

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 20 January 2010 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 16 December 2009 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Planning Committee are attached.
- 5 34/09/0037 - Erection of two storey side extension, rear conservatory, replacement garage and replacement porch at 3 Hillhead Cottages, Rectory Road, Staplegrove.
- 6 35/09/0006 - Erection of 2 polytunnels at land at Bullock Field Hill, Stawley.
- 7 36/09/0017 - Erection of 10 x 2 storey dwellings (to include 3 affordable housing) and associated works at the Old Coal Yard, Stoke St. Gregory.
- 8 38/09/0359 - Erection of 18 affordable apartments together with associated access works, parking and landscaping on land at 49 Wordsworth Drive, Taunton.
- 9 38/09/0388 - Public realm improvements including removal of car park, demolition of Castle Hotel outbuilding and provision of parking, replacement boundary treatment to the Castle Hotel and Museum, installation of footbridge to Castle Gardens, improvements to north entrance to Museum, provision of new street furniture, lighting, landscaping and paving at Castle Green, Taunton.
- 10 38/09/0389/LB - Demolition of Castle Hotel outbuilding, replacement boundary treatment to the Castle Hotel and Museum, improvements to north entrance to Museum and provision of new lighting at Castle Green, Taunton (amended proposal to 38/09/0166LB).

- 11 41/09/0026 - Erection of 11kw wind turbine (18.3 metres high to hub with rotors at 13 metres diameter) at Bridgets Farm, Tolland.
- 12 43/09/0110 - Residential development to provide five dwellings in lieu of four previously approved, together with access, parking and associated works, plots 24-27, land at former ABL and Westford Plastics site, Payton Road, Wellington.
- 13 49/09/0054 - Alterations to approved scheme for conversion of barn to dwelling (49/09/0059) and erection of agricultural building at Footlands Farm, Ford, Wiveliscombe.
- 14 49/09/0055/LB - Alterations to approved scheme for conversion of barn to dwelling (49/09/0059), Footlands Farm, Ford, Wiveliscombe.
- 15 Miscellaneous Report - County Hardwoods, Creech Mills Industrial Estate. Report of the Head of Legal and Democratic Services (attached).
- 16 Enforcement Item - Mobile home situated on land adjacent to Stoneyhead Cottage, Wrantage. Report of the Growth and Development Manager (attached).
- 17 Planning Appeals - The latest appeals lodged and appeal decisions received (details attached).

Tonya Meers  
Legal and Democratic Services Manager

12 January 2010

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact Democratic Services on 01823 356382 or email [d.durham@tauntondeane.gov.uk](mailto:d.durham@tauntondeane.gov.uk)**

**Planning Committee Members:-**

Councillor P Watson  
Councillor D Wedderkopp  
Councillor M Floyd  
Councillor K Durdan  
Councillor B Denington  
Councillor M Hill  
Councillor D House  
Councillor C Bishop  
Councillor R Bowrah, BEM - Mayor  
Councillor J Allgrove  
Councillor C Hill  
Councillor S Brooks  
Councillor G Copley  
Councillor P Critchard  
Councillor L James  
Councillor T McMahon  
Councillor N Court

## Planning Committee – 16 December 2009

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Brooks, Mrs Copley, Ms Court, Critchard,  
Denington, C Hill, House, Miss James, McMahon, Watson and  
D Wedderkopp

Officers:- Mr J Hamer (Development Control Area Manager, West), Mr B Kitching  
(Area Planning Manager), Mrs J Jackson (Legal Services Manager)  
and Ms M Casey (Planning and Litigation Solicitor)

Also present: Councillor Coles

(The meeting commenced at 5.00 pm)

### 136. Apologies

Apologies: Councillors Bowrah, Ms Durdan and Mrs Floyd.

### 137. Minutes

The minutes of the meetings of the Planning Committee held on 29 September 2009, 28 October 2009, 18 November 2009 and 25 November 2009 were taken as read and were signed.

### 138. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. The Chairman (Councillor Mrs Hill) declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Coles declared a personal interest as a Director of Southwest One. Councillor C Hill declared a prejudicial interest in application No. 32/09/0004 as he was related to the applicant. He left the meeting during the consideration of this item. Councillor Watson declared that he had previously spoken in connection with application No. 45/09/0016 and considered he had "fettered his discretion". He left the meeting during the discussion of this item. Councillor Bishop declared that he had attended two Parish Council meetings where application No. 26/09/0010 had been discussed. He considered that he had not fettered his discretion. Councillor Critchard declared a personal interest in application No. 30/09/0029, as he knew the applicant.

### 139. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That **planning permission be granted** for the under-mentioned developments:-

**05/09/0033**

**Construction of new front garden wall as replacement for existing Leylandii Hedge at 86 Gillards, Bishops Hull**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

**Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

**30/09/0029**

**Erection of two storey extension at Lower Woodmans, 4 Curdleigh Lane, Blagdon Hill**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

**Reason for granting planning permission:-**

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

**45/09/0016**

**Siting of catering unit selling hot/cold snacks, drinks and breakfast at London Farm, West Bagborough (retention of works already undertaken)**

(Note to applicant:- Applicant was advised that the signs at the entrance to the site and at the A358 junction require Advertisement Consent.)

**Reason for granting planning permission:-**

Additional journeys would not be generated by private cars by allowing the catering unit to remain and it was not considered that access / egress from the site would result in problems of highway safety (Taunton Deane Local Plan Policy S1).

**Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-**

The Committee was of the view that additional journeys would not be generated by allowing the snack bar to remain and Councillors did not feel access/egress would be a problem.

**49/09/0056**

**Roof alterations to agricultural building to provide protected species' (bats) accommodation in connection with conversion of barn to dwelling (The Granary) at Footlands Farm, Ford, Wiveliscombe**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be completed prior to work first commencing on the conversion of either Riley's Byre or The Granary to a dwelling;
- (c) The development hereby permitted shall not be commenced until details of a strategy to protect bats has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the submitted drawings and advice provided in Acorn Ecology Limited's submitted mitigation report, dated 31 January 2008 and include:- Details of protective measures to include method statements to avoid impacts on bats and breeding birds during all stages of development; Details of the timing of works to avoid periods of work when the bats and breeding birds could be harmed by disturbance; and Measures for the retention and replacement and enhancement of places of rest for bats and breeding birds. Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat roost and bird boxes and related accesses has been fully implemented.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats and breeding birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the bats and breeding birds that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply

with the appropriate wildlife legislation; (2) Applicant was advised that bats are known to use the building(s) as identified in submitted reports. The species concerned are European Protected Specific within the meaning of the Conservation (Natural Habitats &c) Regulations 1994 (as amended 2007). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with Regulation 44 (3) (b) of the above regulations. Natural England requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.)

### **Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual amenity, and would provide accommodation for bats. Accordingly, the proposal was considered acceptable, would not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design) and would comply with the Planning Policy Statement -"Biodiversity and Geological Conservation".

(2) That planning permission be **refused** for the under-mentioned developments:-

**10/09/0023**

**Erection of carport, store and log store at The Pound, Trents Farm, Royston Road, Churchinford**

### **Reason**

The proposed carport is sited in a prominent position forward of the dwelling and within 2m of the front wall of the dwelling that forms part of the original barn. In this position the carport is considered to adversely affect the linear appearance of the dwelling, altering the appearance of the front elevation and harming the setting of the former barn, therefore having a detrimental impact on the character and appearance of the dwelling. The proposal is contrary to Policies S1, S2, and H17 of the Taunton Deane Local Plan.

**26/09/0010**

**Erection of 7 no affordable dwellings on agricultural land opposite Village Hall, Nynehead (revision of 26/08/0010)**

### **Reasons**

(a) The proposed development fails to accord with the provisions of Local Plan Policy H11 considered to be small scale as required by the Policy, in particular with regard to the size of the existing village. Insufficient information has been provided to demonstrate that there is a proven local affordable housing need of the scale proposed. Furthermore there is insufficient evidence to indicate that satisfactory arrangements are to be made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of local need. As such the proposal would be

- contrary to the provisions of Taunton Deane Local Plan Policy H11 and guidance contained in Planning Policy Statement 3;
- (b) The site lies beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to Planning Policy Statement 7, Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S7 of the Taunton Deane Local Plan;
  - (c) The site is located outside the confines of any major settlement in an area that has very limited public transport and other services. The development, if approved, will increase the reliance on the private motor car and foster a growth in the need to travel, contrary to advice given in Planning Policy Guidance Note 13, Regional Planning Guidance 10, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan.

**49/09/0046**

**Conversion of barn to single storey dwelling at Maundown Cottage, Jews Lane, Maundown, Wiveliscombe**

### **Reasons**

- (a) The site is located within open countryside where Development Plan policy provides that development should be strictly controlled and only provided for where consistent with the policies and proposals set out in the Plan. The proposed conversion to a permanent and self contained residential dwelling remote from adequate services, employment, education and the like, would be likely to generate the need for additional travel by private motor vehicles due to its location and lack of accessibility to alternative means of travel. The development is therefore considered to be an unsustainable form of development contrary to Local Plan Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Taunton Deane Local Plan Policies S1 and S7 and Planning Policy Statements 1 and 7;
- (b) Having regard to the form, character and appearance of the building, which this application seeks to convert, it is considered not to constitute a traditional agricultural building in that the building does not contain any features of historic or architectural importance or interest. The merits associated with permitting the conversion of traditional agricultural buildings are therefore not considered applicable in this instance and the proposal would therefore not be in keeping with its surroundings, nor do they outweigh the provisions of sustainable development. Therefore it is considered that the proposal does not accord with Taunton Deane Local Plan Policy H7 (Conversion of Rural Buildings) or the provisions of Planning Policy Statement 7 (Sustainable Development in Rural Areas).

**140. Erection of stockyard, erection of building for dairy cattle housing on**

**previous site of demolished pig fattening building at Sampford Farm, Sampford Arundel (32/09/0004)**

Reported this application.

**Resolved** that subject to the receipt of no further representations raising new issues by 22 December 2009, the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, and if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that there must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct to watercourses, ponds or lakes, or via soakaways/ditches; (2) Applicant was advised to ensure that any manure/dung heaps within the site must be kept within an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off; (3) Applicant was advised that all waste should be disposed of in accordance with the Code of Good Agricultural Practice to ensure protection of nearby water courses which was available from the DEFRA website.)

**Reasons for planning permission, if granted**

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

**141. Unauthorised new wall and gates at Orchard Croft, Bussells Farm Lane, West Buckland**

Reported that it had come to the attention of the Council that a new wall and gates had been erected without planning permission on land at Orchard Croft, Bussells Farm Lane, West Buckland.

The owner of the land had been contacted and applications to retain the wall and gates had been made in both June 2009 and October 2009. Both applications had been refused under delegated authority. To date, no action to remove the wall and gates had been taken.

**Resolved** that:-

- (i) Enforcement action be taken to remove the unauthorised wall and gates that had been erected on land at Orchard Croft, Bussells Farm Lane, West Buckland and the reinstatement of the original wall; and

- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

#### **142. Appeals**

Reported that five appeal decisions had recently been received, details of which were submitted. All five had been dismissed.

**Resolved** that the report be noted.

(The meeting ended at 7.40 pm.)

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Brooks, McMahon and Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor Coles

34/09/0037

MR R ANDERSON

**ERECTION OF TWO STOREY SIDE EXTENSION, REAR CONSERVATORY, REPLACEMENT GARAGE AND REPLACEMENT PORCH AT 3 HILLHEAD COTTAGES, RECTORY ROAD, STAPLEGROVE AS AMENDED BY AGENT'S E-MAIL DATED 4 JANUARY 2010 AND ACCOMPANYING AMENDED DRAWING NO. 2209\_02 REV.C**

321194.126729

Full Planning Permission

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**PROPOSAL**

It is proposed to add extensions to a semi-detached house. The extensions will be a 2-storey side extension, a rear conservatory, a replacement porch at the front, and a replacement garage at the side.

The 2-storey extension will be 3.2m wide x 5.2m deep x 7m high. It will be set back slightly from the front building line and the ridge is 0.25m below the ridge of the existing house. Proposed materials are brick and tiles to match the existing. The proposed garage will be to the side of the house, but set back behind the rear building line. It will be 3m x 5.5m, and materials will be timber with a tiled roof. The replacement porch at the front will have a pitched roof and materials to match the dwelling and the conservatory will be glazed.

The application is presented to Committee as the agent is related to a member of staff.

**SITE DESCRIPTION AND HISTORY**

The site lies on the northern edge of Staplegrove, where there are 3 pairs of 2-storey, semi-detached dwellings fronting the road. No. 3 is the northern half of the middle pair. The site is within the settlement limits.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP - No obs.*  
*STAPLEGROVE PARISH COUNCIL -*

**Representations**

None received

**PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H17 - TDBCLP - Extensions to Dwellings,

**DETERMINING ISSUES AND CONSIDERATIONS**

The proposed extensions are in keeping with the existing dwelling in terms of scale,

design and materials and will be subordinate to the dwelling. Some of the other dwellings in the row have had similar 2-storey extensions, and this proposal is in keeping with these. The proposal is in accordance with the policies which allow extensions to existing dwellings. The amended plans delete the timber cladding from the front elevation of the proposed two storey extension.

