

Application Details	
Application Reference Number:	38/24/0352
Application Type:	Application to vary a condition under Section 73
Description	Variation of Condition No. 02 of application 38/21/0436 (approved materials) at Block 3 (known as the Northern Boulevard)
Site Address:	FIREPOOL Regeneration Site, South of Trenchard Way, Canal Road/Priory Bridge Road, Taunton
Parish:	Taunton Town Council
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 simon.fox@somerset.gov.uk
Agent:	N/A
Applicant:	Somerset Council
Reason for reporting application to Members:	In the interests of probity - The proposal is submitted by Somerset Council on a strategic regeneration site owned by Somerset Council. There are no powers delegated to the Head of Planning or Planning Committee Chair to sanction determination this application, as such it must be determined by the Planning Committee.

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 amendments to surfacing materials for the Northern Boulevard forming the northern gateway into the Firepool site. The necessity for a change in materials is driven by lead-in times and the timescale for the use of available funds means after consideration of all representations, planning policy and material considerations including the planning history, the scope of the application and the knock-on benefits of the scheme the application is considered appropriate to be recommended for approval subject to the conditions listed at Appendix 1 to this report.

3. Planning Obligations, conditions and informatives

3.1 Obligations

None

3.2 Conditions (see Appendix 1 for full wording)

- 1) Time Limit
- 2) Drawing numbers
- 3) Clarification of Use/Permitted Development Rights – Office Building
- 4) Clarification of Use/Permitted Development Rights – GWR Building
- 5) Materials
- 6) Biodiversity Enhancement Plan
- 7) Archaeology
- 8) Construction Environmental Management Plan
- 9) Flood Risk Assessment
- 10) Unexpected Contamination
- 11) Plant, Machinery and Equipment
- 12) Landscape and Ecological Management Plan
- 13) Tree and Hedge Removal outside bird nesting season
- 14) Lighting for Bats
- 15) Landscaping scheme
- 16) Provision of Public Art
- 17) Highway scheme implementation
- 18) Cycle route implementation
- 19) Cycle parking provision
- 20) Provision of disabled parking spaces
- 21) Prevention of surface water onto the highway
- 22) Travel Plan

3.3 Informatives (see Appendix 1 for full wording)

- 1) Statement of positive working
- 2) Rights of Way
- 3) Protection of Badgers
- 4) Protection of Bats
- 5) Protection of Network Rail Assets
- 6) Plant, machinery and equipment comprising development
- 7) Crime Prevention Advice
- 8) Highway Authority Advice – Legal Agreement
- 9) Highway Authority Advice – s278
- 10) Highway Authority Advice – Drainage
- 11) Environment Agency Advice

4. Proposed development, Site and Surroundings

Details of proposal

- 4.1 This is an application under Section 73 of the Planning Act to amend the surfacing materials for the Northern Boulevard area of public realm.

- 4.2 The Northern Boulevard formed part of the wider initial application full application for the proposed mixed-use redevelopment of 'Block 3', an initial phase of the wider Firepool Development Site, within Taunton town centre. That application proposed the delivery of a four-storey office building with commercial space on the ground floor as well as the conversion and extension of the former GWR building to form a restaurant. The application was approved via Planning Committee and the decision issued on 28 March 2022.
- 4.3 In short, the LPA has been asked to consider a change to the approved paving materials for the main boulevard from the Marshalls Scoutmoor Yorkstone natural stone paving to a similar but more readily available material. At present the following alternatives have been suggested:
- Marshalls Howley Lake Blue Grey
 - Marshalls Hawke View Sandstone
 - BBS Indian City Blend
 - BBS Whitworth Yorkstone
- 4.4 Other possibilities are being explored for a close match and an oral update will be given as to the preferred alternative.
- 4.5 The LPA has determined the change to the paving materials can only be considered via a Section 73 application given the scope of the change and the significance of the paving to the scheme underpinned by an adopted Design Guide. By consequence of a Section 73 application being required means determination by the Planning Committee as this is a Council project.
- 4.6 It should be noted that Somerset Council is in this case both applicant and Local Planning Authority. The initial application was brought forward by Somerset West and Taunton Council after the site had laid 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 Council planning team 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.

