

38/09/0168

WESSEX FUND

**ERECTION OF OFFICE BUILDING WITH ASSOCIATED PARKING AND WORKS AT SITE ADJACENT TO WOODFIELD HOUSE, TANGIER, TAUNTON AS AMENDED BY LETTER DATED 15 FEBRUARY 2010 AND FLOOD RISK ASSESSMENT ADDENDUM DATED FEBRUARY 2010**

322181.124678

Full Planning Permission

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**PROPOSAL**

The proposal is to erect a 5 storey office building to provide an additional 3426 square metres of floor space above the existing basement car park on this existing office site at the end of Tangier. The submission includes a contamination report, a wildlife survey and a flood risk assessment.

**SITE DESCRIPTION AND HISTORY**

The site is located between the office buildings at the end of Tangier and the Hickley Valtone site and currently provides 3 levels of car parking to serve the existing office buildings to the north west of the site. The current office buildings are 3 and 4 storey structures with pitched roofs and provide over 5000 square metres of floor space constructed in the early nineties.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP* - There is no objection in principle but in terms of detail I have the following comments. Firstly in terms of the parking provision the proposal will provide an additional 16 parking spaces. This is not considered to be a significant increase as the site is currently served by approximately 200 spaces which will be retained under the new proposal. There is no issue relating to the total of 216 spaces within the site as these spaces will serve both the new and existing office block. There are concerns over the management of the site both during and after construction. As yet no information has been provided in relation to how the site will be managed once construction has been completed. In terms of site management during the construction phase the applicant has stated it will encourage staff to utilise the east of Taunton Park and Ride and as such the Highway Authority would require a contribution of £50,000 towards the Park and Ride development. Part of the proposal saw the submission of a Travel Plan. This has been assessed and is considered weak and poorly conceptualised. The plan needs to be a tight action plan and set clear modal share targets before the Plan can be approved.

Once these details are formulised the Highway Authority would request the improved Travel plan forms part of the S106 Agreement. Subject to suitable amendments to the Travel Plan I raise no objection and if permission is granted, request the following conditions concerning disposal of surface water from the

highway, allocated parking kept clear of obstruction, provision of 10 covered cycle parking facilities and implementation of the approved Travel Plan.

*CIVIL CONTINGENCIES MANAGER* - The Flood Evacuation Plan as is good as it could be for the interim period. There isn't anything else that could be done. The routes shown on the drawing are the only ones available. Which one you would take would depend on where the water is. I've nothing adverse to say.

*FORWARD PLAN & REGENERATION UNIT* - No comment received.

*CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE* - The means of escape in case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions of either Approved Document B or some other suitable accepted standard. Detailed recommendations pertaining to these matters will be made later at Building Regulations stage. Access and facilities should include, where necessary, the provision of private fire hydrants for Fire and Rescue Service appliances and should comply with the provisions of Approved Document B, Part B5 of the Building Regulations 2000.

*ENVIRONMENT AGENCY* - Original objection subsequently withdrawn (details below)

I refer to your email dated 24 June 2009 stating that you do not consider there to be any more central sites available for office development outside of Flood Zone 2 in Flood Zone 1 and consider the Sequential Test satisfied. The Environment Agency supports this statement.

However, we OBJECT to the application as the Flood Risk Assessment (FRA) does not meet the requirements of Planning Policy Statement (PPS) 25. At this stage there is insufficient information for the Environment Agency to agree that the development and access/egress to the development will remain safe during a flood event. The site lies within Flood Zone 2, a medium risk flood zone. However the application site area is surrounded by Flood Zone 3, a high risk flood zone area, therefore making access and egress to and from the site a significant problem. The FRA does not satisfactorily mitigate the flood risks associated with this development in accordance with PPS25.

The FRA indicates the flood levels at the site as follows:

1 in 100 year flood level: 16.50 metres Above Ordnance Datum

1 in 100 year flood level plus Climate Change: 16.70 metres Above Ordnance Datum

1 in 1000 year flood level: 17.47 metres Above Ordnance Datum

As the site levels vary between 16.4 and 16.8 metres Above Ordnance Datum it is clear that the site will fall within the high risk zone over its lifetime and therefore it is necessary for the development to be protected in line with PPS 25.

