/0109/SCO | EIA Screening for 1,800 sqm, four storey office building and 300 space, four storey car park. | No EIA required | 31/03/2021 |
| Somerset County Council Decision SCC/3775/2020 | The erection of a three storey Innovation Centre building of 2,613 sqm floor space (Use Class E) and external car parking area. | Approval | 09/02/2021 |
| 38/21/0436 | Erection of an office building with ancillary ground floor commercial use (Class E), conversion and erection of extension to the GWR building to form restaurant (Class E), public realm, landscaping and associated infrastructure works on land to the south of Trenchard Way (aka The Block 3 application) | Pending | |
| 38/21/0440 | Demolition of Auction House and site clearance with temporary diversion of cycle and pedestrian route through the site, raising of ground to create platform formation levels, ground remediation, flood mitigation, primary foul and surface water drainage networks and connections for future sites/developments surrounding the site (aka The Levels and Drainage application) | Pending | |

6) Environmental Impact Assessment

The proposal does not represent EIA development.

7) Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposed access will not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that the development is not likely to have a significant effect on the Ramsar site should permission be granted (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

8) Consultation and Representations

8.1 Statutory consultees (the submitted comments are available in full on the Council's website.

Date of Consultation: 03 November 2021

Date of revised consultation (if applicable) NA

It should be noted not all statutory consultees are consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order. The following statutory consultees were consulted on this application:

| Statutory consultee | Comments | Officer comments |
|--------------------------------|---|--|
| Highway Authority - SCC | <p>Comments made 06 December 2021 – No objections to the location of the access. Confirms Trenchard Way is designated as the A3087, originally known as the Northern Inner Distributor Road and proposed to alleviate congestion problems in other parts of the town centre.</p> <p>Notes the previous approval of application 38/17/0150 (the St Modwen scheme), and changes to the design due to LTN 1/20 to provide cycling infrastructure.</p> <p>Ensure no through route is created to Canal Road.</p> <p>The route into the site is fully LTN 1/20 compliant, although it is recognised that the route on Trenchard Way continues the existing width (with an overall width of 3.5 metres being available).</p> <p>The future Masterplan may require further mitigation/improvements.</p> | <p>Baseline flows related to the distribution of traffic, and details relating to the method for calculating the north arm flows were requested as a result of the HA comments. These are were submitted and sent to the HA for review, and deemed acceptable.</p> |

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| | <p>Modelling so far indicates fewer movements than that associated with the retail led St Modwen scheme.</p> <p>Baseline flows related to the distribution of traffic are required so they may be reviewed.</p> <p>Query relating to the northern arm flows of the junction serving the train station parking. The method for calculating these should be provided.</p> <p>Upon review through LINSIG, there will be some queuing on the eastern Trenchard Way approach for periods in the afternoon peak.</p> <p>A Road Safety Audit has been undertaken, raising two issues which are being reviewed, not considered fundamental to the planning application.</p> <p>A CEMP is suggested via condition.</p> <p>Comments made 17 January 2022 – Having reviewed the submitted additional information there are no objections. The Road Safety Audit has flagged two issues the designer should be aware off prior to construction.</p> <p>A CEMP is suggested via condition.</p> | |
| National Highways | No objection – “We have reviewed the supporting Transport Statement dated October 2021. Based on the scope of the application we are satisfied that it is unlikely to result in an adverse impact on the safe operation of the strategic road network, in this case M5 Junction 25”. | No action required. |
| Environment Agency | No comments to make. | No action required. |
| Wessex Water | <p>There is an existing 180mm water main in Trenchard Way and an existing 600mm surface water sewer in Canal Road which will require protection during and after construction. The Highway Authority will notify Wessex Water of the proposals under the New Roads and Streetworks Act (NRSWA) 1991. This is standard process.</p> <p>We note the highway drainage design associated with the application and need reassurance that the highway drainage does not connect directly or indirectly to any of Wessex Water’s pipes (including; combined, foul, surface water sewers or overflow pipes).</p> | Noted, these comments were forwarded to the applicant. |
| Lead Local Flood | No comments received. | The area to be adopted will drain to existing Highway drains. |

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| Authority - SCC | | In the absence of comments from the LLFA a condition has been imposed seeking surface water details for the non-adopted area to be submitted and agreed. |
| Canal and River Trust | No comments to make. | No action required. |
| Network Rail | <i>"...no objections in principle to the application. Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start".</i> | Noted, no further action. Applicant to note and provide notice of the start of works. Note imposed. |

8.2 Non-Statutory Consultees

| Non-Statutory consultee | Comments | Officer comments |
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| SWT Conservation Officer | The proposed development is not considered to have an adverse impact on the setting of the following heritage assets Great Western Hotel, Taunton Railway Station and The Wheel Tapper Public House. | Noted, no action required. |
| SW Heritage Trust | <i>"The submitted Heritage Statement and archaeological WSI are sufficient to enable the significance of the archaeology on the site to be understood".</i> Condition suggested. | Noted, condition imposed. |
| SWT Green Infrastructure Officer | The proposed access prioritises vehicles rather than creating a comfortable and attractive place for pedestrians and cyclists. Apart from the verge there is no GI component. The application does not show how cyclists and pedestrians can easily and safely cross Trenchard Way to the railway station. The link should be direct, safe, legible, and attractive and examined at a larger scale considering the whole network. The access is dominated by hardscape and lacks greenery. | Noted, a landscaping condition is proposed to deal with the Lock House boundary. See main section for Officer commentary on these comments. |