Site and surroundings

- 4.7 The application site is located within Taunton town centre. The application site is bounded by Trenchard Way to the north, 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 the new Innovation Centre developed by the Council (ref SCC/3775/2020). To the

east, the Firepool site is bordered by a four-storey retirement apartment building (Lock House) and further residential beyond (Firepool Lock). The site is therefore surrounded on three sides by either recently constructed or consented development. To the south of Canal Road lies the majority of the Firepool site, itself also vacant but has been subject to recent works to prepare the site for development. Within this area is the continuation of the boulevard via the southern section approved via application 38/22/0176.

4.8 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.

4.9 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	Refusal	01/09/2016

	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.		
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 (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)	Approval	13/03/2019
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
38/21/0440	Demolition of Auction House and site clearance with temporary diversion of	Approved	13/05/2022

	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		
38/21/0464	Formation of vehicular access with associated works and alterations to highway	Approved	09/02/2022
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, (Block 3), Firepool, Taunton	Approved	28/03/2022
38/22/0176	Formation of public realm to include landscaping and associated infrastructure works (includes Environment Statement) referred to as The Southern Boulevard at Firepool, Canal Road/Priory Bridge Road, Taunton	Approved	07/12/2022
38/24/0231/NMA	Application for a Non-Material Amendment to application 38/21/0436 for a phased delivery as per phased plan specifically for exclusion of store adjacent to GWR extension, use of alternative paving materials to run around GWR building, use of alternative materials to match surfaces for both cycles and pedestrians already installed at Trenchard Way junction and installation of 5 No. motor lamp posts to enable installation of CCTV on land south of Trenchard Way, Firepool, Taunton	Approved	14/10/2024
38/24/0353	Variation of Condition No. 02 of application 38/22/0176 (approved materials) at Firepool Development Site, Canal Road, Taunton	Pending	

6. Environmental Impact Assessment

With respect to Block 3, a Screening Opinion was submitted to the LPA under case ref. 38/21/0109/SCO for: *“the requirement of an environmental impact assessment with the submission of a full planning application proposing a 1,800 sqm, four storey office building and 300 space, four storey car park on land at Trenchard Way, Firepool, Taunton”*. It was concluded by the LPA that the described development was not considered to be EIA development with regards to the criteria laid out in Schedule 3 of the Regulations. It should be noted that the screened development included a multi-storey car park and therefore a higher quantum of development than the eventual scheme proposed by this full application. This Section 73 application does not change that original judgement.

7. Habitats Regulations Assessment

- 7.1 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 uses as offices and other employment uses in line with Natural England Advice 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.
- 7.2 The site lies within the consultation zone for the Hestercombe House SAC, relating to bats. The Council’s Ecologist requested and then examined surveys indicating no activity from Lesser Horseshoe bats. As such the Council is satisfied that the proposal will not have a significant effect on the European site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

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

Date of Consultation: 23 October 2024

8.1 Statutory Consultees

- 8.1.1 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
Taunton Town Council	None at the time of writing this report.	This report has been prepared during the consultation period and therefore any comments received will be orally updated.

Highway Authority	None at the time of writing this report.	This report has been prepared during the consultation period and therefore any comments received will be orally updated.
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8.2 Non-Statutory Consultees

Non-Statutory consultee	Comments	Officer comments
Placemaking Officer	None at the time of writing this report.	This report has been prepared during the consultation period and therefore any comments received will be orally updated.

8.3 Local representation

8.3.1 In accordance with the Council's Adopted Statement of Community Involvement this application was publicised by letters of notification to neighbouring properties and 2 site notices were displayed around the periphery of the wider Firepool site.

8.3.2 This report has been prepared during the consultation period and therefore any comments received will be orally updated.

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 As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council published a Local

Development Scheme in October 2023 to set out a timetable for the preparation of the local plan.

- 9.3 Relevant policies of the development plan in the assessment of this application are listed below. As the Section 73 application only refers to materials the number of relevant policies is limited.