The proposal of a basement car park should be carefully considered in this area. Considering the flood levels, the car park will flood to a significant depth and therefore should be specifically examined. We would strongly recommend that the car park is designed not to flood as the depth of flood water within this area causes a significant threat to life should any person attempt to enter the car park during times of flood. Design features such as raised entrances, exit routes and floating

barriers should be considered along with any compensatory storage which would be required for flood water in the 100 plus climate change scenario. The Environment Agency do not see the flooding of the basement car park as a sustainable approach when considering the regeneration aims and objectives of Project Taunton. There are a number of hazards associated with this proposal:

- People could be trapped in the basement during a flood event.
- Even with identified emergency safe access routes, these could become impassible for people when considering depths of 1.4 metres. It would be very difficult to make these access points flood resilient when considering these depths.
- Cars could become mobile.
- There is no guarantee that the storage volume will be retained for the lifetime of the development.
- The storage of flood water could have structural implications to the building.
- A flood event will deposit a high volume of silt and debris within the basement which will be a high maintenance liability for the landowner.

The Environment Agency will not support a scheme involving the flooding of a basement car park to compensate for the loss of floodplain storage. We would advise that you discuss this issue with Project Taunton on finding alternative sites for floodplain compensation such as Longrun Farm.

The FRA suggests that as means to protect the building, the floor levels will be raised 300mm above the existing ground levels. Project Taunton flood risk studies state that all new development finished floor levels should be raised 600mm above the 1 in 100 year flood level. Considering the figures above, this would be 17.1 metres Above Ordnance Datum.

The access to the site falls within Flood Zone 3 and would currently flood to a depth of around 150mm. When incorporating an allowance for Climate Change this figure rises to 350mm. The flood risk studies carried out by Project Taunton's consultants strongly advise that road and ground levels are protected to a 1 in 100 year level plus an allowance for climate change. This will ensure that access and egress is maintained in the 1 in 100 year event over the lifetime of the development.

As noted in the FRA, there are other development sites proposed around the site which may lead to the upgrade in the existing flood defence. This would offer protection to this development over its lifetime and to the site's access. The proposals are to create new raised defences to protect Castle Street. The Third Way highway scheme will raise Castle Street to a safe level above the 1 in 100 year with climate change. Developments linking into this road are required to raise their connecting access roads to that height thus following the guidance derived from Project Taunton's flood modelling. This approach is applicable to this development and the FRA should confirm that this can be achieved at this site and that adequate compensatory storage can be provided for the raising of ground levels.

Unfortunately the above projects may be under threat due to the current economic market (assumed not confirmed). These two developments are crucial for this office development as they will uprate the current defences and provide a safe access. The FRA needs to take the current defence scenario into account from a flood risk perspective. It may be possible for this development to advance without the

guarantee of the flood wall upgrade if the FRA can show that the building and its occupants would be safe throughout the developments lifetime. We will maintain an objection if safe access to and from the development cannot be achieved.

PPS25 highlights the management of surface water as a key element of Flood Risk reduction. The FRA provides limited information on the surface water drainage scheme. It states that the existing drainage regime on site will not be altered, but attenuation will be provided to reduce run off by 20%. Further calculations are required to understand what level of attenuation is required, where on site it will be located, where Sustainable Drainage Systems (SuDS) can be used and how the scheme will be maintained. Further information is required on the existing system and if there have been any flood events from surface water.

If you are minded to approve this application prior to the submission of further information to address the flood risk issues raised above, I would ask that we are reconsulted in order that further representations can be made. This is in line with paragraph 26, 27 and 28 of PPS25.

30/3/10 - The agent has provided additional information in respect of the above application in a letter received on 15 March 2010. We now withdraw our previous objection subject to conditions being imposed upon any permission granted:

*SOMERSET COUNTY COUNCIL - DEVELOPMENT CONTROL ARCHAEOLOGIST* - No comment received.

*SOMERSET COUNTY COUNCIL - RIGHTS OF WAY* - Cycle track T33/30 abuts the site of the proposed development to the south. From the information provided it appears that the path would not be affected by the proposal.

