

Application Details	
Application Reference Number:	38/24/0353
Application Type:	Application to vary a condition under Section 73
Description	Variation of Condition No. 02 of application 38/22/0176 (approved materials) (known as the Southern 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 Southern Boulevard forming the southern gateway into the Firepool site. The necessity for a change in materials 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 of 3 years for commencement
- 2) Drawing numbers of approved plans
- 3) Prior completion of application 38/21/0440 for levels and drainage
- 4) Phasing of development subject to Stopping up Order for Canal Road
- 5) Clarification of River Tone Bridge use
- 6) Public Art requirements
- 7) Street Furniture detail to be agreed
- 8) Priory Bridge improvement scheme
- 9) Signage and wayfinding requirement
- 10) Misuse and antisocial behaviour plan
- 11) Landscaping scheme to be implemented
- 12) Highway condition survey to be undertaken
- 13) Prevention of surface water disposal to highway
- 14) Tree Protection requirement
- 15) River channel capacity and riverbank slope safeguards
- 16) Pollution controls
- 17) Contamination safeguards
- 18) Construction Environmental Management Plan (CEMP)
- 19) Landscape and Ecological Management Plan (LEMP)

3.3 Informatives (see Appendix 1 for full wording)

- 1) Statement of positive working.
- 2) Advice from SCC Rights of Way
- 3) Advice from the Network Rail
- 4) Advice from the Crime Prevention Officer
- 5) Advice from the SCC Highways – Drainage
- 6) Advice from the SCC Highways – Stopping Up
- 7) Clarification regarding Condition 08
- 8) Advice from the SCC Highways – Work on adopted highway
- 9) Sustrans route
- 10) Advice from the Environment Agency

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 Southern Boulevard area of public realm.
- 4.2 An initial full application for public realm as a phase of the wider Firepool Development Site, within Taunton town centre, proposed the delivery of
 - the 'Southern Boulevard', inclusive of a water feature area;
 - a multi-functional space adjacent to the river, known as Waterfront Place or the amphitheatre;
 - a section of the river frontage, referred to as the Rivers Edge.

- 4.3 The application was approved via Planning Committee and the decision issued on 07 December 2022.
- 4.4 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
- 4.5 Other possibilities are being explored for a close match and an oral update will be given as to the preferred alternative.
- 4.6 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.
- 4.7 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

- 4.8 The application site is bounded by Canal Road to the north, the River Tone to the south. Priory Bridge Road is to the south-west. The site currently comprises previously developed land. The site is bordered to the north beyond Canal Road by the Council's Innovation Centre, and Block 3 where planning permission has been granted for an office block with retail/food and beverage ground floor uses and the refurbishment of the GWR building for food and beverage use, and the continuation of the Boulevard (the Northern section). A principle vehicular access point off Trenchard Way in the northeast corner of the site has also been granted planning permission. The majority of the Firepool site, itself also vacant but has been subject to recent works to prepare the site for development.

- 4.9 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.
- 4.10 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 Taunton Railway Station to the north, the Firepool Pumping Station (and Firepool Lock) to the east, Gurds on Station Rd, plus the former Shirt and Collar Factory (Barnicotts) and Priory Lodge (all Grade II listed). Further south is the Grade II* St James Church and the Grade I listed St Marys Church. Non-designated assets include the GWR building.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
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 -	Outline planning application with some matters reserved, except for	Approval	13/03/2019

38/17/0150 <i>'the approved St Modwen scheme'</i>	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)		
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 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	Approved	13/05/2022
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	Approved	28/03/2022

	realm, landscaping and associated infrastructure works on land to the south of Trenchard Way, (Block 3), Firepool, Taunton		
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
38/24/0352	Variation of Condition No. 02 of application 38/21/0436 (approved materials) at Block 3, Firepool Development site, south of Trenchard Way, Taunton	Pending	

6. Environmental Impact Assessment

- 6.1 Environmental Impact Assessment or EIA is a formal procedure underpinned by The Town and Country Planning (EIA) Regulations, 2017 (the 'EIA Regulations') as amended. The procedure must be followed for certain types and scales of development.
- 6.2 In this case the mother application 38/22/0176 is part of a 'project' described in Schedule 2, 10(b) of the EIA Regulations. That is: "*10. Infrastructure projects... (b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas...*" and furthermore meets the first of the three applicable thresholds for Schedule 2, 10(b) projects: "*...(i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or (ii) the development includes more than 150 dwellings; or (iii) the overall area of the development exceeds 5 hectares.*"