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| <p>SWT Placemaking Officer</p> | <p>In national policy terms, the NPFF gives significant importance to achieving high quality places. The priority that the government is affording to design quality has also been significantly increased in recent months with the publication of the National Design Guide and the National Model Design Code. The government's guidance and best practise on street design is set out in Manual for Street 2. This document advocates the need for streets to be designed first and foremost to reflect their 'place' function.</p> <p>At the local level, the design policies relevant to this pre-application are DM4 (Design) of the Taunton Deane Core Strategy, 2011-2028; and D7 (Design Quality) of the Taunton Deane Site Allocations & Development Management Plan, 2016. In addition, the Council has recently adopted (December 2021) the Taunton Garden Town Public Realm Design Guide SPD (PRDG) and the Somerset West and Taunton Districtwide Design Guide SPD (DWDG), both of which are a material planning consideration for all planning applications. The purpose of the PRDG is to raise the standard of the public realm and street works consistently across the Garden Town showing how principles of highway design and layout can be incorporated into good placemaking.</p> <p>The scheme as presented is a generic, standard distributor road and road junction that could be found anywhere and has no respect to the setting.</p> <p>The scheme lacks any innovation or consideration of best practise and the need for multidisciplinary design teams. Referral to QRP suggested.</p> <p>Lack of compliance with design quality concerning highway and street design both at national and local level.</p> <p>Failure to fit with current Climate Emergency declared policies and the policy of Zero Carbon by 2030.</p> <p>The scheme does not prioritise a movement-based network based on enhancing walking and cycling and convenient public transport.</p> | <p>Noted, see main section for Officer commentary on these comments.</p> |
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| | Detailed design is poor - the detailing of the scheme is so poor with left over space and ill-considered details with no holistic vision. Suggested alternative designs given. | |
| SWT Environmental Health | No comments to make. | Noted, no action required. |
| SCC Ecologist | No comments received. | In the absence of comments, and a report which shows a low baseline for ecological interest, a condition has been imposed seeking the landscaping scheme along the Lock House boundary to include some ecological enhancement features. |
| SWT Tree Officer | Care should be taken not to damage the well-established new trees along the western boundary of Lock House, and that any new tree planting proposed in association with this application is in accordance with the council's Garden Town Design Guides. | Noted suitable conditions will be imposed. |
| SCC Rights of Way | Any proposed works must not encroach onto the width of the PROW (public bridleway), ref T33/21. Health and safety should be considered. Informative suggested. | Informative added |
| Crime Prevention Officer – Avon and Somerset Police | No comments to make. | Noted, no action required. |
| Devon and Somerset Fire and Rescue Service | No comments received. | No action required. |
| SW Ambulance Service | No comments received. | No action required. |

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| Somerset Waste Partnership | No comments to make. | Noted, no action required. |
| Taunton Disability Action Group | Referring to all three applications currently pending – <i>“We are surprised that an Equality Impact Assessment isn’t done at this stage, effectively, planning permission could be given for something that does not comply with the Equality Act 2010. It would seem sensible to consider these matters at the beginning, consulting with interested parties, working together, finding solutions, avoiding problems at a later stage where things have been overlooked, as has happened with other schemes. Our input at this stage is this; the schemes must be inclusive and comply with the provisions of the Equality Act 2010”.</i> | The applicant is undertaking an EIA, however this application concerns a highway led scheme. |
| RNIB | Verbal discussion – some concerns raised over the crossing arrangement across Trenchard Way, the relationship of the cycle path to the waiting area for the signals. | Noted, however the crossing exists and any works to it do not fall within the scope of this planning application. |

8.3 Local representation

8.3.1 This application was publicised by 96 letters of notification to neighbouring properties and 6 site notices were displayed around the periphery of the wider Firepool site on the 11/11/2021.

8.3.2 The following issues were raised in the one representation received and subsequent follow up email exchange from the Residents Association of the adjoining Lock House retirement housing development. Those that are material to the determination of the applications are addressed in substance in the material planning considerations sections of this report.

| Comment - Objection | Officer comment |
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| Highway impacts | |
| Clarification sought over references to multi-storey car park, and parking within the wider development. The amount of parking on the wider Firepool should be taken into account now. With the likely traffic movements the access should retain the two lanes approved under the St Modwen scheme. | Addressed in paras 11.4.15, 11.5.4, 11.5.6 and 11.6.9 of this report |

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| Neighbouring amenity impacts | |
| Concern over air quality from queuing traffic. | Addressed in para 11.6.9 of this report |
| What happens to the hoarding? | Addressed in para 11.6.7 of this report |
| What happens to the land between the road and Lock House? | Addressed in para 11.6.6 of this report |

8.3.3 There were no letters of support received.

9) Relevant planning policies and guidance

- 9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).
- 9.2 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report. Since then the Government has announced proposals for the local government reorganisation and regulations are currently going through Parliament with a new unitary authority for Somerset to be created from 1 April 2023. The work undertaken towards a new local plan will feed into the requirement to produce a Local Plan covering the new authority.
- 9.3 Relevant policies of the development plan in the assessment of this application are listed below.