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

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and H 17 (Extensions to Dwellings).

### **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 materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building unless otherwise agreed in writing with 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.

Notes for compliance

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

**CONTACT OFFICER: Mrs H Pulsford Tel: 01823 356328**

35/09/0006

MR K OYSTON

**ERECTION OF 2 POLYTUNNELS AT LAND AT BULLOCK FIELD HILL,  
STAWLEY**

307149.122991

Full Planning Permission

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**PROPOSAL**

This application seeks full planning permission for the erection of two polytunnels. The polytunnels would both measure 9m x 27m and would be sited to the south east of the existing building, lower down the field. As originally submitted, the northern most polytunnel was proposed to be 0.5m higher than the southern one. Following the landscape officer's comments, this higher polytunnel is now proposed at the same height as the lower one. The polytunnels would be dug-in such that they were between 0.2m at the lowest point and 2m at the highest point below the natural ground level.

A new tree and hedgerow is proposed along the south eastern boundary, with additional hedge planting indicated along the south western boundary, adjacent to the polytunnels.

The unauthorised caravan is indicated on the layout plan, but this does not form part of the application.

**SITE DESCRIPTION AND HISTORY**

The site, in the open countryside, is situated towards the top of a hill, which falls away to the south and east. The top of the hill is just beyond the site to the northwest, where the site borders the highway, lined by trees. There is an existing timber clad agricultural building and associated landscaping on the site, which was permitted by application 35/08/0003.

The north western site boundary is formed of a hedge and mature trees, and separates the site from an agricultural field. The southern boundaries are generally formed by post and wire fences, which give way to further agricultural land that falls away steeply. Accordingly, the site is prominently located when viewed from the south. That said, views from the closest public footpaths and highways are limited to various gaps within the hedgerows, mainly from the Stawley to Kittisford road.

Application 35/09/0002 sought planning permission for the erection of 3 polytunnels and the stationing of a mobile home for an agricultural worker. That application was withdrawn after planning officers expressed concern about the functional need for the caravan and the visual impact of the polytunnels.

In November 2009, Planning Committee authorised the service of an Enforcement Notice against the unauthorised residential occupation of the caravan. The notice has not yet been served as the applicants had advised of their intention to submit a revised application for the dwelling. That application has now been submitted and remains under consideration.

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations to make.

*STAWLEY PARISH COUNCIL* - Objects to the granting of permission for the following reasons:

- It is not possible for the application to be considered separately from the subsequent application for the siting of a temporary agricultural worker's dwelling. It is clearly the applicants' intention for them to be considered together as the attachments to the Landscape Visual Impact Assessment (LVIA) are clearly marked as 'proposed siting for agricultural worker's mobile home; the plan submitted with the application has the same project title and includes the 'caravan' in the plan; the Parish Council understands that an Enforcement Notice against the presence of the caravan has been issued but has not been served. Clearly the Borough Council considers the current arrangement for the caravan to be unacceptable.
- In the LVIA, the 'mobile poultry ark' positioned in the location of the polytunnels does not facilitate consideration of the visual impact. The ark is significantly smaller than the polytunnels and of a natural colour, rather than the white plastic of a polytunnel. Further, it is not the height of the tunnels (as maintained in the LVIA) that will cause the greatest visual impact, so digging in of the polytunnels will have minimal to no effect in reducing the visual impact. It is the overall dimensions and the material from which they are fabricated which will cause the impact on the landscape.
- The angle of photograph 1 in the LVIA does not give a true picture of what may or may not be visible from the highway. It is believed that there will be a clear line of site down the east side of the site from the highway and the end of the polytunnels will be visible.
- Similarly, the other photographs in the LVIA cannot show the true impact that the 2 polytunnels are likely to have, due to the materials and dimensions proposed.
- The sites of the photographs do not take into account how the polytunnels will be seen from Greenham, the road leading from Greenham to Thorne St. Margaret and other locations within the Parish and its neighbouring parishes, from which two large white scars will be seen on the side of the valley. The site is in a prominent location and is clearly visible from much of the surrounding area.
- Any planting of additional trees and hedging in the field to the southwest of the proposed site and the proposed new hedgerows and earthworks will have minimal impact for at least 5 years.

The Parish Council are also concerned about the financial viability of the whole enterprise and the potential despoliation of the countryside for no economic gain.

*SENIOR ENFORCEMENT OFFICER -*

*HERITAGE AND LANDSCAPE OFFICER* – The lower of the two polytunnels should be acceptable in terms of landscape impact but I am concerned that the higher one

will be visible and have a landscape impact.

Subsequent to these comments, the application was amended as described above. The Landscape Officer has now confirmed that he considers that the proposal to be acceptable and, within 5 years, the proposed landscaping will significantly reduce the visual impact.

## **Representations**

11 OBJECTIONS have been received in respect of this application raising the following issues:

- The tunnels are in a prominent position in an area of beautiful countryside.
- The tunnels can be seen from many locations in the Parish and Surrounding parishes.
- The proposed screening could do no more than be partially effective without compromising the production in the tunnels. The Council should seek an expert opinion on this matter.
- Such structures are an eyesore and not in keeping with surrounding traditional agricultural buildings.
- The proposed earthworks are similarly an incongruous intrusion into the surrounding area.
- Granting permission will set a precedent for other undesirable structures in the area.
- Polytunnels require a vast amount of water, increasing demand of this resource and leading to supply and drainage issues.
- The site does not have the appropriate infrastructure to support this form of intensive agriculture.
- Intensive use requires access by larger vehicles – the visibility splays and narrow road network cannot support this.
- Visibility improvements can only be made by the destruction of the hedgerow.
  
- The site is bordered by farmland where organic farming and environmental husbandry are underlying values of the community.
- This proposal will have a negative social and environmental impact on the local area.
- The lack of consultation with the local community indicates no long term interest in the area.
- Local residents wish to be involved in discussions early on to express their views to the applicant.
- There is no evidence of the economic viability of the enterprise.
- The enterprise cannot be economically viable due to the small area of land. This poses the question of what the real motive is.
- Question how much thought has been put into the environmental impact of the polytunnels, let alone the economic viability and the poor aesthetics.
- It is not known what will be grown in the polytunnels.
- This application is the next step to securing permission for a dwelling before selling it on. This will also set a precedent for further dwellings.
- If the polytunnels were lit they would cause a horrendous eyesore and light pollution across the valley.
- If this is becoming a nursery business there will be traffic and entry problems.
  
- There is no evidence to support the claims in the application that the applicant

has considerable experience in farming.

- The stated use is agriculture, but it is in fact a caravan site.
- The activities include heavy horses, but they are not an agricultural animal and would not be required to assist with the polytunnels.
- Polytunnels have already been sited on the land.
- The ancient stone faced hedge bank has been removed to improve visibility, which will open up the beautiful tree-lined vista.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

S7 - TDBCLP - Outside Settlement,

STR1 - Sustainable Development,

STR6 - Development Outside Towns, Rural Centres and Villages,

PPS7 - Sustainable Development in Rural Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The application site is in the open countryside, where additional agricultural development is acceptable in principle. The Highway Authority have confirmed that they do not wish to make any comments on the proposal and it is, therefore, considered that there will not be an unacceptable impact on the highway network. The amenities of neighbouring properties are unlikely to be adversely affected, so the main issue in the consideration of this application is the visual impact.

It cannot be denied that the site is in a prominent location being close to the top of a hill. However, as noted above, the number of places that the site can be viewed from in close proximity is fairly limited, generally restricted to gaps within field boundaries along the Appley to Stawley road and Appley to Kittisford road. Arguably the greatest visual impact is from a point on the Kittisford Road almost due south of the site, where the site is viewed in front as the road descends steeply. The application proposes a significant amount of new landscaping, including the planting of a new second hedge along the eastern site boundary, inside the existing and the provision of a new hedge along the southern site boundaries. It cannot be denied that the proposal will be visible, certainly over the first 5 years whilst the proposed landscaping is allowed to establish. However, once established, it is considered that the extent to which the polytunnels will be dug in, together with the proposed hedgerows will provide sufficient landscaping to acceptably assimilate the development into the surrounding area. Agricultural development is appropriate in the rural area and the siting proposed is considered to be the most suitable on this small block of land. I therefore consider the visual impact to be acceptable.

From further afield, the site may well be visible from many places due to its position and elevation. However, from these distances, it is considered that it will be viewed as a small component within a generally open landscape, which includes isolated farms and buildings. It is not considered, therefore, that the visual impact on the wider area could warrant refusal of the application.

It is clear that there is considerable local opposition to the proposal, both the current application and the potential long term intentions of the applicants. Both the planning history and the current application for a temporary dwelling indicate that the applicant does intend to live on the site. However, the assessment of that

application and concerns about the functional need for the dwelling are not material to the consideration of this proposal. Concern has been raised that visibility splays will require the loss of the hedgebank and trees at the access. However, the Highway Authority do not require any alterations to the access. Objection has also been raised on the basis that there has been no consultation with the local community by the applicant. However, this is not a requirement of the planning system, and cannot really be expected for a small-scale agricultural proposal such as this. Likewise, the applicants own credentials, agricultural methods and practices are not material to the considerations and the application must be determined on its own merits.

With regard to these matters, it is considered that the impact of the development will be acceptable and it is, therefore, recommended that planning permission is granted.

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

Recommended Decision: Conditional Approval

The proposed development is acceptably located for the purposes of agriculture intended. The extensive landscaping proposed will, over time, ensure that the visual impact of the proposal is reduced such that it will acceptably assimilate into the surrounding countryside. It is, therefore, in accordance with Policies S1, S2 and S7 of the Taunton Deane Local Plan and guidance contained in Planning Policy Statement 1.

## **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.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by

the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

3. No lighting shall be installed in the polytunnels hereby permitted without the further grant of planning permission.

Reason: To ensure that the polytunnels are not unduly prominent in the landscape, particularly at night, to ensure an acceptable visual impact in accordance with Policy S1(E) of the Taunton Deane Local Plan.

Notes for compliance

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

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**

**ERECTION OF 10 X 2 STOREY DWELLINGS (TO INCLUDE 3 AFFORDABLE HOUSING) AND ASSOCIATED WORKS AT THE OLD COAL YARD, STOKE ST. GREGORY**

335157.126966

Full Planning Permission

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**PROPOSAL**

The application is for the erection of 10 (3 x 2-bed and 7 x 3-bed) dwellings, to include 3 affordable units and associated works. The application is accompanied by plans, elevations, design and access statement, affordable housing statement, transport statement, marketing and commercial viability report, ecological assessment, land contamination assessment, planning statement and statement of community engagement.

The dwellings are grouped in pairs of houses with each pair having associated double garages, some of which have parking in front; there is also a parking area for 5 cars shown immediately opposite the entrance to the site. The dwellings are shown to be painted roughcast on a natural stone plinth, with a terracotta profiled tiled roof; windows would be painted timber frames. Carparking and garaging are provided in a cul-de-sac arrangement. Four of the six houses adjacent to the main highway have pedestrian access to that highway. Access is also shown through the site to the adjacent agricultural field. A widened access, new visibility splay with new hedge planting is shown at the existing access.

There are some trees on the site, mainly in two groups, one on the highway frontage, the other between buildings towards the south of the site. These are all shown to be removed, with new planting as hedges to the main highway frontage and some along part of the internal road. Several new trees are shown to the rear of the garage blocks which back onto the road, two at the end of the eastern hammerhead, and one in the parking area.

The planning statement accompanying the application, gives the agent's views on Policy – which are the relevant Central and Local Government policy documents, that whilst it may be a desire to protect the site as an employment site, that this was not a reason for the most recent refusal; that the proposed development accords with the stated policies including S7, as *“in some cases new housing can be acceptable subject to strict controls being in place”*, that the aim of Policy S7 is to ensure any new development that lies outside a defined village limit both benefits the rural economy and maintains and enhances the environment; that the proposed development will support the existing village services such as the school, post office, bus service, village hall, church and pubs and thus benefit the local rural economy. The agent advises that there is no interest in the site for commercial use and that the development for housing would *“improve the character and appearance of the site and surrounding area..... offer both starter low cost homes and affordable housing”*. The existing provision in Stoke St Gregory of public open space, with playing field, football pitches, cricket pitch pavilion, hard tennis court, BMX track and a

playground, and therefore there is no requirement for public open space as part of the scheme. The agent states that the Central Government advice in PPS1, 3 and 7, support the development for housing. The agent states that two thirds of the site was operated as a coal yard for 29 years, that a number of storage buildings were used in association with this business, and the remaining third was used for withy stripping - the willows were delivered to and stripped on the site, which is an industrial process.