- 6.3 The previous application to decontaminate, raise levels and rearrange drainage approved by application 38/21/0440 was submitted with an Environment Statement. It followed that as the mother application was part of the wider 'project' that the EIA remit should encompass that application as well, even though in of itself it did not raise significant environment issues. It must also follow that this application follows suit, again despite it not raising any significant environment issues.
- 6.4 The EIA process systematically identifies and assesses the likely significant environmental effects of a development. The process also offers an opportunity to promote an iterative design process whereby the likely significant adverse and beneficial effects of a project can be avoided or minimised, and encouraged and maximised, respectively. Where EIA is required, the results are reported in an Environmental Statement (ES). The ES allows the relevant determining authority, in this case Somerset Council, to consider all likely significant environmental effects arising from a development.
- 6.5 In accordance with the EIA Regulations, the ES reports the findings of the EIA process. As such, the ES set out:
- The likely significant environmental effects of the Development.
 - The likely significant cumulative effects of the Development.
 - Mitigation measures required to prevent, reduce, ameliorate and / or offset any likely significant adverse environmental effects.
 - The likely significant residual effects of the Development which would occur following implementation of the above mitigation measures.
- 6.6 Given the scope of this application there are no environmental issues raised which should require any change of view from that set out in the determination of the mother application.

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.

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 application is for public realm 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.

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. The mother application 38/22/0176 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 former subject to a different application).

- 12.2. 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".

- 12.3. 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 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."

- 12.4. The Planning Committee is 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.
- 12.5. 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.
- 12.6. 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.

- 12.7. 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.
- 12.8. 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.
- 12.9. The Southern Boulevard is being phased with part of the boulevard being delivered now, with the available funds, with other phases to follow when funding allows.
- 12.10. As this is an application under Section 73 all the original conditions imposed on the mother application 38/22/0176 need to be restated as this consent would become the implementable consent. Condition 02 is varied to reflect 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 following approved plans and documents:

FB5-AHR-S1-XX-DR-L-08100_P03	Location Plan
FB5-AHR-S1-XX-DR-L-08101_P04	Existing Site Plan
FB5-AHR-S1-XX-DR-L-08102_P04	Proposed Site Plan in Context of Wider Site
FB5-AHR-S1-XX-DR-L-08200_P04	Proposed Site Plan
FB5-AHR-S1-XX-DR-L-08220_P04	Hard Landscape Plan
FB5-AHR-S1-XX-DR-L-08224_P04	Street Furniture Plan
FB5-AHR-S1-XX-DR-L-08230_P04	Soft Landscape Plan
FB5-AHR-S1-XX-DR-L-08300_P06	Site Sections (Sheet 1)
FB5-AHR-S1-XX-DR-L-08301_P06	Site Sections (Sheet 2)
FB5-AHR-S1-XX-DR-L-08400_P03	Rivers Edge Proposed Sections
FB5-AHR-S1-XX-DR-L-08500_P01	Tree Pit Details
21137_105 (P1)	Phasing Plan
21137_152 (P3)_	General Arrangement Boulevard
21137_503 (P3)_	Boulevard Drainage Layout
21137_550 (P1)_	Section through Boulevard Swale
21137_575 (P1)_	Drainage Construction Details
	Southern Boulevard
21137_SKC15 (P2)_	Southern Boulevard Tanker Swept Path

- Planning Statement by Avison Young dated 17 May 2022;
- Design and Access Statement P04 by AHR
- 1610 - Southern Boulevard Lighting and Power Proposals Rev 3 by Method Consulting
- 1610OTF-MET-SB-XX-RP-ME-6301 Relux Report Rev 5
- 1610OTF-MET-SB-XX-SH-E-6383 External Luminaire schedule P03 by Method Consulting
- 1610OTF-MET-ZZ-SB-DR-E-6304-S2-P03_External Lighting Southern Boulevard by Method Consulting
- 1610OTF-MET-ZZ-SB-DR-M-9002-S2-P03_External Services Southern Boulevard
- 21137 Southern Boulevard Works Ground Conditions Assessment Report V2 by Jubb
- 21137 Flood Risk and Drainage Strategy V2 by Jubb
- 21137 TN08 Cycle Assessment Note V3 by Jubb
- CR1073 – Heritage Note 22 April 2022 by Cotswold Archaeology (Southern Boulevard)
- Archaeology WSI by Cotswold Archaeology (Approved for Wider Firepool Site Drainage and Enabling Works) October 2021
- Heritage Desk Based Assessment by Cotswold Archaeology (Approved for Wider Firepool Site Drainage and Enabling Works) July 2020
- Ecological survey by Cotswold Wildlife Surveys v2 dated 17 May 2022
- Ecological Impact Assessment by GE Consulting dated 11 October 2022
- Biodiversity Checklist by Avison Young
- Tree Survey by Aspect (Firepool Site Wide) June 2021
- Tree Constraints Plans Sheets 1-7 (Firepool Site Wide) June 2021