Core Strategy 2012

CP8 - Environment

DM1 - General Requirements

DM4 - Design

DM5 - Use of Resources and Sustainable Design

Site Allocations and Development Management Plan 2016

D7 - Design Quality

Taunton Town Centre Area Action Plan 2008

Fp1 - Riverside - Development content

ED1 – Design

Supplementary Planning Documents

Taunton Town Centre Design Code

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 December 2023 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

12. Achieving well-designed places

16. Conserving and enhancing the historic environment

10. Conclusion on Development Plan

- 10.1 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.

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

11. Local Finance Considerations

Community Infrastructure Levy

The creation of retail floor space (old use classes A1-A5 inc.) is CIL liable, however the mother application contained retail development in Taunton Town Centre where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

12. Material Planning Considerations

- 12.1 The main planning issues relevant in the assessment of this application are as follows:
- The principle of development
 - Design and layout
 - The public realm

Principle of Development

- 12.1. Prior to this application some minor changes to surfacing materials for areas offline from the main boulevard and changes the raised planters on the main boulevard (to surface level planting beds) were agreed via a non-material amendment, ref 38/24/0231.
- 12.2. The mother application 38/21/0436 is now being varied once more by way of changing some of the plans stated at Condition 02 to those showing different materials on the main boulevard itself. All other aspects remain the same. The extent of the change is seen to be beyond that which could be considered minor given the policy position set out in the Council's adopted Public Realm Design Guide for Taunton Garden Town (December 2021) [Taunton Garden Town public realm design guide \(somerset.gov.uk\)](https://www.somerset.gov.uk/taunton-garden-town-public-realm-design-guide) which stipulates a specific paving material be used which was expressly then stated on all the approved plans. This is an issue for the Northern and Southern Boulevards (the latter subject to a different application).
- 12.3. That material is now proving very difficult to secure as set out by the Council's Firepool Project Manager:

"The Firepool Northern and Southern Boulevards project has a requirement to use paving specified in the Taunton Town Centre Design guide. The company providing the paving is called Marshalls and the product required is called Scoutmoor. The product is a natural stone quarried in the UK. Recently

Marshalls have recognised that the quality of stone coming from that quarry is inferior to the standards they require. As a consequence, on a national basis the production of, and delivery of Scoutmoor has been significantly restricted. Whereas normal delivery would have been within 8 to 10 weeks that has now been extended to at least 30 weeks for pre placed orders and up to 45 weeks for new orders. An additional restriction has also been applied by Marshalls such that to provide as wide a range of support to as many projects as possible across the country, only part loads will be delivered on alternate weeks. The effect of this within itself delay start dates for paving and consequently project completion and final contract sums. An alternative stone paving is available in the design guide. However, because of the difficulties Marshalls have experienced, developers are flipping over. The impact has been to extend the delivery period of orders out to a minimum 30 weeks and with a similar part delivery approach. The alternative therefore does not bring any support to delivering the projects”.

- 12.4. Delivering the redevelopment of the Firepool site is one of the Council’s key corporate priorities. The difficulties regarding the availability of the materials explained above has been added to by the financial constraints to deliver the project:

“The Northern and Southern Boulevard schemes are being entirely funded from the Future High Streets Fund, which was part of an award of £13,962,981 made to the Council in 2021. The original deadline to spend all grant funding was Mar-24. The Towns Fund Team, which manages the Scheme, was able to extend this deadline into the 2024/25 financial year. To date the Council has received £11,562,981. £1.8m is due at the end of Nov-24 and the final payment of £600k due at the end of Jan-25.

The key funding requirement is that the Council must be contractually committed on the last two schemes - Southern Boulevard and Bridge schemes. The Southern Boulevard scheme will cost about £1.5m and the plan was to be into contract by Nov-24. The bridge scheme will be in contract by Dec-24 ahead of the final Jan payment. A contract for the Northern Boulevard was signed in 2023, but a final £300k is due at the end of Nov-24 for this scheme, which is part of the next payment.