The design and access statement states that *"the application site lies on the fringes of the built up area of Stoke St Gregory, and is adjacent to other residential dwellings."* The dwellings would be simple two storey structures and will reflect the character and quality of the surrounding residential dwellings. The dwellings would attempt to achieve level 3 of the Code for sustainable homes.

The statement of community engagement set out the strategy for this, the outcomes, feedback and response. In summary the agent pointed out the features of the site and the need to consult with the Parish Council and give opportunity for local residents to comment and pre application discussions with the Local Planning Authority and Highways Authority. There were several discussions with the Parish Council, which the agent advises resulted in issues of whether the site was brownfield, highway safety, alternative uses, density and suitability for residential development. The agent advises that the proposed scheme took into account all the feedback received.

The previous marketing report (May 2007) has been supplemented by a statement from agents which states that since the previous report the economy and commercial property market have deteriorated significantly and that it is not felt that there would be any serious interest from commercial investors, developers or occupiers. In the opinion of the 'commercial' agent development of the site for commercial use would be unviable particularly in the current economic climate.

At the time of the previous ecological survey, there was record of a roosting/feeding Barn Owl, for which mitigation measures would be incorporated. This has been updated for the current application and it was noted that one barn in the eastern corner was partially collapsed and a large open barn, noted as unsafe in 2006 had collapsed. There had been progressive dilapidation, including loss or failure of roofing materials, leading to rain and light ingress, further limiting the structures suitability for wildlife, particularly bats and nesting birds. The report adds that rats had now been noted, possibly due to fly tipping.

The land contamination report states that there has been no ground investigation, that this will be necessary, given the history for the site, which includes use as a coal depot.

The applicant advises that there will be provision for affordable housing on the site, to be one in three units, with a commuted sum of £24, 793.60, this to be secured through a S106 agreement.

The transport statement has been prepared to assess the transport issues relating to the development site, the proposed development and includes an assessment of the impact on the surrounding highway network. The Policy background is followed by site location and accessibility, the Woodhill road is described as *"lightly trafficked rural road with single carriageways. The road had a variable carriageway width*

*between 6.0m at the centre of the existing coal yard depot access and gradually narrows to 4.4m over the length of the site in a south easterly direction. The carriageway width in this direction then widens to a maximum of 6.1m at the centre of the side road junction of Woodhill. The minimum carriageway width in this particular direction measures 3.7m at approximately 150m south east of the existing coal yard depot access.”* The statement also states that there are few locations where footpaths exist for pedestrians, but that there are a number of designated public rights of way within the Parish, that can be used by pedestrians to access local amenities as traffic free alternatives to using the existing road network. There are bus services, which can be used to access Taunton in just over half an hour, and the frequency is such that the bus could be used to access employment in Taunton.

## **SITE DESCRIPTION AND HISTORY**

The site is located to the east of Stoke St Gregory. It has a number of old former agricultural buildings on its southern side; previously there were buildings on its northern side, but these have been demolished in the last few years. There is an existing access almost opposite some of the outbuildings/garage to Culvercroft, a residential property, to the north-west of the site. There are residential properties to the north-east of the blue part of the site. Farmland surrounds three sides of the site which measures approximately 98m x 31m.

### **History:**

1997 permission was granted for the change of use of the former coal yard and agricultural storage buildings (an 'L' shaped site which excluded the outbuilding now demolished) to general storage purposes, however it appears that this permission was not implemented as the conditions requiring certain works to be carried out within a certain time period were not commenced let alone completed. This application followed the unauthorised use of the site following the cessation of the coal yard use.

2007, an application for the erection of 5 detached dwellings with garages, on a site measuring approx. 95m by 30m: this was withdrawn prior to decision.

In June 2008, Planning Committee refused the application for erection of 4 dwellings and garaging, the site being approx 65m by 30m, for reasons that the site was located outside any recognised developed boundary limits, and that the new dwellings were not required for a proven agricultural purpose and inter alia were contrary to PPS3 and Taunton Deane Local Plan Policy S7.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

**SCC - TRANSPORT DEVELOPMENT GROUP** - The proposed development site is located outside the confines of any recognised development boundary limits. The core of the village of Stoke St Gregory includes a shop, hall and school and can be considered to be within walking distance of the site. However, pedestrians would be reluctant to walk to the village due to the narrowness of the highway its poor visibility and lack of footways. Therefore, pedestrian access to local community facilities cannot be described as safe and convenient.

It should be noted that the residents of the development would be wholly reliant on the private car, contrary to advice given in PPG13, and policy STR 1 of the Somerset and Exmoor National Park Joint Structure Plan Review. The site is more remote from employment, education and retail centres. This is clearly fostering a growth in the need to travel and unsustainable in terms of transport policy.

It must be largely a planning matter as to whether or not the economic benefits of the development outweigh the concerns of the Highway Authority.

In terms of detail the proposed 10 dwellings will be accessed via an internal estate road access. This design layout has since been subject to an audit from our Estate Roads Team which provided the following observations. These are attached on a separate sheet.

The proposal will have access onto an unclassified highway which is subject to a national speed limit. As such under Manual for Streets visibility splays of 59m would be required in either direction. However due to the alignment of the road past the site traffic speeds are limited. I estimate that a suitable design speed to be used for determining visibility splays is 25mph to 30mph. From an inspection and topographical survey forming part of the application, it would appear that suitable visibility splays of 2.4m x 45m could be achieved from the site access. Whilst a 2m wide footway will need to be provided along the western boundary of the bitumen access road up to the private access footpath serving plot 2.

As part of the application a Transport Statement was submitted. This provided details on the proposed amount of vehicle movements which would be associated with this development. The Transport Statement utilises TRICS data sets to estimate a total of 58 vehicle movements per day from the 10 dwellings, including 5 during the AM peak period and 8 in the PM peak period. It is thought that this is likely to be an underestimate as the sites within the database are not representative of this rural location. Nonetheless, the number of movements per peak hour would be less than one every 5-6 minutes. Although the applicants' agent has suggested that this proposal would have less of an impact on the surrounding environment than the previous commercial use of the site there is no evidence within the Transport Statement to support this comment.

It is concluded that the number of trips generated by this development would be relatively small; nonetheless it represents an increase in flow compared to present levels, and probably in comparison to any realistic historical generation from the site.

In terms of parking the proposed development will provide a total of 20 spaces for 10 dwellings. This equates to two spaces per unit. This therefore meets the requirements set out in the Local Transport Plan (Parking Strategy) and Policy M4 of the Taunton Deane Local Plan.

One issue which became apparent during pre application discussions was this proposal would not be served by a continuous footway to the centre of the village. It has the potential to cause an increase in pedestrians walking in the carriageway. A number of possibilities were discussed to overcome this problem. As previously stated the adopted carriageway is governed by a National Speed Limit. However traffic speeds are considerably lower whilst the traffic flows are extremely light. In normal circumstances the lack of an appropriate footway would cause the Highway

Authority concerns. However there are a limited amount of footways within the village so drivers should be aware of pedestrians walking in the carriageway.

The most prudent solution would see the 30mph speed limit to be increase to encompass the proposed application. Such an extension would need to be subject to a Traffic Regulation Order for the extension to the speed limit and the necessary 30mph repeater signs would need to be provided for this at the required distances. Given such an Order is subject to the required legal consultations and procedures under 'The Local Authorities' Traffic Orders (Procedure) Regulations', as an Authority we cannot guarantee that any Order will be implemented. We have had occasions where a Parish Council has refused such a speed limit due to the provision of the required signing.

Therefore to conclude the general layout of the site is considered to be appropriate subject to some minor amendments which are set out above. The amounts of vehicle movements are not considered to be relatively small. The access is considered to be appropriate with suitable visibility being achievable in either direction. Whilst the Highway Authority is not adverse to the speed limit being amended to encompass the site. I therefore raise no objection and if planning permission were to be granted I would require the following conditions to be attached.....

*STOKE ST GREGORY PARISH COUNCIL* - Parish Council unanimously object;-

- The site is entirely outside the settlement limits of Stoke St Gregory, a key point that no further residential development would be allowed in the village. Stoke St Gregory is not a designated rural centre for further development.
- Precedent for further development of other much larger agricultural sites in the village.
- Concerned about the danger to pedestrians and villagers on road where access is proposed, the road is renowned locally for being extremely dangerous due to double blind bend just before the location of the proposed access. It is the opinion of the Parish Council that the suggestion that the extension of the 30mph speed limit will not ensure the safety of pedestrians. The alternative footpath route is not a practical to the village centre as most of the year it is muddy. All the estates have paths/pavements to the village, contrary to the agent's statement.
- There will be additional traffic along narrow lanes as the new occupiers will use private cars.
- Detrimental visual impact of the proposal, the ridge height will be approx 7m high at the side of the lane, the dwellings will be less than 3m from the road, creating a look not dissimilar to something that would be found in a large town.
- Views would be blocked.
- This area has a sporadic sprinkling of houses, many of these sit in sites similar in size to this development site, and thus it is out of character.
- The site was previously in character with the rural setting prior to its purchase by the current owners, it has become more unsightly in recent times.
- The environmental impact of such scheme is of concern; we understand that the environmental survey was completed at the wrong time of year to gauge the levels of wildlife accurately.
- There are problems of sewage disposal and light pollution, as well as the increased carbon footprint.
- The site has been primarily agriculture for the last 50 years, with a small area

being used as a coal yard; the Parish Council does not agree that this is a brownfield site.

- There is a designated area for three affordable houses with planning permission already granted. According to the last village survey, there is no requirement for any more affordable housing in the area. The village has increased its proportional number of affordable and social housing significantly in the past few years.

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*DIVERSIONS ORDER OFFICER* - no observations.

*WESSEX WATER* - the development is within a foul sewered area and there are water mains in the vicinity, the developer will have to agree a points of connection onto the systems, which can be agreed with WW. Notes re other uncharted sewers or mains.

*FORWARD PLAN & REGENERATION UNIT* - The site is not within settlement limits of Stoke St Gregory, as defined in the adopted TDLP. the proposed residential development is therefore contrary to Policy S7. The site has an established employment use and provides an opportunity for employment development in this rural area where there is a demand for small workshops. the loss of employment land is to be resisted, as set out in Policy EC9.

*HOUSING ENABLING MANAGER* - Based on the information obtained from the Choice Based Letting system as at 1st November 2009, I can confirm that there is a need for Affordable Housing in Stoke St Gregory. On a site providing 10 houses, the Affordable Housing element would be for three houses and a third commuted sum; the mix required to satisfy this need is 2x3 bed houses and 1x2 bed house plus a commuted sum of £39,586 (based on a 2 bed 4 person house). this comment is provided on the basis of Affordable Housing need and it is up to the Planning Officer to determine whether this is a suitable site.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - no response received.

*DRAINAGE ENGINEER* - Note that the surface water is to be disposal by means of rainwater harvesting, full details should be forwarded for approval before any works commence on site and be made a condition of any approval given.

*LEISURE DEVELOPMENT MANAGER* - In accordance with Policy C4 provision for open space must be made specifically it states standards for play and active recreation. In Stoke St Gregory there is an under provision of play – one play area providing 0.3 hectares per 1000 children under 12 while the borough average is 0.4 hectares. This development should therefore make an off site contribution to play to be used to accommodate the additional use.

We are also aware of a need with regard to outdoor sports provision to accommodate the extra demand. A contribution of £1023.00 for each dwelling should be made towards the provision of active outdoor recreation and a contribution of £1785.00 for each 2+ bed dwelling should be made towards children's play provision. The contributions should be index linked.

*NATURE CONSERVATION & RESERVES OFFICERS* - The info submitted shows that the wildlife value of the site remained similar to that it had been in 2006, the deterioration of the buildings, in particular the loss or failure of roofing materials

leading to rain and light ingress has limited the site's suitability for wildlife, especially for bats and nesting birds. The site is primarily of low to moderate value to wildlife, but its location close to internationally important designated sites Ramsar and SPA offers scope to augment its biodiversity value. In accordance with PPS9, wildlife protected and accommodated in the development, conditions suggested.

## Representations

4 Letters of support:

- It is a brownfield site which can be used for residential settlement.
- The site is not characterised as agriculture, this is revisionism.
- It is more appealing to have new dwellings than a derelict rundown site.
- Permission was given in North Curry for 10 houses on the small site of the White Hart PH, in spite of almost unanimous opposition.
- The White Hart developer has a history of pulling down pubs and getting permission, unlike the current applicant who lives locally; she should be supported.
- The access to the White Hart is also on a narrow lane with limited visibility.
- There have been many unsuitable developments in the area, most housing sites were originally agricultural.
- This scheme would further enhance Stoke St Gregory.
- The development would help local businesses and the school intake.
- The site is unlikely to be developed as light industrial.
- There are no pavements in other parts of the village such that residents learn to "look and listen".
- The Government has suggested more housing is needed in rural areas for young families.
- There is a good bus services to Taunton passing the site.