- Statement of Community Involvement by Avison Young dated 17 May 2022
- Public Art Strategy v02 by Ginkgo
- Climate Emergency Checklist and Sustainability Checklist by Avison Young
- Environmental Statement Addendum for Southern Boulevard by Avison Young May 2022

Notwithstanding the above approved plans where any plan has Scoutmoor Yorkstone paving slabs or setts PT01, PT02, PT02a, PT03 and PT04 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 development hereby approved shall not be commenced until it has been confirmed and demonstrated that application 38/21/0440 has been sufficiently completed, unless otherwise agreed in writing. Reason: To ensure measures to remediate the land from contamination and reduce flood risk have been suitably completed. Reason: To ensure future users are not at risk from ground contamination or flood risk to accord with the National Planning Policy Framework.
4. No development shall take place in the area identified as Phase 2 on Phasing Plan 21137_105 (P1) until and unless a formal Stopping Up of Highway Order relating to Canal Road has been granted. Prior to the commencement of Phase 2, on Phasing Plan 21137_105 (P1) bridleway rights must be secured to the satisfaction of the Local planning Authority, to replace the connection that will be lost by the stopping up of Canal Road. Reason: In the interests of proper planning and highway management.
5. Once the planning application has commenced the bridge across the River Tone located to the east of the proposal shall only be used thereon by pedestrians, cyclists, maintenance vehicles in connection with the wider Firepool site or for controlled and managed access to the amphitheatre known as Waterfront Place hereby approved. Within 2 weeks of site works commencing details of removable bollards (or similar alternative) to be located at each end of the bridge shall have been submitted to, approved in writing by the Local Planning Authority and installed in accordance with the approved details. Alongside this detail a scheme shall be submitted to and approved detailing how access will be managed. The development shall be carried out in accordance with the approved scheme. Reason: In the interests of pedestrian and cyclist safety to accord with the National Planning Policy Framework.
6. Within 6 months from the commencement of work the applicant shall submit to the Local Planning Authority for approval a scheme for the installation of the first phase of public art within the southern boulevard. The scheme shall also include a timetable for installation. Once approved the agreed scheme shall be fully implement in accordance with the agreed timetable. Reason: To accord with Policy D13 of the SADMP.

7. Notwithstanding the approved plan DrNo. FB5-AHR-S1-XX-DR-L-08224_P04 details of all street furniture shall be submitted to and approved in writing by the Local Planning Authority before installation. Reason: To ensure compliance with the SWT Public Realm Design Guide.
8. Prior to the first public use of any part of the development hereby approved a scheme for the improvement of the public realm immediately underneath and immediately adjoining Priory Bridge, Priory Bridge Road, including a timetable for implementation, shall of first been submitted to and approved by the Local Planning Authority. The scheme should include the enhancement of surfacing, landscaping, lighting and the functionality for cyclists, pedestrians and those with mobility impairments. The scheme shall also demonstrate best endeavours to include measures to extend, enhance and connect the existing riverbank wildlife corridor. Reason: To accord with Policies Fp1 and Fp2 of the Taunton Area Action Plan, Policy CP8 of the Core Strategy and Policies D7, D8 and ENV5 of the SADMP.
9. Prior to the first public use of any part of the development hereby approved a scheme of signage and wayfinding shall of first been submitted to, approved by the Local Planning Authority and fully implemented in accordance with the approved details. The scheme shall include signage to direct to key destinations within and outside the site and include instruction to cyclists. Reason: To accord with Policy Tr11 of the Taunton Area Action Plan.
10. Prior to the first public use of any part of the development hereby approved a scheme to discourage misuse of the public realm through anti-social behaviour associated with skateboarding shall of first been submitted to, approved by the Local Planning Authority and fully implemented in accordance with the approved details. Reason: To ensure potential conflicts with the use of the site and those with disabilities is well considered to accord with Policy D8 of the SADMP.
11. A revised landscaping/planting scheme informed by DrNo. FB5-AHR-S1-XX-DR-L-08230_P04_P1 shall be submitted to and approved by the Local Planning Authority prior to any soft landscaping works taking place. The scheme shall include all tree species and details of a watering regime and five-year maintenance plan for all trees. A specific scheme of planting to enhance biodiversity on the riverbank and adjacent planting buffer shall be submitted as part of the revised landscaping/planting scheme. The agreed landscaping/planting scheme shall have been completely carried out by the end of the first available planting season after the first use of the development by the public. 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 ensure that the proposed 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.

12. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area of adopted highway to be surveyed must be agreed by the Highway Authority prior to the survey being undertaken. The survey must consist of:

- a) A plan to a scale of 1:1000 showing the location of all defects identified;
- b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.
- c) A timetable for the 'making good' of any defects (in this regard all work should be to the satisfaction of the Highway Authority)

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in the interest of highway safety to accord with the National Planning Policy Framework.

13. 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 in accordance with a timescale that shall have first been agreed in writing with the Local Planning Authority prior to the commencement of works. Reason: In the interest of localised flooding to accord with the National Planning Policy Framework.

14. No development shall take place (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. The fencing shall be maintained and retained for the full duration of development works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

15. No development approved by this permission shall be commenced until a plan is submitted demonstrating there is no loss of cross section area within the river channel because of the works, and that the riverbank slope is safe to allow maintenance by hand. This to be approved by the LPA. Reason: To prevent the increased risk flooding and to allow safe maintenance to accord with the National Planning Policy Framework.

16. No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the LPA. The scheme should include details of the following:
- a) Site security.
 - b) Fuel oil storage, bunding, delivery and use.
 - c) How both minor and major spillage will be dealt with.
 - d) Containment of silt/soil contaminated run-off.
 - e) Disposal of contaminated drainage, including water pumped from excavations.
 - f) Site induction for workforce highlighting pollution prevention and awareness. Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.
- Reason: To prevent pollution of the water environment to accord with the National Planning Policy Framework.
17. 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 to accord with the National Planning Policy Framework.
18. 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.

19.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.

Notes

1. In accordance with the National Planning Policy Framework the Council and relevant statutory consultees have 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.
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 applicant is advised to contact Network Rail Asset Protection Team via 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.
4. The applicant is advised to consider the comments from the Crime Prevention Officer (Avon and Somerset Constabulary) dated 9 June 2022.
5. In order to fully implement the development hereby approved here is a requirement for a stopping up order to be processed before any works could commence within Canal Road, and the applicant should note the requirement for an appropriate licence / agreement to cover any works that could affect Priory Bridge Road.
6. With respect to Condition 04 - The development includes the carrying out of work on the adopted highway. You are advised that before undertaking work on or affecting the adopted highway (including any structure) 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. NB: 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.
7. With respect to Condition 08 the aspiration in imposing the condition is to seek viable and proportionate improvements to the general environment underneath and immediately adjacent to the bridge which forms a part of the general linkage between Firepool and the town centre. This will require the facilitation of discussions with the Highway Authority with it being understood the Highway Authority will have final say on what is and isn't possible and that the Highway Authority or others may have some responsibility to undertake or could be encouraged to make certain improvements themselves. The timetable may phase various improvements to take place before and after the first use of the development. The condition is not envisaged to be a barrier to development but seek best endeavours to improve an existing situation.
8. With respect to Condition 13 - 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 the Highway 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.
9. The applicant should ensure there is an appropriate signed alternative to the Sustrans promoted route during the course of construction works.
10. The applicant is advised of these comments from the Environment Agency-

- a) The applicant should ensure measures are taken to prevent the runoff of any contaminated drainage during the construction phase.
- b) 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.
- c) 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.
- d) Any waste generated must be disposed of in accordance with Waste (England and Wales) Regulations 2011.
- e) 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.
- f) This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Tone, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. The need for an Environmental Permit is over and above the need for planning permission. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.