Core Strategy 2012

- SD1 - Presumption in Favour of Sustainable Development
- SP1 - Sustainable Development Locations
- SP2 - Realising the Vision for Taunton
- CP1 - Climate Change
- CP2 - Economy
- CP3 - Town and other Centres
- CP4 – Housing
- CP5 – Inclusive Communities
- CP6 - Transport and Accessibility
- CP7 - Infrastructure

CP8 - Environment
DM1 - General Requirements
DM4 - Design
DM5 - Use of Resources and Sustainable Design

Site Allocations and Development Management Plan 2016

A1 - Parking
A2 - Travel Planning
A3 - Cycle network
TC4 - Primary Shopping Areas
I4 - Water Infrastructure
ENV1 – Protection of trees, woodland, orchards and hedgerows
ENV2 - Tree Planting within New Developments
ENV4 – Archaeology
ENV5 - Development in the Vicinity of rivers and canals
D1 - Taunton's skyline
D7 - Design Quality
D8 - Safety
D9 - A co-ordinated approach to development and highway planning
D13 - Public Art

Taunton Town Centre Area Action Plan 2008

Fp1 - Riverside - Development content
Fp2 - Riverside - Transport measures
Tr2 – Parking in New Development
Tr3 – Smarter Choices
Tr4 – Travel Plans
Tr5 – Car Sharing
Tr6 – Developer Contributions to Transport
Tr10 – Cycle Schemes
F1 – Development in the Floodplain
ED1 – Design
ED2 – Public Art
ED3 – Mixed Use
ED4 – Density
ED5 – Combating Climate Change through New Development
ED6 – Off-site Public Realm Enhancements
TS1 – Training & Skills
IM1 – Priorities for Developer Funding

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021
District Wide Design Guide, December 2021

Other relevant policy documents

Somerset West and Taunton Council's Climate Positive Planning: Interim
Guidance Statement on Planning for the Climate Emergency (February 2021)

Neighbourhood Plans

There is no made Neighbourhood Plan for the area

The National Planning Policy Framework

The revised National Planning Policy Framework (NPPF), last update July 2021 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development
3. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

9.4 Conclusion on Development Plan

9.5 To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.

9.6 There are specific polices in the Core Strategy (CP3) Taunton Area Action Plan (Fp1) that support the development of the Firepool site, making it a strategic priority for the Council, given its transformative impacts on the Town Centre and delivery of the Garden Town objectives.

9.7 This report assesses the material considerations and representations before reaching a conclusion on adherence with the development plan as a whole.

10) Local Finance Considerations

10.1 Community Infrastructure Levy

10.2 The application is for an access which is a development type where the Community Infrastructure Levy (CIL) is not charged. As such there would not be a CIL receipt for this development.

11) Material Planning Considerations

11.1 The main planning issues relevant in the assessment of this application are as follows:

- The principle of development
- Prematurity – development in advance of a Masterplan
- Design of the proposal
- Access and highway safety
- The impact on neighbouring residential amenity

11.2 Principle of Development

11.2.1 Delivering the redevelopment of the Firepool site is one of the Council's key corporate priorities and the following three pending planning application proposals are important first steps towards achieving that objective.

11.2.2 In addition to this current application there is an application to develop Block 3, with a new office building (with retail on the ground floor) and conversion of the existing GWR building to a restaurant, plus the northern extent of the planned public realm boulevard.

11.2.3 The third application covers most of the remainder of the site for groundworks comprising site preparation for development, drainage infrastructure and raising of levels; see section 5.

11.2.4 The Firepool site has been vacant for over a decade and there is very strong support within the local community for it to be redeveloped. The proposed main vehicular access, as one of the first phases of Firepool, therefore represents a significant opportunity within a highly accessible and sustainable location.

11.2.5 The redevelopment of the application site which forms part of a key brownfield site (Firepool) within Taunton's Town Centre, is supported by the Development Plan and is an important part of its strategy for Taunton. The clear focus of long-established national and local planning policy is to secure sustainable patterns of redevelopment and regeneration through the efficient use of previously developed urban land and through concentrating development in accessible locations. Paragraph 119 of the NPPF states that local planning authorities should adopt a clear strategy for accommodating objectively assessed needs in a way that makes as much use as possible of previously developed or 'brownfield' land. Paragraph 120c states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for development needs.

11.2.6 The Development Plan echoes the rhetoric of the above. The Core Strategy (Policy SP1) makes it clear that the Taunton urban area will remain the strategic focus for growth and will be the focal point for new development. It states that priority has been given to the regeneration and expansion of the town centre, with a number of strategic sites allocated in the adopted

Taunton Town Centre Area Action Plan (2008). Meanwhile, Policy DM1 seeks to ensure new development makes the most effective and efficient use of land, giving preference to the recycling of previously developed (brownfield) land. It also sets out the scale of additional office and retail space that the vision for Taunton will require.