## Objections

An 18 page statement with attachments has been received from 2 District Councillors, 1 County Councillor and the Chairman of the Parish Council:

This statement provides evidence from local people as to the background/history of the site and comments about the proposal. In summary points raised are:-

- This site was used for agriculture until the 1960s, and then the coal business "only occupied a small area at the top of the site".
- The name 'The Old Coal Yard' is misleading as the coal yard only operated from the area adjacent to the entrance, the rest of the yard was devoted to agriculture- primarily dairy farming, when it was known as Tom Patten's yard.
- When the yard was sold to the present owners, the estate agent referred to it as '*yard at Woodhill*', and described it as a '*range of dilapidated agricultural buildings*'. The name plate 'The Old Coal Yard' only appeared in December 2008.
- Since the refusal in 2008, nothing has changed.
- Whilst the agent has had several meetings with the Parish Council, the views expressed by the members of the community have been largely ignored, and the papers submitted do not provide a balanced view.
- At a Parish Council meeting in April 2009, the public expressed a number of concerns:-
  - The site is well outside the planning limits of the village;

- The village has no allocation in the Local Plan;
- Woodhill was deleted from the settlement limits and identified as a distinct area of scattered housing in the Taunton Deane Local Plan, this was endorsed by the Planning Inspectorate;
- The Local Plan notes that in recent years there has been significant housing development in the village;
- Half of the new houses built in the last 30 years are housing association affordable houses;
- There are a number of similar sites in the area and it could set a precedent;
- It is not brownfield. This is not brownfield, this has always been a farmyard owned by a local dairy farmer who milked cows, reared calves and stored feed, bedding and agricultural equipment on the site;
  
- The coal business was restricted to a small area of the yard adjacent to the entrance;
- Withy growing and processing was an integral part of the mixed agriculture in this area, and stripping only occupied the barns at the top opposite the entrance, the rest was given over to livestock farming. Withy processing stopped several decades ago;
- Withy stripping and basket making were cottage industries in this area, does this make the whole area a brownfield site?
- The dangers of the narrow and winding lanes both in the village and the unclassified roads in and out to the village;
- The increased traffic and environmental impact of the proposal;
- The inappropriateness of such a development in a distinctive rural area and so close to the West Sedgemoor SSSI;
- The unsuitability of such a large scale development on this site, it is totally out of keeping with the scattered development along Woodhill.
- At the July Parish Council meeting the agent stated again that the last use of the site was two third coal yard and one third for willow stripping. This is not true. The members of the local community expressed their disappointment that he had not taken account of their views. The concerns were once again outlined.
- The history of the site is explained in detail, the Patten family used the yard for milking cows and rearing calves, and stored feed, bedding and agricultural machinery.
- In the early 1960s the open area adjacent to the entrance at the top of the yard, which had been used for withy work was rented to the Stable brothers, who ran a retail coal business. They used the shed adjacent to store their equipment, and coal was stored in open bays along the hedge (towards Willments Farm).
- After Mr Patten and the Staple brothers retired, the open barns (now demolished) along the road continued to be used by Willments Farm to store feed and bedding until the present owner purchased the yard and demolished them.
- Evidence was provided to support the above statements. This include extracts from a paper prepared for the Economic Development Committee in June 1988, which described the farmyard, with the centre being used as a calf rearing unit, with a site plan drawn by TDBC and SCC officers marking the coal business at the top of the yard on the area to the right of the entrance.

- The 1997 permission was for the retention of use of the former coal yard and agricultural buildings for general storage, the majority of the site was excluded from the permission.
- There are several signed statements from village residents and photographic and written evidence from them.
- In relation to the proposal:
  - the site is remote from major facilities and employment opportunities;
  - the location will promote an increase in traffic and the use of the private car;
  - the lane is narrow, with a number of blind corners, and no pavement;
  - It is the main access route for farm vehicles to West Sedgemoor;
  - The farm next door is also an agricultural contracting business, with many large vehicles, so pedestrians would be reluctant to walk even to access village services;
  - It is likely that parents would use private cars, rather than allowing them to walk to school;
  - The village Plan produced in 2003, with a response rate of 87%, noted that a majority of the village use private cars to travel to work and shops, 65% of households go to Taunton and 10% go to Langport for their regular shopping, only 8% use public transport more than once a month, and only 9% of households use the village shop. There was also a preference for local employment;
  - This village has not been resistant to housing development;
  - About half of the recently built houses have been by Housing associations;
  - In the recent LDF consultations, the consensus was that there was no wish for further development in the village, or to have the planning limits extended;
  - The agent has been selective in references to planning policies and guidance, focusing on the support for residential and ignoring the planning policy which aims to protect the countryside and to ensure that sustainable development should go to defined centres and within defined planning limits;
  - In respect to the RSS, the Deane Growth ...should be where employment and services are located with good accessibility by public transport or walking...that ad hoc development in rural areas and outside settlement limits is not sustainable and has a detrimental impact including the....*'need for private car use to access jobs and services...'*;
  - There are few if any employment opportunities and services are limited;
  - The RSS aims to protect rural areas and comments ...*'ad hoc or sporadic development in the countryside can detrimentally affect the intrinsic quality that national policy is seeking to preserve in rural areas...'* It also adds the need to *'retain the environmental quality of the Deane...'*
  - Objections are raised in relation to Taunton Deane Local Plan Policy S7, and Structure Plan Policy STR6 in relation to no new building outside settlements;
  - The Planning Inspector's report to the Local Plan comments that Woodhill as *'an area of loosely knit low density ribbon development*

*well to the east of the main nucleus of the village...To my mind this is an isolated group of dwellings...In terms of the Issues and Options Report defining the settlement limits this is an isolated group of dwellings in the countryside. The inclusion of this area within settlement limit seems to me to be wholly inconsistent with the Council's strategy of rural restraint'*

- The site is close to the SSSI of West Sedgemoor, there is a need to maintain and enhance biodiversity and protection for sites of international and national importance;
- The development would have little or no benefit for the community;
- Reference is made to PPS1, PPS3, PPS7 and PPG13, and comments that this proposal is not in accord with those guidelines.

27 letters of objection received raising the following points;

- The road is narrow, with no pavement or verge on which to go as cars, lorries, agricultural vehicles and buses go by;
- the footpaths mentioned as alternatives are indirect, often muddy, with stiles, and unlikely to be used by the elderly, pre-school children;
- it is a predominantly agricultural site, not a brownfield site;
- the coal yard was only a minor part of the site, the remainder was used for cattle and hay;
- The assertions in para. 5.17 (that two thirds of the site was operated as a coal yard, and the other third used for withy stripping) of the applicants Planning Statement about the previous use of the site are untrue, and appear to be an attempt to deliberately mislead planning officers;
- The site is outside village envelope/limits;
- Nothing in the application gives grounds for making an exception to building outside the development limits;
- Would set a precedent for other developments on similar sites;
- Increase in number of cars would add to danger on the road;
- The road gets flooded and additional run off would add to this;
- At one the site, which was been used as a milking parlour, was used for horses;
- There is already sufficient land within the village for more housing so there is no need for any more;
- There is a double bend close to the site, where lorries and buses meet, which means that people have to reverse back around the bends, which could be dangerous to any children walking along the road;
- Potential overlooking to neighbour;
- Most of the submitted details relate to how the application should be implemented rather than why the local plan should be disregarded;
- No case has been made for this estate type housing;
- There is already a site for low cost housing for local people;
- Whilst the site is unsightly, this is not sufficient to result in housing development;
- This would destroy the rural nature of Woodhill;
- Extra vehicular traffic along Woodhill would be detrimental to the health and safety of residents;
- The (Local Plan) Planning Inspector concluded that residential development should be resisted in Woodhill in order to preserve its rural nature;
- The proposal conflicts with Policies STR6 and S7;

- There is no justification to extend outside village limits, if this was approved, then house building could be allowed along any lane irrespective of any Policy;
- When the present owner bought the property, it was allowed to become derelict and unkempt;
- No effort has been made by the owner to attract a commercial operator in recent months, and allowing the site to become an eyesore is a disincentive to any potential purchaser;
- The use of the site for a low impact commercial use such as storage or workshops would support the need for local employment;
- The proposed layout is not at all sensitive to the style or setting of the local area;
- The elevation of the site will result in the site being visually intrusive from all vantage points including roads, and footpaths in adjacent fields;
- Loss of biodiversity due to all the hard surfacing; the wildlife mitigation proposals, the bat boxes, seem inadequate compensation;
- Whilst much is made by the agent of policies, specific pertinent justification is lacking;
- An estate of 10 houses built in this location is out of keeping with the general character of other development in the Woodhill area;
- Several of the houses are so close to the road to be overbearing;
- Drainage – on 2 occasions, the main sewer close to objector's dwelling has blocked resulting in raw sewerage onto front drive, another 10 dwellings will make matters worse;
- The site appears more of an eyesore as the hedging at the front has been removed, but this is not a reason for granting permission;
- Woodhill comprises a hamlet of low density scattered housing; this would be out of character;
- There are a number of pedestrians who currently use this road including rambling clubs and local residents, there will be increased danger to these people from the proposed development;
- As previous applications have been refused, there are no new reasons why this should change;
- Stoke St Gregory has already exceeded the required number of affordable homes in the village, and there is still a site available;
- Recent new builds have been instructed to be 10m back from the highway, the current scheme does not reflect this, this would create not a country lane, but a street scene being "creeping urbanisation";
- The erection of a small housing estate including street lighting is not suitable for a rural environment such as Woodhill;
- Putting in 4 access points for pedestrians would increase the danger of the road which is only wide enough for one vehicle at the point of the proposed access;
- There have been many accidents on this stretch of road;
- Objects as the applicants have made no effort to separate the agricultural access from the new development, any sharing of the access would lead to aggravation; as this is an agricultural access, it would be impossible to move vehicles, and animals through the development without damage;
- There is a lack of employment opportunities in the village, thus there would be commuting to Taunton or Bridgwater, using inadequate unclassified roads, thus the development will foster growth in the need to travel;
- Given that the site is approx 400m from the village and it is dangerous for people to walk to the bus stop, and it would be unlikely that commuters would

use this service, the scheme is contrary to Local Plan S7 and STR6 and does not maintain or enhance the environment;

- The site has been extended by 10-20m eastwards, such that farmland has been purchased to fit in proposed units 6, 7 and 8;
- The residents who rented the field between 1998 and 2002 confirm that the fence has been moved to enlarge the site;
- The rights of way described in the agent's highways statement are recreational; footpaths which become very muddy in winter;
- It is unlikely that people will use these paths to access the school given the circuitous route; the route would involve a three quarters mile detour, across 6 fields and over 5 styles – not an alternative for the disabled, elderly or most people in wet weather;
- There has been no account taken of the objections/comments made at the public consultation;
- The site is liable to flooding;
- The site is close to the West Sedgemoor SSSI, an area which is afforded the highest level of protection under the local plan and there has to be a very strong justification for development;
- The site should be closer to infrastructure and reliable transport links;
- Development could easily be extended eastwards due to the road layout;
- The locations of the public footpaths shown in the submission is inaccurate;
- The drainage in Woodhill is inadequate, in bad weather the storm drains and sewer get blocked and overflows;
- The process of community engagement was considered unsound and lacked credibility, the residents of Woodhill were not contacted.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,

PPS3 - Housing,

PPS4 - Planning for Sustainable Economic Growth,

PPS7 - Sustainable Development in Rural Areas,

RPG10 - Regional Planning Guidance for the South West,

SS19 - Rural Areas,

H03 - RPG 10 H03 - Affordable Housing,

TRAN1 - RPG 10 TRAN 1 - Reducing the need to Travel,

RPG10 EN1 - RPG10 Policy EN 1: Landscape and Biodiversity,

RPG10 HO5 - RPG10 Policy HO 5: Previously Developed Land and Buildings,

RSSDR - Regional Spatial Strategy for the SW, Draft July 2006,

STR1 - Sustainable Development,

STR3 - Rural Centres and Villages,

STR6 - Development Outside Towns, Rural Centres and Villages,

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

S7 - TDBCLP - Outside Settlement,

M4 - TDBCLP - Residential Parking Provision,

H9 - TDBCLP - Affordable Housing within General Market Housing,

C4 - TDBCLP - Standards of Provision of Recreational Open Space,

EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,

EN12 - TDBCLP - Landscape Character Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is outside the settlement limits of Stoke St Gregory, and is not considered to be on the edge of such limit. It is located to the southwest of the scattered dwellings in hamlet of Woodhill. The site's history indicates previous use for agriculture including dairy, agricultural storage purposes with a small part (to the west) used as a coal depot. The permission granted in 1997 for general storage purposes appears not to have been implemented, certainly there are conditions requiring certain works to be carried out within a specified time period were not commenced let alone completed.