*SOMERSET ENVIRONMENTAL RECORDS CENTRE (SERC)* - No comment received.

*WESSEX WATER* - The development is located in a sewered area with foul and surface water sewers. The developer has proposed to dispose of surface water to mains sewer. Surface water should not be discharged to the foul sewer. Your Council should be satisfied with the arrangement for the disposal of surface water. It will be necessary for the developer to agree points of connection to our systems for the satisfactory disposal of foul and surface water flows generated by the proposal. There are adequate water mains within the vicinity. It is recommended the developer agree a point of connection prior to commencement of works. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there are uncharted sewers or mains within the site. Please note the grant of permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement to carry out diversionary and/or conditioned protection works at the applicant's expense or the right to prevent carrying out any development as may affect its apparatus.

*BRITISH WATERWAYS* - No comment received.

*NATURAL ENGLAND* - No comment received.

*DRAINAGE ENGINEER* - Subject to receiving the Environment Agency's agreement

to the statements made in the FRA (February 2010) I have only the following observation that requires answering before approval is given, who will maintain the flood gate and be responsible for its operation.

*DIVERSIONS ORDER OFFICER* - Parts of Public Ways T33/28, T33/30 are immediately adjacent to the proposed work site but will not be affected by the proposals if they are accepted.

*HERITAGE AND LANDSCAPE OFFICER* - The large poplar tree just off site is of high amenity value but there may be scope for it to be reduced slightly to accommodate the new building.

*NATURE CONSERVATION & RESERVES OFFICERS* - I agree with the surveyor's assessment that Tangier is an urbanised site, which within itself has low ecological value. However the adjoining black polar and River Tone and tributaries present opportunities for wildlife. I also agree with the surveyor's recommendations that adjoining watercourses should be protected from development works and that there should be no increase in lighting on the western boundary of the site [condition and informative note suggested]

*PRINCIPAL ENVIRONMENTAL HEALTH OFFICER - NOISE & POLLUTION* - recommend conditions regarding land contamination investigation and possible remediation.

## **Representations**

### **2 LETTERS OF OBJECTION:**

- lack of parking given lease arrangements for current occupiers to 2016,
- 16 spaces fall short of the 69 maxima and would be inadequate,
- there is no visitor parking,
- no transport assessment or green travel plan,
- overbearing impact of new building,
- cramped overdevelopment and loss of light.
- Scale contrary to the Taunton Town Centre Area Action Plan (TCAAP).

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS4 - Planning for Sustainable Economic Development (Consultation),  
PPS9 - Biodiversity and Geological Conservation,  
PPG13 - Transport,  
PPS23 - Planning and Pollution Control,  
PPS25 - Development and Flood Risk,  
RPG10 - Regional Planning Guidance for the South West,  
STR1 - Sustainable Development,  
STR4 - Development in Towns,  
S&ENPP1 - S&ENP - Nature Conservation,  
S&ENPP21 - S&ENP - Town Centre Uses,  
S&ENPP48 - S&ENP - Access and Parking,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S&ENPP60 - S&ENP - Floodplain Protection,

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
EN25 - TDBCLP - The Water Environment,  
EN28 - TDBCLP - Development and Flood Risk,  
EN34 - TDBCLP - Control of External Lighting,  
M1 - TDBCLP - Non-residential Developments,  
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,  
M3 - TDBCLP - Non-residential Development & Transport Provision,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations with the current submission are the impact on flood risk for the site and elsewhere, the provision of adequate parking during and after construction, necessary contributions, wildlife and design and amenity issues.

### Flood Risk

The main consideration is the flood risk issues associated with the site and the means of overcoming the initial Environment Agency objection to the scheme. The site is in Flood Zone 2 and is therefore one that is considered acceptable for office use, a 'less vulnerable development' in flood risk terms. The site is a brownfield one within the town centre and there are currently no identified sites within a lesser risk area that could be utilised. The site is surrounded by an area in Zone 3 and adequate flood protection to the site is required, as is necessary alleviation. It is considered that adequate compensatory flood storage capacity could be provided at Longrun Farm, however a contribution towards that provision would be necessary and this would need to be secured through a Section 106 legal agreement. Protection for the existing and new offices to address flooding incorporating climate change is necessary and protection of the road access to the site is also suggested. The flood protection of this site from the river is largely governed by the flood defences to be incorporated within the residential scheme on the adjacent site. Until such time as this is provided the applicant proposes the site has its own warning system as well as being linked to the Environment Agency's warning system and allow for an evacuation route to the south. The Environment Agency advise that they are satisfied with the revised information and withdraw their previous objection subject to conditions to secure adequate floor levels and building protection, safe evacuation procedure, access for maintenance and sustainable surface water drainage.