11.2.7 The Town Centre Area Action Plan (AAP) is essentially a delivery plan. It includes Firepool as one of its main proposals where around 60,000 square metres of new offices, 8,000 square metres of retailing and leisure uses, a boulevard linking the railway station with the River Tone and the town centre and two multi-storey car parks (including one for rail users) will be provided.

11.2.8 The proposed access is an integral feature of the opening up of the Firepool site.

11.3 Prematurity – Development in advance of Masterplan

11.3.1 The revised NPPF provides policy support for the application proposals. In addition to the presumption in favour of sustainable development, the following paragraphs are pertinent:

- Paragraph 38 states that decision-makers at every level should seek to approve applications for sustainable development where possible.
- Paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity.
- Paragraph 118 states that planning decisions should give substantial weight to the value of reusing brownfield land within settlements and promote and support the development of under-utilised land and buildings.

11.3.2 A new Masterplan and revised mix of uses for the wider Firepool site is being prepared and will be subject to public consultation before its adoption as a material planning consideration. It is understood the Council's objective is to commence development, starting with the application site, as soon as possible. Whilst ideally this application would have waited to be informed by a site-wide Masterplan, the LPA has little power to insist on such. The applicant points to the already approved Viridor building at Firepool South and the SCC Innovation Centre on the adjacent site as a precedent. Importantly the applicant highlights previous planning approval for comparison and the availability of substantial third-party funding to deliver the access, which presents a deadline for the commencement of works. Both matters will be further assessed later in this report.

11.3.3 The LPA must therefore proceed on the basis that this planning application should be treated on its merits and on the balance of considerations applying the relevant policies in the Development Plan, the weight that can be given to them, and all material considerations including national policy.

11.3.4 If, due to the way the access is designed in terms of geometry and location, it later causes a constraint to development potential, then any financial risk in this 'cart before the horse' approach lies with the applicant. This will

ultimately only be known post-Masterplan when planning applications are submitted for assessment.

11.3.5 Nonetheless significant weight should be given to the potential knock-on economic benefits, the value of re-using brownfield land by facilitating the actual delivery of development on a site that has lain vacant for over a decade which is supported by national and local policy.

11.3.6 It is considered that the development complies with the Development Plan when taken as a whole. The relevant policies are CS policies SD1, SP1, SP2, CP1, CP2, CP3, CP5, CP6, CP7, CP8, DM1, DM4; AAP policies FP1, FP2, TR6 and ED1, and SADMP policies A3, D7 D8 and D9, as well as policies within the National Planning Policy Framework (NPPF)

11.4 Design of the proposal

11.4.1 The application contains a detailed Design and Access Statement which explains the design evolution and how the proposal would sit within the wider Masterplan.

11.4.2 Policy ED1 of the CS provides overarching policy guidance on design, seeking appropriate and sensitive responses to a site's context. However, the District wide Design and Garden Town Public Realm SPD provide more focused design criteria with relevance to the development site.

11.4.3 Policy ENV1 of the SADMP provides for the protection of trees and other green infrastructure, seeking for development to minimise its impact in this respect or otherwise providing adequate replacement tree provision to compensate. Similarly, Policy ENV2 of the SADMP seeks to encourage the planting of new trees in a development within communal areas along streets and or between buildings and on highway verges. It goes on to state that a broad mix of native and non-native trees should be provided.

11.4.4 The comments of the Local Planning Authority's Placemaking and Green Infrastructure Officers, as summarised in Section 8.3 of this report are noted as presenting the principal objections to this application. They revolve around the fundamental engineered approach to the design, and the lack of greenery.

11.4.5 The Placemaking Officer would prefer a design that contains different geometry, surfacing, landscaping approach and character that respected the place, suggesting the design concentrates the flow of traffic rather than the creation of a quality exemplar environment prioritising non-car modes to tackle the climate emergency.

11.4.6 The Green Infrastructure Officer highlights the lack of greenery which would contribute to placemaking and create an attractive area for people to move through.