Whilst the agent contends the site is brownfield, from the evidence supplied from many local residents and the Parish Council, it is considered that part only may be considered brownfield and that used for agriculture/agricultural storage is excluded from such definition. In terms of the support received; the 'brownfield status' is not accepted; the removal of unsightly derelict buildings is not a reason for granting permission for another use; the White Hart site (North Curry) is not a similar type of application, that site being within settlement limits; it is acknowledged that the site appears unsuitable and/or unviable for commercial uses/development; it is not clear how this scheme would enhance the character of the area. Whilst additional facilities may support local facilities, such facilities may choose not to use these facilities and again such possible support is not a reason to grant permission; to assume that new local residents will take care whilst walking along the lanes is noted, but such is not a guarantee of highway safety. Whilst additional housing is generally an aim of Central Government, such aims do not mean that all applications for housing should be allowed; the views of the merits of the bus service often vary depending on personal experience.

In terms of objections raised; the use of the site has been noted by many local residents, local Councillors and the Parish Council as having mainly been used for agriculture/agricultural storage, dairying, pasture for many years, and not as mainly a former coal yard, in which case, the whole site is not considered to be brownfield, only part may be brownfield. Some residents have concern that withy stripping is an agricultural process not an industrial process; but the latter is established in case law. However it appears that the withy stripping activities were several decades ago, with agricultural or other uses following, and such use (withy stripping) is considered to be abandoned. Even if the whole site was to be considered to be brownfield land, this does not indicate that it should be used for housing development; Para. 41 of PPS3 states *inter alia...at least 60% of new housing should be provided on previously developed land, this includes land and buildings that are vacant or derelict...Local Planning Authorities...will in particular, need to consider sustainability issues as some sites will not necessarily be suitable for housing.*

Views about the agent's consultation with the Parish Council have been made which suggest that the concerns expressed have been ignored by the agent, and that the consultation could have been more widely carried out with local residents. It is reasonable to accept that agents may have a different view to local residents, especially as to the acceptability or otherwise of a proposal. Pre-application consultations with local residents are encouraged to identify areas of concern and address these where possible. Not carrying out, or not amending proposals in accordance with local residents responses is not a reason in itself to refuse planning permission.

The Inspector's comments regarding the Local Plan are noted – the site is outside village limits, he noted the character of the area and agreed that this area should not

be included within any settlement limit. Whilst some villagers may prefer to see some local employment, this site may not be the best site for such use, given the nature of the access and distances to markets and for deliveries, nonetheless, should a low key traffic generating business wish to establish here, it would be given due consideration. In PPS4, re-use of buildings in the countryside for economic development purposes will usually be preferable...LPAs should "*support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local services, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport*". The site is not 'allocated' in the Local Plan for employment use, it is 'allocated' as open countryside, *the Forward Plan & Regeneration Unit* -has nonetheless indicated opportunity for use for employment is appropriate, and loss of employment land should be resisted as per Policy EC9. The land/buildings are currently not used for employment, thus such policy is not strictly relevant. The previous refusal (2008) did not include this reason for refusal, and it is not considered to be appropriate to include this reason now as there has not been a significant change in circumstances since that decision.

The traffic issues are assessed by County Highways Authority, which advised that the site was outside settlement limits and that the residents would be wholly reliant on the private car, that the site is remote from employment education and retail centres, which would clearly foster a growth in the need to travel and is unsustainable in terms of transport policy. The traffic generation is likely to be more than the previous commercial use, the figures supplied in the Transport Statement appear to be an under estimate, and the site is also remote from services and pedestrians would be reluctant to use the road to walk along. The internal highway layout is acceptable in general terms with some amendments needed.

The resident's comments regarding the speed limits and that traffic does not go fast due to the road configuration, yet the same road alignment and restricted width also can lead to 'bumps'. There is no official record of accidents along this stretch of road.

There may be a degree of loss of privacy as two storey buildings are proposed with windows overlooking the garden area, but the objector's dwelling is on the opposite side of the road, and any potential overlooking is not sufficient to warrant refusal in this case. The site is elevated above the road, and the proposed dwellings appear to be at this elevated level and thus are by this factor likely to be visually imposing. The proposal includes provision for protection of wildlife (bat boxes), and this is as agreed by the Nature Conservation and Reserves Officer. The proximity (approx. 0.6km) to the SSSI does not prevent the development on this site.

The Council's Drainage Officer has considered the drainage issues raised by several objectors, but has stated that he has no knowledge of surface water flooding in the area. Wessex Water has not identified up any problems in their consultation response.

The Building For Life assessment exercise indicates a poor scheme. The layout of the development is not one which is considered to be sympathetic to the character of the area. There is a significant area of highway, generally small garden areas to some units, the relationship between units could be better, the siting of parking spaces immediately opposite the site entrance is considered poor as are the pedestrian routes from garage/parking space to the units, which often results in

going into the dining room at some distance from the parking. Generally the whole scheme appears to have started from the highway estate road 'requirements', which does not lead to a 'rural' scheme. It is considered to be at odds to the general character of the area. The form of the scheme is such that the garages are almost as large as the dwellings, which together with the parking area, appears to dominate; the units which front the highway do not relate well to the road. The design and access statement indicates that home office facilities would be provided, but no details are shown and no rooms identified. Thus for the development as a whole, it seems that these factors appear to indicate significant work in terms of policy issues, but poor in terms of quality of design. There are other culs-de-sac in Stoke St Gregory, but were established some years ago, and any new developments should be of more contemporary thought, having regard to character, place, design concepts and environmental issues. The scheme appears to be a suburban estate in open countryside and does not contribute in a positive manner to this open countryside site.

In terms of affordable housing, each scheme for 'general' housing in rural areas will require a third of units to be affordable, this is irrespective of the availability of other sites in the area. However all housing should have regard to PPS3 and PPS7. The TDBC Housing Land Availability as updated by Taunton Deane Housing Trajectory and Housing Land Supply Statement December 2009, summary states inter alia "*The deliverable housing land supply for the Rest of the Borough is 5.53 years*" (ie outside Taunton) and.. "*Projections suggest that over the next five years, sufficient land has been identified to enable the Council to comfortably meet the Revised RSS Requirements*". Therefore it is considered that there is no overarching need to provide these 10 units in order to help meet housing unit figures in the borough.

Having regard to the strategic policies, the RPG Note 10, Policy SS 19 states.... *that Market Towns should be the focal points for development...outside market towns, development should be small scale and take place primarily within or adjacent to existing settlements, avoiding scattered forms of development.* The draft Regional Spatial Strategy states, inter alia, that "*Where viable, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. It is important that all development taking place in small towns and villages support their roles as local hubs for community facilities and services, including public transport. Development in open countryside, particularly of housing, will be strictly controlled in accordance with national planning policies*". The site does not fall within a market town, or adjacent to an existing settlement, and thus does not comply with these policy areas which could allow for development on this site.

Two recent appeal decisions have reinforced this Local Planning Authority's decisions to oppose housing development in the open countryside; these were Land opposite the Village Hall at Nynehead (a scheme for 20 affordable dwellings) and a single dwelling at Furlongs in Shoreditch.

In conclusion, the site is outside settlement limits; the road to the nearest facilities is narrow with restricted visibility and unlikely to be walked along by the new residents and so whilst the dwellings themselves may have designed in a sustainable manner, the overall development is considered unsustainable in terms of PPS3, Policies STR1 and STR6; whilst part of the site is brownfield, this does not override the general sustainability policies and it is not considered to be an appropriate location for a housing scheme, and finally the scheme is dominated by highways and parking

areas resulting in a poor form of development which is considered to be alien to the rural character.

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

Recommended Decision: Refusal

- 1 The proposed development site is located outside the confines of any recognised development boundary limits, in an area that has very limited public transport services. The residents of the development are likely to be reliant on the private car and there will therefore be an increase on the reliance on the private motor car and thus comprises unsustainable development which is contrary to advice given in Planning Policy Guidance Note 13, Planning Policy Statement No 3 Regional Planning Policy Guidance Note 13, and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan.
- 2 The buildings the subject of the proposed development are considered to be new dwellings which are not proven to be required for an existing agricultural purpose or activities. The application site is outside a town, rural centre or village where development is strictly controlled. Development is restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The Local Planning Authority is of the opinion that the proposal does not satisfy all of the above criteria and is therefore contrary to Planning Policy Statement Nos 3 and 7, Policy STR6 of the adopted Somerset and Exmoor National Park Joint Structure Plan Review, and Policy S7 of the Taunton Deane Local Plan.
- 3 The proposed layout is considered to be unacceptable in terms of design, in particular in terms of extent of hard surfacing, road layout and siting of dwellings is uncharacteristic of the area and is of poor quality, contrary to PPS1 (paras 17 and 35) and Policy S2 of Taunton Deane Local Plan.

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

**CONTACT OFFICER: Ms K Marlow Tel: 01823 356460**

KNIGHTSTONE HOUSING ASSOCIATION LTD

**ERECTION OF 18 AFFORDABLE APARTMENTS TOGETHER WITH ASSOCIATED ACCESS WORKS, PARKING AND LANDSCAPING ON LAND AT 49 WORDSWORTH DRIVE, TAUNTON AS AMENDED BY LETTER DATED 15 DECEMBER 2009 AND PLANS 2845/ 001F, 004G, 005H,006H, 007I & 008H**

323977.124451

Full Planning Permission

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## **PROPOSAL**

The proposal is a revised scheme to demolish the existing dwelling on the site and replace with a block of flats and provide parking on an enlarged site of 0.16ha. The development on behalf of Knightstone Housing Association proposes 18 affordable units built over 3 floors in a modern contemporary design. There will be 6 one bed units, 10, two bed and 2 disabled units. The building height is lower than the ridge of the previously approved scheme by 0.5m, however the footprint of the building is larger and includes a disused play area to the north, thus allowing an enlarged building and associated parking for 18 spaces.

The proposed flats are two and three storeys high, with the two storey elements forming the end of the western, northern and eastern wings. These lower wings also incorporate banks of solar panels on their flat roofs. The block will extend to within 3m of the western boundary, 2.5m to the north and 0.5m to the east at the closest points. The building will be a similar distance of 7-8m off the southern boundary and the conifer tree screen, other than at the eastern end where the two storey wing projects to within 1.5m of the boundary. The two storey sections are 7m high while the main three storey central section is 9m high and the roof at the centre projects to 10.2m. The materials will be coloured cladding, render and timber cladding in a colour finish to be agreed.

There will be 18 parking spaces, 1 per unit in front of the building and a cycle and bin store set to the north of the site. The northern and eastern boundaries will consist of a 1.8m close boarded fence with the 9m conifer hedge retained to the south.

The scheme has been amended to relocate a window to the north elevation and obscure other windows in plots 10 and 13 to avoid overlooking issues.

## **SITE DESCRIPTION AND HISTORY**

The site abuts the eastern side of Wordsworth Drive and is currently occupied by a 2-storey house set in a large curtilage. The house is set back some 30 metres from the road with a rear garden of some 20 metres. Around the site is residential development in various forms, with semi-detached pairs of 2-storey dwellings fronting Wordsworth Drive to the west, and 2-storey blocks of flats to the north (Ruskin Close) and south (Parmin Close). There is a factory car park to the east and a small children's play space immediately north of the site which is accessed by a footpath running along the northern boundary to the site and is disused. Part of this

play area forms part of the enlarged current application site.

Previously permission was granted for 11 flats over 3 storeys and associated parking following demolition of the existing house. This permission is still extant.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposal is located in the development limits of Taunton which is a designated town under Structure Plan policy STR2. The proposal will be in close proximity to public transport, whilst also offering access for cyclists. The proposal will provide for safe access to the highway as it will provide acceptable visibility in both directions from the entrance to the site. Therefore the proposal accords with Structure Plan policy 49 (Transport Requirements of New Development). The previous proposals were for 11 and 12 apartments respectively; this development will see an increase to 18 units. This would see an increase of 6 vehicles. However the proposal is located on Wordsworth Drive which is designated as a Local Distributor road. As such the increase in movements associated with the proposal will not have a significant effect on the adopted highway. In terms of parking the proposal will offer 18 spaces this equates to one space per residential unit. This is in accordance with the Local Transport Plan's parking strategy. I do not raise any objection to the above proposal and if you were minded to grant permission I would recommend the following conditions re parking, cycle parking, access, surface water and visibility and note re licenses.

*HOUSING ENABLING MANAGER* - The Housing Enabling Manager fully supports this application for 18 affordable apartments. These apartments will go some way to address the Need in the area. It will also help facilitate the proposed scheme at Ruskin Close as phase one, it will help with rehousing tenants from the proposed new scheme causing least disruption for them. The HEM's views in no way reflect any planning decision as to the suitability of the site.