### Parking Provision

The proposal includes building over the existing car park and subsequently providing 216 parking spaces to serve the existing and proposed offices on the site. The total office space on the site after the development was built would be 9276 square metres. Under the parking policy of the Taunton Town Centre Area Action Plan (TTCAAP) provision of a maximum of 1 space per 100 square metres would be required. However the site technically is not identified as one for redevelopment in the Area Action Plan and so it can be argued that the existing Local Plan policy M2 is the relevant one. This requires 60% of the PPG13 maxima for employment sites in the Taunton Central Area. This equates to 186 spaces and 216 spaces are proposed. This is considered more than adequate to address parking needs for workers and visitors to the site.

It has been pointed out that the existing office tenants have a lease on parking to 2016 and adequate parking during construction needs to be provided. The applicant is proposing to make a contribution to allow for use of the Park & Ride scheme for parking, although other temporary options during construction are also being looked into. It is considered a S106 contribution will be required to help secure Park & Ride provision while a grampian condition in respect of securing off site parking during construction can be applied to cover the scenario of alternative provision being provided. The applicant has confirmed acceptance of this approach.

The provision of adequate cycle parking can be covered by condition and the proposed Green Travel plan can also be addressed by the S106 Agreement. The County Council are also requesting a contribution to the Third Way road in line with previous development schemes in the area and a contribution of £22,500 has been agreed with the developer which will need to be secured through the S106 Agreement.

### Wildlife

The applicant has submitted a habitat survey with the scheme, although there is only limited vegetation on site. The site lies adjacent to the footway running along the Mill Stream which is a County Wildlife site. The recommendations include protection of the stream during construction from accidental pollution incidents and survey of the black poplar beyond the site to address necessary mitigation such as limiting lighting levels. The Nature Conservation Officer has suggested a condition to address the impact on bats and nesting birds and this is considered appropriate as is a condition in respect of controlling light levels along the southern site boundary.

### Design

The proposed development here should be designed to be appropriate and sensitive to its context with decisions informed by the Town Centre Design Code. While this currently only applies to sites identified in the TTCAAP, it is still of relevance as this site abuts an identified site. The architect has designed the building to fit in between the existing four storey office development to the west and the building height has been managed to remain subservient to the existing offices but stepping down to the proposed development fronting the Millstream to the east which is defined as up to 3 storey development under the Design Code. The access and levels between the existing and new building will remain unchanged and whilst the distance of 4m between buildings is small and will have an impact on the existing office building it is considered that this is appropriate in an office environment given the need to increase densities and provide new office space on brownfield sites. The building is intended to meet at least the BREEAM 'Very Good' rating and materials consist of brick, metal clad panels and glazing.

### Other Issues and Conclusion

In light of the ground investigation report submitted with the proposal the Environmental Health Officer is recommending a condition to cover potential contamination on site and this is considered necessary and appropriate.

In summary the design of the office building is considered an appropriate one given the location and constraints of the site. The flood alleviation measures and parking provision is considered satisfactory and the development is therefore considered to

be an acceptable one that will provide employment provision in a sustainable location.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval subject to a Section 106 Agreement to secure a contribution to the Third Way, Park and Ride provision, implementation of a Travel Plan and a contribution for off site flood storage alleviation for the following reason

It is considered that the proposal complies with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design) in that the site has good transport links and neither residential nor visual amenity would be adversely affected and it provides adequate parking complying with policy M3 and flood protection and alleviation in accordance with policy EN28 of the Taunton Deane Local Plan and PPS25.