- 11.4.7 The access design was not specifically discussed at a Design Review Panel session held to discuss the Block 3 proposal in May 2021 nor did it feature at a Quality Review Panel session in September 2021 when the emerging Masterplan and updated Block 3 proposal were the focus for discussion and it was intended at that time to build the St Modwen previously approved access. Pre-application discussions between the applicant and Local Planning Authority did prompt the inclusion of enhanced cycling infrastructure in accordance with Local Transport Note 1/20.
- 11.4.8 The comments of the Local Planning Authority's Placemaking and Green Infrastructure Officers have been discussed with the applicant and the scheme designer from Somerset County Council (SCC). The requirements of the Council's recently adopted Public Realm Design Guide (PRDG), which designate Trenchard Way as having to comply with 'the town standard' palette of materials was also discussed.
- 11.4.9 An alternative sketch scheme put forward by the Placemaking Officer would undoubtedly appear kinder to the eye but would require a full redesign of the submitted scheme, and this is cost and time prohibitive given an important funding deadline. Until fully drawn-up and assessed there is no guarantee it would operate efficiently for SCC to a) agree to have that design submitted as part of an application, b) raise no objections to the design via the assessment of the planning application. Total conformity with the PRDG also attracts issues with adoption in that a higher maintenance burden would be placed either on SCC, which is resisted, or via commuted sum to the Firepool development, which is also resisted. The PRDG will continue to raise issues with SCC, as Highway Authority, given its prescriptive tone for how developers are instructed to approach treatment of highway land managed by the Highway Authority.
- 11.4.10 The Case Officer has been informed the risk is too great for 'the Council' as applicant to agree to this course of action at this time, and so the design remains unaltered save for concession and agreement to two conditions. The first will require the submission of a landscaping scheme along the Lock House boundary and the second will deal with the part of the access that is not to be adopted by SCC as Highway Authority. This will enable a contrast between the to be adopted traditional SCC maintenance-led designed area and the private road that will be under the control of the landowner then developer/management company, meaning a broader palette of materials can be used in accordance with the Public Realm Design Guide and that can blend with the other private areas in Block 3 for example.
- 11.4.11 Material to the Case Officer's conclusions is the fact that the vast majority of the red line area, setting out the area relevant to the application, is land already within the highway. As such much of the work that is proposed is shown for completeness, but could otherwise be undertaken by SCC, as Highway Authority, utilising its own permitted development powers (as is the case currently at Toneway). Importantly one area of concern, the crossing from Firepool to the Railway Station is not within the red-line. However, the LPA has to determine the application before it, not another.

11.4.12 Material to the Case Officer's conclusions is the fact the highway adoption limits to this application are drawn tightly to the back-edge of the footway/cycleway, meaning there is still plenty of roadside frontage within the Firepool site to secure substantial landscaping and public art as part of the Masterplan process and as future applications come forward. As referred to above, an area alongside the Lock House boundary can be landscaped now as it will unlikely be further influenced by the Masterplan process, given its peripheral location. The applicant is also contacting GWR to see if greater tree coverage could be provided to the frontage area of their new multi-storey car park which has arguable a greater visual impact on the streetscene than this access will.

11.4.13 Also material to the Case Officer's conclusions one is reminded of the 'approved St Modwen scheme', ref 38/17/0150 which was granted permission within the last 4 years. This retail led scheme commanded a larger junction to deal with more movements than are now expected in the emerging Masterplan. It was the applicant's preferred option to implement that approved access from the St Modwen scheme but legal complexities caused by the discharge of conditions connected to the residential permission meant that permission is not implementable without phosphate mitigation for the residential elements of the St Modwen scheme. As a consequence, and in order to progress development this new stand-alone application for an access which does not require phosphate mitigation was submitted. The proposed junction occupies less space, requires less hardstanding and therefore is less visually dominating in the area than that previously accepted as appropriate. It also contains much improved cycling emphasis over that approved scheme.

11.4.14 Indeed, the removal of a traffic lane has provided the opportunity to enhance pedestrian and cycle access across and to and from the southern arm.

These enhancements are set out as follows:

- The introduction of a cycle route (with a separate northbound and southbound cycle lane) on the eastern side of the junction linking with the site of the Wider Firepool Proposals (a footway is also included on the western side of this arm);
- Provision of a direct single stage signal control cycle crossing, with width for eastbound and westbound movements just south of the junction mouth; and,
- Provision of an, in parallel, single stage pedestrian crossing immediately south of the cycle crossing.

11.4.15 The introduction of these measures improves east west pedestrian journey times through the introduction of a single stage crossing (i.e. rather than a staggered crossing as previously proposed). Furthermore, the introduction of a separate cycle crossing and additional segregated cycle link into the site also enhances cycle access.

- 11.4.16 The Residents Association of the adjoining Lock House development has urged the applicant to revert to the two-lane design. There appears to be no support for that.
- 11.4.17 It is also material that Trenchard Way was formally known as the Northern Inner Distributor Road, built for a strategic function. The planning applications that established the design and permission for the NIDR were determined by Somerset County Council – 4/38/08/223 and 4/38/09/0338, in August 2008 and September 09 respectively. The approved plans illustrate the traditional SCC maintenance-led design and the unimplemented approval for an equally engineered access into Firepool where the Innovation Centre is now to be located. Opened as recently as 2017 as a through route the road is now named after Hugh Montague Trenchard – the Taunton-born founder of the Royal Air Force. The design concept for Trenchard Way is therefore well established, albeit only recently fully implemented, hence the SCC and applicant reticence for a fundamental redesign.
- 11.4.18 Lastly, any consideration can be material, it is for the decision-maker to decide what weight to apply. The scheme is due to receive £408,000 from a Government 'Getting Building Fund, approved by the Local Enterprise Partnership (LEP). The window for drawing this down and spending this grant is near its end and the access project is heavily/totally reliant on that funding. Without it, the wider scheme, which has been hampered by viability for decades, will only be further prejudiced by having to bear the full cost of the access.
- 11.4.19 The Case Officer has set out the concerns raised but also those matters considered material to the planning balance.