*LEISURE DEVELOPMENT MANAGER* - The development will mean the loss of play space. Despite the space was unsatisfactory, indeed unsafe, due to its location and access it is important that adequate play space is provided in this neighbourhood. Contributions are required to compensate for the loss. Based on recent playground building projects the sum of £45,000 should be paid. Policy C4 requires us to cater for the new residents for play and outdoor sport. A contribution of £1023 for each dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £1785 for each 2bed+ dwelling should be made towards childrens play provision. Contributions should be index linked.

*HERITAGE AND LANDSCAPE OFFICER* - No significant landscape impact over and above that already approved.

*WESSEX WATER* - The development is located in a foul sewerred area and it is assumed the surrounding properties are served by a private system and this will continue to be the arrangement. It will be necessary to agree a point of connection onto the the system for the satisfactory disposal of foul flows generated by the proposal. The developer has proposed to dispose of surface water to the mains

sewer. Surface water should not be discharged to the foul sewer. Your Council should be satisfied with suitable arrangement for the disposal of surface water. It will be necessary, if required for the developer to connect to our systems for the satisfactory disposal of foul flows and surface water flows generated by the proposal. With respect to water supply there are water mains in the vicinity. The developer should be aware of the the importance of checking with Wessex Water to ascertain whether there are any uncharted sewers or mains within or near the site. If such exist applicants should plot the exact position to assess the implications. The grant of permission does not change Wessex Water's ability to seek agreement for a diversion or protection works at the applicant's expense, or the right to prevent the carrying out of any development as may affect its apparatus.

*NATURE CONSERVATION & RESERVES OFFICERS* - The site contains a single dwelling surrounded by ornamental gardens with evergreen trees and shrubs. Ambios Ecology previously surveyed the site in October 2007. This report found no signs of bats on site and concluded that the site was of low conservation value. Due to the presence of mature vegetation it was considered likely that birds may nest on site. Aardvark EM Ltd surveyed the site in November 2009, although an internal inspection of the building was not possible. The assessment made also concluded that there were no significant impacts likely to arise as a result of the development. It is an offence to damage or destroy the nest of any wild bird and to disturb birds whilst nesting. I therefore suggest the following condition C1111 between 1st March and 31st July and further survey if commencement not within a year. Notes to applicant re nesting birds and bats.

*DRAINAGE OFFICER* - It is recommended that a sustainable drainage system be implemented here, in line with PPS25. The developer should investigate and specify appropriate SUDS for surface water disposal from the site in order to reduce the run off and reduce pollution risks. This should be made a condition of any approval.

## **Representations**

1 letter of objection on behalf of residents of Parmin Close on grounds of size of building being 3 storey and larger than surroundings so is out of context with buildings in the area, the facade nearest Parmin Close has windows 16, 17.5 and 12m from Parmin Close properties and the tree screen does not extend the full length of the building and does not prevent loss of privacy in two flats. The conifer hedge would affect light to south facing windows and if removed would infringe the normal 20m minimum distance between facing windows and result in further privacy loss to the Parmin Close dwellings. 16 parking spaces are provided but there is no provision for visitors and a parking nuisance on Wordsworth Drive can be anticipated.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS 1 SUPP - Planning and Climate Change,  
PPS3 - Housing,  
PPG13 - Transport,  
PPS22 - Renewable Energy,  
RPG10 - Regional Planning Guidance for the South West,  
STR1 - Sustainable Development,  
STR4 - Development in Towns,  
S&ENPP35 - S&ENP - Affordable Housing,

S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
M4 - TDBCLP - Residential Parking Provision,  
EN4 - TDBCLP - Wildlife in Buildings to be Converted or Demolished,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is located in an area where residential development, in principle would be acceptable. The main issues are the design and the relationship between the proposed block of flats and the existing development adjacent to the site.

There are existing 2-storey blocks of flats to both the north and south of the rear part of the site (Ruskin Close and Parmin Close respectively) and 2-storey semi-detached dwellings to the front (west) of the site fronting Wordsworth Drive. The flats have communal open space around them rather than individual gardens and the distance to the flats to the north is around 22 metres (building to building). Windows on the north elevation of the proposed building at first floor level are to 2 living rooms, a bedroom and a kitchen with a similar layout on the second floor. The impact of this scheme compared with that previously approved is considered similar and acceptable.

With regard to the block of flats to the south, there is a distance of 16 metres between the existing and the proposed, and along part of the southern boundary there is a row of 9m high conifer trees along three quarters of the boundary which will provide satisfactory screening. The main block is a similar distance to the boundary to the approved scheme with a 16m separation distance. At the eastern end of this boundary for some 10 metres, there are low shrubs between the blocks and it is here where the two storey wing approaches closer to the boundary with only an 11m separation distance. However the window in the proposed block 2m from the boundary at first floor level here will be fixed and obscure glazed. Other windows in the second floor of the southern elevation will be obscure glazed serving a corridor and high level serving bedrooms other than 1 window at a height of 7m serving a living room. This is considered an improvement over the previously approved scheme.

The building is a modern contemporary design and while this differs from the variety of two storey flats and semi-detached and terraced houses nearby the site is set back from the road and its development would not read as part of the street scene. The scheme has been developed with a mind to the future redevelopment of the land to the north and to ensure a sustainable use of a brownfield site with a development of appropriate density, to a high design standard and providing an element of renewable energy. There are solar panels provided behind parapet walls on the lower two storey wings of the building. The building will be timber framed and the external materials will include render, cedar cladding and a coloured cladding system in colour to be agreed. The scheme is considered to comply with PPS1, PPS3 and PPS22.

Parking provision is shown at one space per flat and the plans show the parking area set between the side boundaries of 47 and 51, Wordsworth Drive. Cycle and bin store provision is shown in the area to the rear of 45 Wordsworth Drive in the area of the disused play site and the area will be bounded in a timber enclosure. The level of

provision and the access proposed to serve the site are considered acceptable by the Highway Authority and a number of conditions are recommended.

The size of the development requires the provision of adequate provision for leisure and recreation under policy C4 of the Local Plan. This needs to be sought through a Section 106 agreement to secure the appropriate contributions for off-site provision for the new units created. In addition the Leisure Development Manager is requesting compensation for the loss of the disused play area. This land is owned by the Council and it is considered that compensation for this loss should be sought separately through the land sale. Clearly provision of play area space cannot be provided through the current development but should be a consideration if any adjacent Council owned land is developed in the future.

The scheme is considered to provide affordable housing in a sustainable location and to respect the amenity of surrounding properties while providing adequate access and parking. The scheme is considered to comply with Local Plan policy and government guidance and is therefore recommended for approval.

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

Recommended Decision: Conditional Approval

Subject to a Section 106 Agreement to secure play and recreation contributions permission be GRANTED subject to conditions concerning time limit, materials, landscaping, tree retention to southern boundary, drainage, wildlife, parking, obscure glazing, cycle parking, bin storage, access and visibility and notes re wildlife and highway license.

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

### **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. Before the commencement of works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building shall be submitted to and be approved in writing by the Local Planning Authority, shall be carried out as agreed and no other materials shall be used without the written consent of the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Taunton Deane Local Plan policy S2.

3. No site clearance works or development shall take place between 1<sup>st</sup> March and 31<sup>st</sup> July without the prior written approval of the Local Planning Authority.

Reason: To ensure wild birds nesting are protected and the Authority will require evidence that no breeding birds would be adversely affected before giving approval under this condition bearing in mind the protection under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

4. If the period of time between the Aardvark EM Ltd's survey, dated November 2009, and the commencement of the development extends to more than one year beyond the date of the permission, then a further survey must be commissioned and submitted to and agreed in writing by the Local Planning Authority to ascertain changes in use by protected species.

Reason: To ensure the use of the site by protected species is monitored, bearing in mind the results of the existing survey may change and in accordance with Taunton Deane Local Plan policy EN4.

5. (i) The landscaping/planting scheme shown on the drawing 2845/001F shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

6. The existing trees and hedge along the southern boundary of the site shall be retained and shall not be lopped, topped or removed without the agreement in writing of the Local Planning Authority.

Reason: To ensure the development makes a satisfactory contribution to the preservation of the local character and distinctiveness of area and to safeguard amenity in accordance with Taunton Deane Local Plan policy S2.

7. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure adequate space within the site for the parking of

vehicles clear of the highway in accordance with Taunton Deane Local Plan policy M4

8. The development hereby approved shall not be occupied until the covered cycle store facility illustrated on the submitted plan has been provided with a capacity for at least 18 cycles.

Reason: To accord with the Council aims to attempt to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan policy M5.

9. Before the flats hereby permitted are first occupied a properly consolidated and surfaced access shall be constructed, not loose stone or gravel, and details of which shall be submitted to and approved in writing by the Local Planning Authority.

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

10. At the proposed access there shall be no obstruction to visibility greater than 600mm above the adjoining road level within splays based on minimum co-ordinates of 2m x 31m in either direction. Such visibility shall be fully provided before works commence on the erection of the flats hereby permitted and shall thereafter be maintained at all times.

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

11. Before the flats hereby permitted are occupied details of the means of surface water disposal to prevent increased discharge to the sewer system and discharge onto the highway shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out as agreed.

Reason: In the interests of reducing flood risk and in the interests of highway safety.

12. The windows in the first floor west elevation of units 8 and 10, the first floor south elevation of unit 13 and the second floor corridor of the south elevation serving units 17 and 18 shall be fixed and glazed with obscure glass of a level to be agreed in writing and this shall thereafter be retained. There shall be no alteration or additional windows in the elevations without the further grant of planning permission.

Reason: To ensure the privacy of adjoining occupiers in accordance with Taunton Deane Local Plan policy S1.

13. The bin store area illustrated on the approved plan shall be provided prior to the occupation of any flat and shall thereafter be maintained.

Reason: In the interests of the amenity of the area in accordance with Taunton Deane Local Plan policy S2.

14. The development hereby permitted shall be carried out in accordance with

the following approved plans: 2845/001F, 002D, 003F, 004G, 005H, 006H, 007I, 008H, 011A & 012

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

#### Notes for compliance

1. 1. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered should not be disturbed. It should be noted that the protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.  
  
2. As a few bats may be found within any building at any time of year, all contractors should be made aware in writing that bats may be found in door lintels, within wall cavities, under roof tiles/slates and cladding etc. If bats are found during building work all work in the proximity of the bats should stop immediately. Further advice should be sought from Natural England via Batline 0845 1300 228. Bats should not be handled but should be left in situ, gently covered until advice is obtained. In emergency situations bats should only be handled with gloves.
2. The alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Services Manager at Somerset Highways Burton Place, Taunton (08453459155). He will be able to advise upon and issue/provide the relevant licenses necessary under the Highway Act 1980 (Section 184).

**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**

TAUNTON DEANE BOROUGH COUNCIL

**PUBLIC REALM IMPROVEMENTS INCLUDING REMOVAL OF CAR PARK, DEMOLITION OF CASTLE HOTEL OUTBUILDING AND PROVISION OF PARKING, REPLACEMENT BOUNDARY TREATMENT TO THE CASTLE HOTEL AND MUSEUM, INSTALLATION OF FOOTBRIDGE TO CASTLE GARDENS, IMPROVEMENTS TO NORTH ENTRANCE TO MUSEUM, PROVISION OF NEW STREET FURNITURE, LIGHTING, LANDSCAPING AND PAVING AT CASTLE GREEN, TAUNTON (AMENDED PROPOSAL TO 38/09/0165) AS AMENDED BY LETTER DATED 14 DECEMBER 2009 AND PLANS 2673/200, 201, 202, 203, 204/1, 204/2, 204/3, 204/4, 204/5, 300, 321/1, 321/2A, 321/3A, 321/4, 360/1, 360/2, 361/2, 362/2A, 401 & 501**

322612.124543

Full Planning Permission

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## **PROPOSAL**

The proposal is to carry out public realm improvements to the Castle Green area to secure the enhancement of the area in line with policy G1 of the Taunton Town Centre Area Action Plan. This involves the removal of the public car parking area to create a safe and accessible open space with improved access to the site particularly from the Goodland Gardens direction via a new bridge over the castle moat. The views of the Castle and adjacent hotel are to be opened up with new boundary treatments to the moat and Castle Hotel boundary, as well as removal of part of the hotel outbuildings. New lighting is proposed to enhance the area, including Castle Bow and the northern side of the castle and new paving for the area is also proposed as part of the scheme. The footpath along the northern side of the Castle to the Museum entrance will also be improved.