If the decision on 19-Nov is to use alternative paving, then the project team will be able to stick to the agreed plan with the Towns Fund team of being into contract and receiving the £1.8m payment in Nov-24. If the decision is to stick with Yorkstone this will have several impacts.

The Northern Boulevard project would see an increase in costs of between £230,000 and £580,000 depending upon whether or not the contractor has to de-mobilise and then re-mobilise, and whether allocated staff can be redeployed during the off site period, or whether the full complement of allocated staff have to remain on site.

In respect of the Southern Boulevard the programme submitted by our preferred contractor requires the paving to be available in the 7th week of their programme. This means their start time would realistically have to be delayed for a minimum of 38 weeks. The expectation was to start the contractor in January 2025 more likely that would have to be shifted by 38 weeks to October 2025. The impact most likely would require a new tender process as contract sums quoted for a January start could not be relied upon and would most likely increase with inflationary pressures. It would likely put the contract sum outside of the available Future High Street funding of £1.5m.

However, due to the delay in start date and getting into contract, it would mean that the Council would lose the funding completely and therefore the Southern Boulevard scheme could not be delivered using Future High Streets funding. This would attract criticism of the council, and more importantly key public realm and a new Town Centre Cycle link would not be delivered, which would damage the council's reputation.

The section 73 request is for the substitution urban alternative paving not within the Taunton town centre design guide but to be approved in advanced by the planning authority. This will enable the delivery of the project notwithstanding that significant extra costs will still be incurred."

- 12.5. Planning Committee are therefore asked to consider a change to the proposed and approved materials for the main boulevard from the Marshalls Scoutmoor Yorkstone natural stone paving to a similar but more readily available material.
- 12.6. This is not a matter of cost per se, but about delivery, to wait for the Scoutmoor Yorkstone material jeopardises the whole project and would result in the loss of government funds. It is still fully intended that a quality outcome would result.
- 12.7. The mother application assessed at length the design implications of the proposal and reference was made throughout to the fact the then proposal was in accordance with the adopted Public Realm Design Guide which sets out clearly what materials are to be used in the public realm in certain parts of the town. The Firepool Boulevard, split North and South for project delivery purposes, is part of the Core Standard, part of the route that connects the Train Station to Vivary Park.
- 12.8. The change of material would mean that any continuity in exactly the same surfacing materials between the Train Station and Coal Orchard, which both use the Marshall Scoutmoor would be lost, however as close a match as possible is being sought and the large expanse of the Firepool Boulevard as will be delivered in this first phase would as least be consistent.

- 12.9. Whilst a difficult choice, the choice does boil down to one question, do we want to see the Firepool Boulevard delivered using the time-limited government funds available? If so then we have to agree a different surfacing material now. Members will be appraised of the available and preferred choices at the Committee Meeting (where some samples will be made available to view). NB one alternative has been used for now to populate Condition 02 but this can change.
- 12.10. The Block 3 application approved by application 38/21/0436 is being phased with the majority of the of the Northern Boulevard being delivered now, with the available funds, with other phases to follow when funding allows. The office block has not started and the GWR office conversion and extension is to follow.
- 12.11. As this is an application under Section 73 all the original conditions imposed on the mother application 38/21/0436 need to be restated as this consent would become the implementable consent. Condition 02 is varied to reflect the former NMA and this application to change surfacing materials.

13. Planning Balance and Conclusion

- 13.1. Delivering the redevelopment of the Firepool site is one of the Council's key corporate priorities the difficulties being encountered in sourcing the key material is frustrating for the project team but one obstacle that must be overcome if the boulevard is to be delivered on time and on budget, using the government funds available.
- 13.2. It is considered that the tangible benefits of ensuring delivery outweigh the non-compliance with the Design Guide so long as a suitable alternative is sourced. 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.

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 approved plans and documents as stated on the 'Planning Document List, Firepool-Block 3', dated 20/08/2024.

Notwithstanding the above approved plans where any plan has Scoutmoor Yorkstone paving slabs PT01(A) and PT01(B) annotated read BBS City Blend (Indian Sandstone) instead as a variation to the plans.