11.5 Transport, Highways and Active Travel

- 11.5.1 The Firepool site is an inherently sustainable site by reason of its location and opportunity to foster and promote sustainable and active travel for future residents, customers and visitors but also for those surrounding the site by way of the connecting linkages and sustainable/active travel initiatives. This proposal does not solve all current connectivity issues, nor does it set out to alone, but it does provide a piece of the larger jigsaw which through the Masterplan will deliver much improved connectivity.
- 11.5.2 It is accepted that the creation of a vehicular access can itself raise questions regarding sustainability, but this project is a small part of the much wider Firepool proposals which will bring about substantial opportunities for modal shift. Indeed, Firepool already has good connections to the National Cycle Route and those cycle routes associated with Trenchard Way, this access and the north south connection it provides facilities more connectivity to this growing network.
- 11.5.3 The majority of the design issues have been addressed in the previous section.

- 11.5.4 The Residents Association of the adjoining Lock House development has raised the issue of parking. The points made are noted but as this application is for access only it does not concern itself with parking provision on the wider Firepool site, other than allowing access to a quantum of parking at some point in the future to be resolved via the Masterplan and future planning applications.
- 11.5.5 One further consideration is the fact the application unintentionally proposes an unfettered means of access to the Firepool site. It is also clear from a concurrent pending application that the access subject to this application is to serve Block 3 in the future. Block 3 is to be initially constructed and serviced via Canal Rd. As such there is the potential, albeit unlikely that without suitable provisions Canal Road and Trenchard Way could become linked. In the absence of the site wide Masterplan there is also no definitive position as to the likely volume and nature of traffic that could use this access.
- 11.5.6 As explained above, the previous approval for a larger 2-lane access under application 38/17/0150 is a material consideration in this application. From that we know that approved access was to serve significantly more traffic than is now being suggested via the merging updated Masterplan. Nevertheless, it would seem sensible to set some parameters in this initial approval of the access in order to be able to judge other proposals beyond Block 3 which will utilise this access. A suitable condition is proposed.
- 11.5.7 The comments made by SCC Public Rights of Way Team are noted; the application red-line does not overlap the PROW but the general informative will be added.
- 11.5.8 It is therefore considered that the access facilitates objectives that comply with policies within the National Planning Policy Framework (NPPF) as well as CS policies SD1, SP1, SP2, CP1, CP2, CP3, CP5, CP6, CP7, CP8, DM1, DM4; AAP policies FP1, FP2, TR6 and ED1, and SADMP policies A3, D7 D8 and D9.
- 11.6 Impact to Adjacent Residential Properties
- 11.6.1 In this regard issues relating to traffic noise and visual amenity from a completed access, and construction impacts are considered.
- 11.6.2 CS Policy DM1 outlines that potential noise pollution which could adversely impact amenity of residents or occupants of a site should be appropriately dealt with. In this case the issue of noise from this proposed access to the neighbouring Retirement Living Accommodation requires assessment.
- 11.6.3 The benefit of master planning areas like Firepool Lock is that one can respond to potential design issues and scenarios in advance of constructing a building to futureproof and safeguard future residents' amenity. In this case Lock House was approved in advance of Trenchard Way being fully

completed and therefore before the full extent of traffic was being experienced and in advance of 'the St Modwen scheme' being approved with its access immediately adjacent.

- 11.6.4 The outline permission for Lock House secured noise mitigation measures which in effect up-rated the acoustic quality of the windows to be installed to certain elevations to temper traffic noise to the north from Trenchard Way and to the west from the new Firepool access. As such it is considered that same (now installed) mitigation is sufficient to off-set any impacts from this modified access. All future proposals within the wider Firepool site will still need to consider the impact on residential amenity of existing and proposed future residents.
- 11.6.5 As was intended at the time 'the St Modwen' scheme was approved, there will be a small verge area between the back-edge of the footway/cycleway to the boundary with Lock House. Lock House, along its western boundary, as a small area of approx. 2m of defensible space contained by walling and hedging interspersed with several trees. Lock House has four storeys and 7 apartments looking solely west over the access (and beyond towards Block 3, whilst another 8 apartments look west but also have views either south or north as they are corner units. The vast majority of the units have access to a balcony.
- 11.6.6 The applicant has provided cross sections showing the relationship of the access road to Lock House. The fact the access road will slope does aid this relationship and a scheme of planting will be secured via condition to infill the gap between the highway and the Lock House boundary. Overall, it is considered the visual impact of this proposal is lessened over 'the St Modwen' scheme in accordance with ENV2 and ENV1 of the SADMP.
- 11.6.7 Given the ground levels and need therefore for excavation there is likely to be some concern over the construction period in terms of noise, dust and hours of operation. It will be important the applicant consults with the Lock House residents in drawing up a Construction Environment Management Plan to be required via condition. This may result in the hoarding being utilised for longer as a baffle to the site works before removal and replacement with a landscaped treatment.
- 11.6.8 Policy DM1 of the Core Strategy and D8 of the SADMP supports the use of appropriate lighting in developments. CS Policy DM1 seeks to resist unacceptable impacts from lighting schemes on the surrounding environment, while SADMP Policy D8 seeks to foster a safer public realm via the provision of lighting. The adoptable areas will receive streetlighting, and existing columns will be relocated to suit the new alignment of the road. One column has potential for impacting residents of Lock House, more than others, and so will received a baffle to prevent backlighting. All other lighting of the non-adopted area will be conditioned.
- 11.6.9 A Lock House resident has raised issues concerning air quality, from traffic queuing on the new access road, particularly when leaving the site. This

relates to the fact the design has changed from two exit lanes to one, and the perception that will result in more fumes from idle traffic. As discussed previously the design now reflects the future aim to see the quantum of parking and therefore traffic reduce over and above the 'the St Modwen' scheme. The resident points to the local consultation recently undertaken and the suggestion for a future Multi-Storey car park and other parking for future housing in support of this argument. What ultimately comes forward in the future will depend on the approved Masterplan and of course future applications which are better placed to monitor the potential impacts on air quality from the cumulative use of this access.