In terms of the Design Code for the Town Centre the Castle Green area was identified specifically as a key area in the historic centre of Taunton and a significant point of opportunity to increase interaction with and across the Tone river corridor. From an early stage the improvements to Castle Green were seen as a significant step in providing improvements to public open space provision in the town centre and as a means of helping to facilitate other sites for mixed use development. The improvement and upgrading of the link from Castle Green through the Taunton Castle lands, north through Goodland Gardens and across the Tone was identified as an important opportunity. Consultations with key stakeholders took place in 2007 and the detailed design process began with a stakeholder workshop in May 2008. After agreeing what functions mean on the ground for the area the following design objectives were agreed, a high standard of finish in terms of materials and detailing, to minimise the affects on the archaeology of the Scheduled Ancient Monument and to provide a flexible sustainable space that can be used for informal gathering, movement and resting as well as for organised public events.

The extent of the Castle Green site is bounded to the west by the Mecca Bingo, the Winchester Arms frontage and north along the Wyndham Lecture Hall frontage as far as the Mill Leat. The northern boundary of the site extends along the southern bank

of the Mill Leat as far as and including the steps to the northern entrance to Taunton Castle. The eastern boundary extends around the western elevation of the Castle and around to its southern entrance. It extends up to the Castle Hotel west front and includes the hotel car park. The east boundary continues past Castle Bow and includes Castle Walk up to the point opposite the south east corner of the Municipal Building (Registrar's Office). The southern boundary runs along the west side of Castle Walk, around the frontage of Castle Green Inn and south to the Municipal Buildings. The boundary continues west along the frontage of the building, includes the Moat House Inn and continues across the Castle Way back to the Mecca Bingo (former Gaumont Theatre).

The basic spatial arrangement concept is to link three gardens across the flexible space at the centre of Castle Green. The three gardens, the new green on the site of the former car park, the Moat Garden and the area adjacent to the Mill Leat will share common features that unify the design. The road line will be absorbed into the flexible open space and links through the space will reflect desire lines mapped by stakeholders. The open space area will allow for uses such as siting market stalls of different sizes, or hosting outdoor theatre, temporary art installations or light shows.

A main element of the scheme is a low level light-weight bridge to link Castle Green with Goodland Gardens via the existing footbridge. A longer term aim is the replacement of bridges over the Mill Leat and River Tone to improve links to the north of the river. The new bridge link over the moat has been modified and repositioned so its entrance off Castle Green is further west and set further away from the Castle Turret wall. This has been amended from the original submission to soften the impact on the castle and thus satisfy heritage concerns that had been raised. The structure has a narrow cross section and glazed upright section to limit the visual impact on the moat area.

The boundary treatment to the moat area has also been amended to open up views of the castle while still providing a modern transparent boundary with steel uprights and a hardwood balustrade. This treatment is proposed to continue from the bridge around the moat to the Castle entrance. The boundary moat wall to the west is to be retained as this is part of a more historic structure than the modern lower wall and the old gateway to the footway is to be blocked. The boundary wall to the Castle Hotel will be replaced by a more contemporary wall in acid etched concrete with an evergreen hedge above it. This specialist quality cast concrete material will also be used planters and steps around Castle Green to complement the area.

The main surfacing materials for the areas beyond the grass and planters will be either West Pennine Hard Gritstone or Porphyry Stone both designed to blend in with the character of the area as required in the Design Code.

Improved lighting for the area as a whole is also designed into the scheme and includes new light fittings for Castle Bow, lighting of the Castle walls on both sides and lighting of the footways. The lighting will also enable better CCTV coverage of the area to be designed into the scheme. Improved landscaping along the Mill Leat is also proposed to offset the lighting impact on bats and otters using the stream.

## **SITE DESCRIPTION AND HISTORY**

The site area around Castle Green currently includes a public car park and access roads servicing the Castle Hotel and rear of Fore Street properties as well as bus

and taxi access via Castle Way to Corporation Street. The Castle itself is set behind a low but relatively modern stone wall bounding the moat and there exists a narrow footpath accessed via a doorway in the western end of the moat wall that leads uninvitingly to Goodland Gardens. A similar low wall acts as a boundary to the Castle Hotel. An initial scheme submission 38/09/165 was withdrawn following various amendments to address heritage and ecological concerns.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *CONSERVATION OFFICERS* - Detailed Comments

##### 1. Demolition of outbuildings in curtilage of grade II listed Castle Hotel

The hotel outbuildings make a positive contribution to the setting of this part of Castle Green, which is acknowledged in the statement of significance accompanying this application. Their demolition is, however, an essential element of the scheme and offers improvements to the usability of this space and views of the listed buildings. Whilst the principle of demolition is acceptable, given English Heritage's response (letter dated 4<sup>th</sup> August 2009), we must verify the extent to which any significant historic fabric survives. The western end of the building (close to the Castle driveway and overgrown with vegetation), retains a blocked Ham stone window that could possibly be part of the early-19<sup>th</sup>-century fire station. Fire stations of this date are a rare, if not unique, building type in the county and are identified in the South West Archaeological Research Framework Resource Assessment and Research Agenda (2008, p.243) as worthy of recording and study. Prior to demolition, it needs to be established whether evidence of the fire station, or other feature of historic interest, does indeed survive and to ensure this is adequately recorded. This can be achieved through a full historic building survey, which should be undertaken by a specialist acceptable to the local planning authority. The survey should be to Level 3, as specified in English Heritage Guidance *Understanding Historic Buildings: a guide to good recording practice* (2006).

An appropriate condition should be added to ensure this recording is carried out before demolition.

The demolition of these buildings raises a further issue. The north wall of the buildings forms an enclosing wall of a small garden/yard area to Castle House. This space is shown as a 'drying yard' on the 1832 plan (Webster and Lillford 2006), indicating that historically it has been enclosed. I could not find any reference to the reinstatement of this boundary in the application, although I understand that it is intended to use the existing north walls of the outbuildings. An appropriate condition should be included for this.

##### 2. Demolition of boundary walls

The wall fronting the Castle Hotel car park is recent and of limited historic interest. I have reservations concerning the height of the proposed hedge, which at approx 1.3m is unlikely to act as a completely effective screen to the elevated car park and shield the inevitably large cars belonging to the hotel clientele.

The low section of the Castle Moat wall is again of little intrinsic interest but is on the approximate line of an earlier wall and gives a sense of enclosure to the castle without obscuring it. The proposed replacement boundary treatment uses materials repeated in other elements of the scheme and is taller but 'visually permeable' in design. While I do not consider that the proposed boundary treatment offers any advantages over the existing wall, I would not object to this in the context of the rest of the scheme.

I understand that English Heritage and Somerset County Council Heritage Service are to comment on the detail design of the proposed gate pier.

Part of the higher western end of this wall (close to where the proposed bridge would start) is earlier than the lower section and is of historic interest. I could not see any specific mention of this in the application, although it was agreed to retain this at a pre-application meeting. Also required is the specification for infilling the archway in the wall leading to the current path to Castle Gardens. A Perspex screen has been proposed but I would favour this opening being blocked with matching stone set in lime mortar, recessed back from the existing face. A condition for details and a sample panel should be included in any approval.

### 3. New wall mounted light fittings

None of the existing lighting proposed for removal is of historic significance. I do however, have reservations regarding the number of lights to be attached to listed buildings, as these generally serve to increase clutter and are to be discouraged (PPG 15 Annexe C.68). More specifically:

#### Municipal offices:

This is a grade II\* listed building, the rear of which is part of Castle Green. The two wall mounted lights are to illuminate the cycle rack. Given the amount of lighting proposed for the Green and that this building will be wash-lit, I would question whether two additional lights need to be attached to this building (there are none here at present). That said, they are mounted low on the building, so their impact would not be too great.

Additional information is, however, required. In particular, existing and proposed drawings of the north elevation showing the position of the lights at an appropriate scale (1:50 or 1:100). Further details are also required as to how these will be fixed and the cable runs, to establish the extent of potentially damaging or obtrusive interventions into the historic fabric.

#### Castle Bow:

This building is listed at grade I. It is proposed to replace the existing lighting with 6 downlights affixed to the castle archway and 4 uplights recessed in the ground. The number of downlights proposed appears excessive for this fairly short run.

I am also concerned as to how these ceiling mounted lights relate to the arches, as we need to minimise their impact and they must not be attached directly to, or visually interfere with, an arch. In particular, the L17 units (which are 285mm long) must not hang down below the line of the arches. This cannot be ascertained from the information submitted and suggest that a plan of the ceiling showing the position of the arches and the proposed lights is submitted. Measured drawings of the east and west elevations are also needed to demonstrate the visual impact of the L6 and L17 units. Further details are also required as to how these will be fixed and the

cable runs, to establish the extent of potentially damaging or obtrusive interventions into the historic fabric.

I am less concerned about the ground mounted units as I assume these will not involve any intervention into the building fabric.

#### 4. Moat bridge

While I retain reservations regarding the principle of a bridge crossing the moat here, an improved link from Castle Gardens and Castle Green is an essential part of the scheme and is justified. The proposed position of the bridge is an improvement over the earlier withdrawn application and I consider that the design and materials represent, for a structure of this nature, a light intervention and an appropriate solution here.

#### 5. Salvage

There are two cast iron iron sewer grates, with associated frames and pots, that are of historic interest. These are located at:

1. Castle Green, east of the Winchester Arms PH (NGR 322590 124565) - Cast iron locking gully stamped 'ALLEN & SON TAUNTON'.
2. Castle Approach, (NGR 322616 124584) - Cast iron gully stamped 'TAUNTON TOWN COUNCIL'.

An appropriate condition should be included for the careful lifting, retention and delivery of the gully grates, and their frames and pots, to Somerset County Council Heritage Service.

The County Council Heritage Service have also requested that they retain for re-use the Pennant sandstone setts and channels it laid in 2004 on the approach to the Castle Gatehouse.

#### 6. Summary

This site has exceptional architectural, historic and archaeological value and is of national importance, reflected in its statutory status. The proposed scheme has not wholly embraced or explored the potential of all the heritage assets but does offer improvements to this historic space. I support this application with suitable conditions as outlined above.

HERITAGE & LANDSCAPE OFFICER - Further to my previous comments the line of the pedestrian bridge is now more sympathetic to the castle and I withdraw my previous objections. No other amended comments.

*SCC - TRANSPORT DEVELOPMENT GROUP* - no comments received at time of writing

*COMMUNITY ARTS OFFICER* - no comments received at time of writing

*BRITISH WATERWAYS* - British Waterways has no comments to make.

*SOMERSET WATERWAYS ADVISORY COMMITTEE* - no comments received at time of writing

*WESSEX WATER* - no comments received at time of writing

*ENVIRONMENT AGENCY* - no comments received at time of writing

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - no comments received at time of writing

*ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND)* - These planning and lbc applications for public realm improvements to Taunton Castle Green are primarily amendments to previous applications. I think English Heritage has been kept abreast of most of these changes and we are generally content with them, particularly the amended details for the footbridge to the south west of the Castle.

There are just two matters that are outstanding and these are described in the next two paragraphs.

Jenny Chesher, Caroline Power and I had a meeting with George Dundon on 21 December 2009. There was one design detail that we raised at that meeting with which we had some concern. This was the concrete plinth at the base of the railings above the existing moat wall and in front of the castle. George promised to send us enlarged paper drawings of that detail but we have not yet received those.

The other matter that is still outstanding is the archaeological mitigation and recording. However that can be dealt with as part of an application for scheduled monument consent for all the Castle Green improvements. That application has not been submitted yet as certain ground investigations need to be done as a precursor and they only just starting over the next few weeks. We do note that the moat is now being reprofiled which is probably quite positive as that will give it more emphasis but only so long as this work is also covered by the archaeological mitigation and recording. I will discuss those matters with Steven Membery when the details are available.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

*LEISURE DEVELOPMENT MANAGER* - We welcome the provision of new recreational space in the town centre.

*BRITISH TELECOM* - no comments received at time of writing

*WESTERN POWER DISTRIBUTION* - Various high and low voltage cables to be deviated at the developers cost.

*PROPERTY SERVICES AGENCY* - no comments received at time of writing

*SOMERSET WILDLIFE TRUST* - no comments received at time of writing

*NATURE CONSERVATION & RESERVES OFFICERS* - The applicant has now

submitted detailed surveys including a bat and a water vole survey to accompany the bat and otter surveys submitted with the earlier application.

The water vole survey undertaken in September 2009 found no signs of water voles within the area of proposed works or elsewhere along the millstream.

This survey found otter spraints under most bridges along the Millstream, but did not find any evidence of otter activity around the otter holt in the medieval culvert under the site of the proposed north entrance to the castle.

I support the surveyor's recommendations that works should be confined to the smallest area necessary to reduce impact on the millstream habitat and that no deep excavations with heavy machinery take place within 30 metres of the medieval culvert.

The bat survey carried out in May 2009 only concentrated on the Castle Hotel buildings. The bat survey report dated November 2009 addresses the whole application area including the riparian habitat.