## **RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: no. 100, 103 RevA, 104 RevB, 105 RevA, 201 RevA, 202 RevA, 301 RevB and flood plan no.10014-SKC002.

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

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. A flood management strategy shall be submitted to and approved in writing by the Local Planning Authority and shall include maintenance of the vehicular access and pedestrian gate and the strategy shall be adopted prior to the occupation of the building and thereafter be maintained in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the site against flooding in accordance with Government guidance in PPS25.



5. 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 Local Planning Authority. The scheme should include details of the following:

1. Site Security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillages will be dealt with
4. Containment of silt/soil contaminated run off.
5. Disposal of silt/contaminated water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness

Reason: To prevent pollution of the environment in accordance with PPS25.

6. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2010 and letter dated 12th March 2010 from Hydrock to the Environment Agency and the following mitigation measures detailed within the FRA:

Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

Finished floor levels are set no lower than 16.7 m above Ordnance Datum (AOD).

The building is totally protected and will stay watertight up to a level of 16.7m A.O.D.

Access to the river corridor for maintenance purposes is maintained.

Reason: To ensure safe access and egress from and to the site and to reduce the impact of flooding on the proposed development and future occupants. To ensure the Environment Agency can fulfil their flood risk management responsibilities.

7. Development shall not begin until full details of the water exclusion strategy for the car park must be submitted to and approved by the Local Planning Authority. This must demonstrate that the car park is protected to a level of 17.2m AOD.

Reason: To ensure that there is no risk to property or people during a flood event.

8. Development shall not begin until details of the flood defence walls and flood gates shown on drawing 10014-SKC002 Rev A are submitted to and approved by the Local Planning Authority and thereafter implemented as agreed.

Reason: To ensure they are fit for purpose as a flood defence and they do not restrict emergency access to the river corridor.

9. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been

submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

Details of how the scheme shall be maintained and managed after completion;

Management of the 1 in 100 year flood event with allowance for climate change; and

Management of the 1 in 30 year event during a tide lock scenario.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system.

10. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles and commercial lorry parks shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment in accordance with PPS25.

11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment in accordance with PPS25.

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

#### a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;

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

#### b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

#### c) Implementation of Approved Remediation Scheme

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

#### d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and

risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PP523 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

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

f) Long Term Monitoring and Maintenance

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies Si and EN32 of the Taunton Deane Local Plan.

13. The development hereby shall not be commenced until details of a strategy to protect and enhance the development for bats and nesting birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of AMA's submitted report dated March 2008 and up to date surveys and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development.
  2. Details of timing of works to avoid periods when nesting birds could be harmed by disturbance.
  3. Measures for the enhancement of places for rest for bats and nesting birds.
- Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect bats and nesting birds and their habitats from damage bearing in mind the law protects these species in accordance with PPS9.

14. The parking layout shown on the submitted plans shall be provided prior to occupation of the new offices and thereafter be maintained as such.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

15. A means of providing a temporary parking provision, during construction works on site, shall be provided and maintained and shall be submitted to and agreed in writing by the Local Planning Authority prior to work commencing and shall be maintained during the construction.

Reason: In the interests of highway safety in accordance with Somerset & Exmoor National Park Joint Structure Plan Review policy 49.

16. Covered cycle parking for a minimum of 10 bicycles shall be provided on site in a manner to be agreed and shall thereafter be maintained.

Reason: In accordance to comply with Taunton Deane Local Plan policy M3.

#### Notes for compliance

1. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how bats and nesting birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU law is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
2. Invitation for tenders for sub-contracted works must include a requirement for details of how the prevention of pollution requirements of condition 5 above will be implemented.

Nothing other than uncontaminated excavated natural materials shall be deposited on the site.

Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001").

3. All waste disposed of off site must be taken to an appropriately licensed waste management facility in accordance with the Duty of Care and the Environmental Permitting Regulations 2007. If any waste is to be brought onto site then the appropriate exemption must be applied for.

Exemptions from the Waste Management Licensing Regulations for moving waste spoil/subsoil off-site will be required and the developer will need to contact the Environment Agency to apply for such activities.

4. Flood defence consent must be gained for an application 8 meters from the top of bank from the River Tone and the Mill Stream.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**