11.6.10 It is considered suitable mitigation over and above the approved scheme, safeguards residential amenity in accordance with Policy DM1 of the Core Strategy and D8 of the SADMP.

11.7 Other Issues

11.7.1 Flooding and Drainage - The access area falls within Flood Zone 1 (the zone of lowest risk). Whilst the site-wide Masterplan will seek to establish a comprehensive SuDS led strategy, the access will drain to existing highways drainage and the non-adopted area will drain to temporary arrangements, until the wider scheme is approved, to be agreed via condition. SADMP Policy 14 is relevant.

11.7.2 Heritage and Archaeology - There are a number of designated heritage assets in the immediate vicinity surrounding the site including the Firepool Pumping Station, a cluster of buildings around Taunton Station, GURDS and the Former Shirt and Collar Factory Premises of Barnicotts Limited Printers, all of which are Grade II Listed, plus Staplegrove Road Conservation Area. These heritage assets will not be adversely impacted by the proposal. SADMP policy ENV4 is relevant.

11.7.3 With respect to archaeology, a Written Scheme of Investigation (WSI) has been submitted. A condition refers to its implementation.

11.7.4 Ecology - An accompanying Ecological Statement describes the access area as of low ecological interest and opines there will be no impact on designated sites in the area. While acknowledging the low species diversity on site, it goes on to recommend possible mitigation measures for birds using the scrub for nesting, as well as advocating for the provision of bird and bat boxes around and near the site.

11.7.5 In light of a court Judgement (known as Dutch N), Natural England have advised the Local Planning Authority that in light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should undertake a Habitats Regulations Appropriate Assessment. However, the application proposals do not contain any of the uses which would give rise to an increase in nutrient loadings at the wastewater treatment works and so a

project level Appropriate Assessment is not required to be undertaken in this case (see Paragraph 7 above).

11.7.6 Ground Conditions - The submitted ground report confirms that there is limited contamination on the Site which is generally to be capped by hardstanding and buildings, with limited soft landscaping and no specific remediation measures required. The report concludes that a watching brief should be maintained during site works to ensure any unexpected contamination is dealt with correctly. This can be covered by condition.

11.7.7 Impact on the Canal – Policy ENV5 of the SADMP is relevant. No impacts are envisaged. The access opens out a public view of the canal and lock which is considered a benefit.

12) Planning Balance and Conclusion

12.1 Delivering the redevelopment of the Firepool site is one of the Council's key corporate priorities and this planning application proposal is an important first step towards achieving that objective. The Firepool site has remained vacant for over a decade and there is very strong support within the local community for it to be redeveloped. A new Masterplan and revised mix of uses for the wider Firepool site is being prepared and the Council's objective is to deliver the site itself, starting with the commencement of work on the application site as soon as possible.

12.2 Whilst that Masterplan is being produced this planning application should be treated on its merits and on the balance of considerations, applying the relevant policies in the Development Plan, the weight that can be given to them, and all material considerations including national policy. It is concluded that the proposal accords with the Development plan, read as a whole.

12.3 Significant weight should be given to catalytic effects of this proposal to finally realise the economic benefits of the wider proposals, the value of re-using brownfield land, the intended high quality of the overall regeneration project and that the application will facilitate the actual delivery of development on a brownfield site that has remained vacant for over a decade.

12.4 The recorded concerns and objections have been replicated, explained, and assessed in this report, balanced against a series of material considerations.

12.5 It is considered that the benefits of the scheme outweigh those concerns. For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to the stated conditions set out in full in Appendix 1.

12.6 In preparing this report the Case Officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and informatives

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 and documents:
DrNo MJ004049-PL-0009 RevC – Planning Application Red Line and Blue Line Plan
DrNo MJ004049-PL-0011 – Site Plan
DrNo MJ004049-PL-0007 – Location Plan
DrNo MJ004049-PL-0001 RevA – General Arrangement
DrNo MJ004049-PL-0002 RevA – Kerbing and Footway/Cycleway Surfacing Plan
DrNo MJ004049-PL-0003 RevA – Drainage
DrNo MJ004049-PL-0004 RevB – Cross Section
DrNo MJ004049-PL-0005 RevA – Cross Section
DrNo MJ004049-PL-0006 RevA – Cross Section
DrNo MJ004049-PL-0008 RevA – Street Lighting and Traffic Signals
DrNo MJ004049-PL-0010 RevA – Longitudinal Sections
DrNo MJ004049-PL-0014 – Planning Application Adoption Extents
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for the works (or defined phase of works as agreed in writing by the Local Planning Authority) has been submitted to and approved in writing by the local planning authority. In discharging this condition, the following information shall be supplied:
 - a) Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of that phase or sub phase;
 - b) Construction vehicle routes to and from site including any off-site routes for the disposal of excavated material;
 - c) Construction delivery hours;
 - d) Expected number of construction vehicles per day;
 - e) Car parking for contractors;
 - f) A scheme to encourage the use of Public Transport amongst contractors;
 - g) Measures to avoid traffic congestion impacting upon the Strategic Road network.
 - h) Details of all bunds, fences and other physical protective measures to be placed on the site including the time periods for placing and retaining such measures;
 - i) The control and removal of spoil and wastes;
 - j) Measures to prevent the pollution of surface and ground water arising from the storage of plant and materials and other construction activities;
 - k) The proposed hours of operation of construction activities;
 - l) The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;