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

3. The ground floor of the new building hereby approved shall be used as a shop other than for the sale of hot food (Class E(a)), and food and drink which is mostly consumed on the premises (Class E(b)) and the first, second and third floors shall be used for offices (Class E(g)(i)) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Reason: To clarify the use and to prevent changes to sub-optimal uses that undermine the viability and vitality of the intended development.
4. The GWR Goods Office Building (and as extended) shall be used for food and drink which is mostly consumed on the premises (Class E(b)) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Reason: To clarify the use and to prevent changes to sub-optimal uses that undermine the viability and vitality of the intended development.
5. Notwithstanding the approved plans full details of all external finishing materials, for buildings, public realm and highway shall be submitted to and approved by the Local Planning Authority prior to their use in the development hereby approved. Details shall include manufacturers details with the provision of samples to be ascertained with the Local Planning Authority prior to submission of the detailed specification. Once agreed, any subsequent variation to the approved details shall only be achieved via agreement in writing with the Local Planning Authority. Reason: In the interests of visual amenity and to reflect flexibility in the current/future availability of materials.
6. Save for the works shown on drawing number 21137-TA2-131-T2 (Highway General Arrangement Canal Road East), no construction works shall be commenced until a Biodiversity Enhancement Plan (BEP) has been submitted to, and been approved in writing by, the Local Planning Authority. Photographs of the installed features will also be submitted to the Local Planning Authority prior to first occupation of any part of the development. The content of the BEP shall include the following:
 - a) Provision for 2x integrated bird boxes to be installed on each building and maintained thereafter.
 - b) Provisions for invertebrate refuge in the form of a minimum 2x insect towers incorporated into the landscaping/planting scheme shown on the approved plans and maintained thereafter.
 - c) The grassland areas of the application site will be sown with a native species wildflower seed mix such as Emorsgate Flowering lawn mixture (EL1) or similar and managed appropriately.

- d) All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, “RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators” provides a list of suitable plants both native and non-native.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

- 7. The programme of archaeological work shall be implemented in accordance with the submitted and approved Written Scheme of Investigation (WSI, Cotswold Archaeology October 2021) for each phase which has been submitted to the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved WSI. Reason: The site has been identified as of possible archaeological interest and therefore as requiring further archaeological investigation in accordance with section 12 of the National Planning Policy Framework and Policy CP8 of the adopted Taunton Deane Core Strategy.
- 8. No development shall commence on any phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority for that identified phase or works. In discharging this condition the following information shall be supplied:
 - a) A 24-hour emergency contact number;
 - b) Locations for the storage of all plant, machinery and materials;
 - c) Details of fuel oil and chemical storage, bunding, delivery and use, including how both minor and major spillages will be dealt with.
 - d) Construction vehicle routes to and from site including any off-site routes for the disposal of excavated material;
 - e) The proposed hours of operation of construction activities;
 - f) Construction delivery hours;
 - g) Expected number of construction vehicles per day;
 - h) Car parking for contractors;
 - i) A scheme to encourage the use of Public Transport amongst contractors;
 - j) Measures to avoid traffic congestion impacting upon the Strategic Road network;
 - k) Measures to protect vulnerable road users (cyclists and pedestrians);
 - l) Any necessary temporary traffic management measures;
 - m) Arrangements to receive abnormal loads or unusually large vehicles;
 - n) Site security, inclusive of 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;
 - o) The control and removal of spoil and wastes;
 - p) Containment of silt/soil contaminated run-off;
 - q) Disposal of contaminated drainage, including water pumped from excavations;

- r) Measures to prevent the pollution of surface and ground water arising from the storage of plant and materials and other construction activities;
- s) The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;
- t) Sound attenuation measures incorporated to reduce noise at source (to include specific reference to piling activities);
- u) Details of measures to be taken to reduce the generation of dust;
- v) Site induction for workforce highlighting pollution prevention and awareness;
- w) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice; and
- x) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The agreed Construction Environmental Management Plan shall thereafter be implemented in full 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.

9. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) by Jubb Consulting Engineers dated December 2021ref: 21137-FRA-02v1 and the mitigation measures it details, particularly:
 - a) The final drainage for the site should be fully integrated within the overall Firepool development.
 - b) Block 3 Finished Floor levels must be no lower than 20.14m AOD. These mitigation measures shall be fully implemented prior to occupation of [any part of the development/Block 3] and subsequently in accordance with the FRA's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding.

10. 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved. Reason: To prevent increased risk of pollution to the water environment.
11. Prior to its installation the specification of any ground-based, wall-mounted or rooftop plant, machinery and equipment shall be submitted to and approved in writing by the Local Planning Authority. Such a specification shall also include provisions for screening, colour treatments or other ways of reducing its visual impact. Reason: In the interests of visual amenity.
12. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation 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 LEMP 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 LEMP will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006.

13. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of building structures commences and provides 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 by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds. Reason: In the interests of nesting wild birds.
14. Notwithstanding the approved plans and prior to the installation of any external lighting, a "lighting design for bats", following Guidance Note 8 - Bats and Artificial Lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of the said Guidance Note, including submission of contour plans illustrating Lux levels. 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 approved 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.

15. The landscaping/planting scheme shown on the approved plans shall have been completely carried out by the end of the first available planting season after the first occupation within Block 3, unless any variation is agreed in writing with the Local Planning Authority relating to phasing. When undertaken the planting scheme shall also include sensory planting. For a period of ten years after the completion of the development, the trees and shrubs shall be protected and maintained 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 meet the objectives of the Garden Town status of Taunton and ensure that the proposed development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character.
16. Prior to first occupation of any part of the development a strategy for Public Art shall have been submitted to and approved by the Local Planning Authority. The strategy shall set out how Public Art is being considered in this application area or as part of the wider Firepool site (within the application blue line) and timescales for provision. Reason: To ensure Public Art is integrated into the Public Realm.
17. No part of the development hereby permitted shall be brought into use until the highway access scheme, as shown in principle in Drawing 131 T3, has been provided in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Reason: To ensure the development is afforded safe and convenient access.
18. No part of the development hereby permitted shall be brought into use until the cycle route, as shown in principle in Drawing FB3-AHR-S1-XX-DR-L-08109 P07, has been carried out in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Reason: To promote cycling in the interests of sustainable development.
19. Before the development is occupied or utilised the cycle parking facilities shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified. Reason: To promote cycling in the interests of sustainable development.
20. No building or use hereby permitted shall be occupied or use commenced until the disabled parking, and facilities for loading, unloading, circulation and

manoeuvring have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses. Reason: To ensure the development is afforded suitable provision.

21. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to development above damp-proof course level and thereafter maintained at all times. Reason: To ensure the highway is not inundated with surface water for the safety and convenient of all road users.
22. No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied. Reason: To promote sustainable modes of transport.

Notes

1. In accordance with the National Planning Policy Framework the Council and relevant statutory consultees have worked in a constructive and creative way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.
2. 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.
3. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
4. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
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.

6. With regard to Condition 11, the Local Planning Authority reserves the right to confirm such plant and equipment installations require full planning permission. Such installations include those for renewable energy purposes, air handling for heating/cooling, odour control, IT and security.
7. The applicant is advised of the comments received 16 November 2021 from the Crime Prevention Design Advisor at Avon and Somerset Police.
8. With regard to Conditions 18 and 19 the provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.
9. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and the terms and conditions under which they are to be carried out. Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.
10. With regard to Condition 21 any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.
11. The applicant is advised of these comments from the Environment Agency-
 - a) Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase. Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches. Generic advice on managing contamination is available on the Land Contamination: Risk Management pages of the GOV.UK website:
<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
 - b) Any waste generated must be disposed of in accordance with Waste (England and Wales) Regulations 2011. If waste material is brought onto site for construction purposes, the developer should ensure that

appropriate permits are held according to [Waste \(England and Wales\) Regulations 2011](#)