- m) Sound attenuation measures incorporated to reduce noise at source;
- n) Details of measures to be taken to reduce the generation of dust;
- o) Any other measures to maintain the amenity of adjacent neighbours; and
- p) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.

The approved Construction Environmental Management Plan shall thereafter be implemented in full and maintained throughout the duration of the works (or phase thereof) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to protect the amenities of nearby properties during the construction of the development and to protect the natural and water environment from pollution in accordance with National Planning Policy Framework and Policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.

4. Prior to commencement of the development details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or tree and/or hedging on adjoining land from damage before or during the course of development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not adversely impact upon existing vegetation in accordance with Policy CP8 of the adopted Taunton Deane Core Strategy.

5. Prior to the first use of the access road hereby approved a scheme of landscaping for the Lock House boundary, inclusive of ecological enhancement, shall have been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be fully implemented within the first planting season following the first use of the access road hereby approved. Any trees or plants which within a period of 10 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure provision of an appropriate landscaping scheme, and to ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy CP8 of the adopted Taunton Deane Core Strategy.

6. Prior to any excavations within the Watching Brief area (as defined in the WSI) a programme of archaeological work shall be implemented in accordance with the submitted Written Scheme of Investigation (WSI - Cotswold Archaeology October 2021) which has been submitted to and approved by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the WSI.

Reason: The site has been identified as of possible archaeological interest and therefore as requiring further archaeological investigation in accordance with section 16 of the National Planning Policy Framework and Policy CP8 of the adopted Taunton Deane Core Strategy.

7. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority, a remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reason: To protect controlled waters in accordance with Policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.
8. Notwithstanding approved plan MJ004049-PL-0002 RevA the area of the access road not to be adopted public highway as shown on drawing MJ004049-PL-0014 shall be subject to scheme of alternative surface finishes. Such a scheme shall be submitted to and approved in writing by the Local Planning Authority and fully implemented prior to the first use of the access road.
Reason: In the interests of visual amenity in accordance with Policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.
9. Save for pedestrian and cycles, the access road hereby approved shall not be brought into use by vehicles until such time as a scheme setting out the areas within the wider Firepool site to be accessed by vehicles has been submitted to and approved by the Local Planning Authority. The said scheme shall prevent through traffic from Canal Road, Priory Bridge Rd and/or via the bridge from/to Youngman Place. The access road shall thereafter only be used in accordance with the approved scheme. The scheme may be varied over time through submissions to and approval in writing by the Local Planning Authority, but no new areas of the Firepool site shall be served by vehicles using the approved access road until and unless suitable mitigation is agreed with the Local Planning Authority and fully implemented.
Reason: To ensure orderly use and operation of the highway and to ensure planned development in the interest of residential amenity, highway safety and comprehensive development to accord with Policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.
10. The proposed streetlight shown on the eastern side of the proposed access road, adjacent to Lock House, as shown on approved plans MJ004049-PL-0001 RevA and MJ004049-PL-0008 RevA shall be fitted with a rear baffle to prevent backlighting to adjacent residential properties. Such mitigation shall be in place before first operation of the streetlight.
Reason: In the interests of residential amenity in accordance with Policies CP8 and DM1 of the adopted Taunton Deane Core Strategy.
11. No development on the area of access road not to be adopted as public highway as shown on drawing MJ004049-PL-0014 shall take place until a detailed scheme for surface water drainage for that area of the access road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully completed prior to the first use of that element of the access road and thereafter be managed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason: To adequately respond to the risk of flooding to accord with Policy CP1 of the adopted Taunton Deane Core Strategy.

Notes

1. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted a footpath is built on or otherwise interfered with.
2. In accordance with the National Planning Policy Framework the Council has worked in a constructive and pro-active way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.
3. With Regards to Condition 8 the applicant is directed to the Council's adopted Public Realm Design Guide.
4. With regards to Condition 9 it is intended a 'scheme' would entail written clarification and drawings to illustrate how through traffic from Canal Rpad to Trenchard Way and visa versa would be prevented in the scenario that Block 3 and the access subject to this application are both built out, this may be phased to an initial scheme, medium term and 'final' state depending on progress and implementation of future applications led by the Masterplan process.
5. The applicant is advised to contact Network Rail Asset Protection Team via assetprotectionwestern@networkrail.co.uk at least 3 months before works commence to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required.