This survey confirmed that the millstream provides foraging and commuting habitat for at least five species of bat. A Daubentons maternity roost is present in the culvert at Shire Hall, which connects to the millstream. I support the surveyor's conclusion that bat activity is relatively high and diverse within the application area due to the presence of good foraging and commuting habitat associated with the millstream. Because of this, I would still prefer no lighting in the vicinity of the millstream. However I am satisfied that the developer has taken steps to minimise light levels on the Mill stream and will be incorporating some low level evergreen hedging to limit light spill, as indicated in the latest documentation.

I support the recommendation for a two-year post development monitoring programme. A condition should be attached to any permission stating that monitoring of the impact of lighting on bats in the locality and monitoring of the Daubenton roost entrance at Shire Hall is undertaken for a minimum of two years. A review of the lighting arrangements needs to be built in the condition.

The scheme contains an element of interpretation. I consider that this should be extended to address wildlife in the town centre especially along the River Tone. I recognise that there are limited opportunities for biodiversity gain on this site and so support the proposal that a biodiversity plan for the town centre be prepared independently by Project Taunton. A small opportunity for an element of biodiversity gain could be in the form of a fern garden in the castle moat area. Details of this should be discussed with SANHS.

In addition to a biodiversity plan for the town centre and the monitoring of lighting condition, I suggest that a management plan be submitted to ensure that protected species are protected throughout this development and that their habitats will be sensitively managed.

*NATURAL ENGLAND* - Natural England requests that the recommendations of Taunton Deane Borough Council's Nature Conservation and Reserves Officer and those of Somerset County Council's ecologist are used in determining the application and attaching conditions.

*SOMERSET MUSEUM SERVICE* - The Project Team is, with one proviso,

supportive of the application as submitted. We believe further consideration should be given to the need for public access to the Moat Garden from its eastern boundary along the Castle entrance drive. We feel that the potential of the garden as a public space will otherwise remain unrealised. Somerset County Council as leaseholder should be fully involved in consideration of this matter.

## **Representations**

1 letter of objection on behalf of Mecca Bingo together with a 624 member petition on grounds of loss of car parking impacting on commercial use of the listed building as car park is safe and secure environment. Loss of parking here will raise fears and potentially cause a reduction in business and viability of a use making good use of a listed building.

1 letter of concern over loss of parking spaces under licence with the lease of the Old Municipal Building, placement of refuse bins and disabled access.

1 letter advising of the need for daily access for service vehicles to the rear of the Fore Street businesses.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS9 - Biodiversity and Geological Conservation,  
PPG15 - Planning and the Historic Environment,  
PPG16 - Archaeology and Planning,  
STR1 - Sustainable Development,  
STR4 - Development in Towns,  
S&ENPP1 - S&ENP - Nature Conservation,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
EN4 - TDBCLP -Wildlife in Buildings to be Converted or Demolished,  
EN14 - TDBCLP - Conservation Areas,  
EN15 - TDBCLP - Demolition Affecting Conservation Areas,  
EN21 - TDBCLP - Nationally Important Archaeological Remains,  
EN23 - TDBCLP - Areas of High Archaeological Potential,  
EN28 - TDBCLP - Development and Flood Risk,  
EN34 - TDBCLP - Control of External Lighting,  
G1 - TTCAAP - Castle Green,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations with the proposal are the compliance with the Taunton Town Centre Area Action Plan (TTCAAP) policy and the protection of the setting of the main listed buildings that are adjacent to the site and the conservation area, prevention of harm to wildlife interests and highway safety and consideration of the Scheduled Ancient Monument.

The TTCAAP policy G1 advises on a number of proposals to enhance the Castle Green area and these include a) the removal of public car parking to create a safe and accessible public realm, b) enhancement of pedestrian and cycle links into the site and pedestrian priority within the site, c) improved settings of the entrances to

the Castle and Castle Hotel, including removal of out buildings fronting the hotel, d) use of appropriate landscaping materials to reflect and enhance the setting of Castle Green, e) design of civic space to be suitable for use as open air cafes, performance space, markets and civic events, f) designated routes within the pedestrian priority area for vehicular access to the Castle Hotel and servicing and emergency vehicles, and g) strong physical and visual connections between Castle Green, the town centre and the riverside.

The proposal will remove the existing public car park and objections to this from users of the Mecca Bingo have been received. However the car park removal is fundamental to the scheme and there will still be nearby car parks in Castle Street and The Crescent which can be utilised. The access into the site, highway delineation and turning area have been agreed in principle with the Highway Authority, as has the closure of Castle Way to traffic. The loss of this stretch of road for bus use will mean that alternative bus stop provision will be required prior to closure of the road and this provision will be provided by the County Council. The removal of the bus and general traffic from the site will lead to pedestrians having priority and the vehicular traffic left using the area will be for servicing and hotel access only. A Traffic Regulation Order (TRO) will be required to prevent unauthorised traffic using the area, although access to the hotel and servicing of properties will still be maintained through the TRO.

The proposals include the demolition of the most prominent outbuilding in front of the Castle Hotel and this complies with policy G1 part c) to improve the setting of the listed buildings. New boundary treatments to the moat and Hotel have been agreed with English Heritage and the works here will open up views of the building while still utilising planting to try and screen vehicles in the hotel car park. Conditions to secure the appropriate height of this boundary treatment are required.

The proposal design includes a new area of open space that includes a raised grass area as well as paved areas for civic use. The detail of the paving of the area has been submitted and is considered acceptable and in compliance with the Design Code. The area of setts on the gatehouse approach has been identified for salvage and re-use of stone to infill the moat boundary wall where the existing doorway is to be blocked is proposed and conditioned.

The main area of concern with the scheme has been the provision of the moat bridge and its relationship with the Castle. The scheme has been revised to reduce the footbridge width at the Castle Green end and to modify the alignment to steer the line further away from the castle turret. This revision has been agreed with English Heritage and no objection to the scheme has been raised and the only area of concern, that of the plinth treatment below the railings bounding the moat, can be dealt with by condition. The bridge design and materials represent, for a structure of this nature, a light intervention and an appropriate solution here.

One further area of concern has the impact of the works on wildlife, particularly bats using the Mill Leat area for foraging. A number of trees are to be removed including four immediately north of the Castle Wall. A lighting scheme for the wall itself and the footpath to the museum is also to be lit at low level. This scheme has been modified to reduce light spillage and to lessen the impact on bats. An area of low level evergreen planting adjacent to the stream will help limit any light from the low level bollards lighting the footway. The ecologists consider a monitoring of the bats in the area and the impact of this lighting to be a necessary condition as part of the

development. A separate project to assess the impact of bats along the river corridor is also being pursued. In addition future enhancement of Goodland Gardens will also need to consider the impact on bats and will give the opportunity for habitat enhancement. A condition with regard to wildlife management is proposed as part of the development to secure protection of wildlife such as otters identified in the area. The scheme is considered to satisfactorily address the wildlife identified within the area and not to significantly harm habitat and subject to conditions is considered acceptable.

The area of land to the north of the Castle falls within an area of flood risk, however the works here are compatible with the risk and would not give rise to further risk elsewhere. The site was identified in the Area Action Plan which has been covered by the Strategic Flood Risk Assessment carried out for Taunton. This is an identified site and the proposal includes a flood risk assessment. The main area of works will not affect the surface water run-off rates, other than if anything reducing them due to the increased planting and grass in the area.

In summary the design of the public open space here is considered to be of a high quality which respects the character and historic assets surrounding the site as well as wildlife and highway safety. The moat footbridge will provide an important pedestrian link through to Goodland Gardens and the development as a whole is considered one which should be supported.

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

Recommended Decision: Conditional Approval

Permission be GRANTED subject to conditions of time limit, materials, hotel car parking levels, a light monitoring scheme over 2 years to limit impact on bats, moat planting, landscaping scheme, no closure of Castle Way until bus stops relocated, floodlighting levels, timer switch provision, boundary detail to rear of demolished outbuilding, wildlife management plan, boundary hedge height, surface of turning head, stone wall infill, street furniture detail, salvage of setts and ironworks, moat boundary detail and minor amendment plans. Notes re LB consent, SAM consent and wildlife.

The proposal would enhance/maintain the character and appearance of the Conservation Area and would not affect the character of Listed Buildings and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policy EN14 (Conservation Areas) and PPG15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and complies with policies S1, S2, EN4, EN15 and EN34 of the Taunton Deane Local Plan and policy G1 of the Taunton Town Centre Area Action Plan.

## **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. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Guidance note 15.

3. Details of proposed finished levels for the car parking area of the Castle Hotel shall be submitted to and approved in writing by the Local Planning Authority prior to its completion and shown in relation to the new boundary treatment and thereafter be carried out as agreed.

Reason: To ensure adequate screening of the cars from outside the Castle Hotel is provided by the new wall and hedge planting in the interests of the amenity of the area.

4. A scheme for the post-development monitoring of the impact of light on bats adjacent to the Mill Leat and northern Castle wall for a two year period shall be drawn up prior to completion of the scheme and shall include a review of the lighting scheme to be carried out thereafter as agreed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and protect the bat habitat in the area in compliance with PPS9.

5.
  - (i) Any alteration to the landscaping of the moat area shall be submitted to and approved in writing by the Local Planning Authority and any landscaping scheme shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan

Policy S2.

6.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. There shall be no closure of Castle Way to vehicular traffic until such time as the Bus Stops have been relocated in locations to be agreed with the Local Planning Authority.

Reason: In the interests of providing adequate public transport provision.

8. The lighting levels of the installation shall be carried out as per the dpa report Rev 2 dated 23/10/09 and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

9. Details of a timer switch to control the floodlighting of the northern Castle wall shall be submitted to and approved in writing by the Local Planning Authority before the lighting is installed. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

10. The boundary treatment to the rear of the Castle Hotel outbuilding to be demolished shall be agreed in writing prior to complete demolition of the building and the material finish and height of the wall to be retained shall be agreed in writing by the Local Planning Authority and a plan indicating the position, design, materials and height of boundary treatment shall be submitted. The agreed boundary treatment shall be completed before the use of the new car park area commences and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local

Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents and the character of the area in accordance with policy S1 of the Taunton Deane Local Plan.

11. The development hereby permitted shall not be commenced until a Management Plan containing details of a strategy to protect and enhance the development for protected species and containing proposals for future management of the site has been submitted to and approved in writing by the Local Planning Authority. The plan shall be based on the advice of all the relevant surveys and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when protected species could be harmed by disturbance;
- Measures for the enhancement of places of rest for the protected species.
- Proposed management of the site.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect wildlife and their habitats from damage bearing in mind PPS9 and the law protects these species.

12. The boundary treatment and hedge to the Castle Hotel shown on drawing no. 2673/361/2 shall be completed before **the use of the new parking area is commenced** or **in accordance with a timetable agreed in writing with the Local Planning Authority** and shall thereafter be maintained as such at a height no lower than 1.5m, measured from ground level outside the Hotel site, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the proposed development screens vehicles and makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

13. Notwithstanding the detail on the submitted plan, the surfacing material for the turning head shall be submitted to and agreed in writing by the Local Planning Authority prior to the layout of the area commencing.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Deposit Policy S2.

14. The detail of the doorway infill in stone to the wall west of the new bridge on drawing 2673/362/2A shall be submitted to and approved in writing by the Local Planning Authority and shall include the provision of a stone sample panel and shall be carried out as agreed following completion and opening of

the new moat bridge.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

15. Details of any new street furniture other than that specified on drawing 2673/501 shall be submitted to and approved in writing by the Local planning Authority prior to its installation.

Reason: In the interests of the character and amenity of the area in accordance with Taunton Deane Local Plan policy S2.

16. The Pennant sandstone setts and channels on the approach to the Castle Gatehouse and the historic cast iron gully grates, and their frames and pots shall be salvaged from the site for re-use by the County Council at a time to be agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the character of the area and reusing natural materials in accordance with Taunton Deane Local Plan policy S2.

17. A plan indicating the detail to the plinth of the moat boundary fence shall be submitted to and agreed in writing by the Local Planning Authority. A sample of the concrete or stone finish shall be provided on site and agreed in writing by the Local Planning Authority prior to this element of the work commencing.

Reason: In the interests of the character and appearance of the area in accordance with policies S2 and EN14 of the Taunton Deane Local Plan.

18. The development hereby permitted shall be carried out in accordance with the following approved plans:

- (A0) Exterior lighting layout
- (A3) DrNo 158-513 Moat bridge plan details
- (A3) DrNo 158-512 Moat bridge elevations details
- (A3) DrNo 158-511 Moat bridge north abutment
- (A3) DrNo 158-510 South abutment
- (A3) DrNo 158-411 Moat bridge- narrow cross section
- (A3) DrNo 158-410 Moat bridge- wide cross section
- (A3) DrNo 158-310 Moat bridge plan and elevations
- (A3) DrNo 158-210 Moat bridge plan
- (A3) DrNo 158-200 Overall plan
- (A1) DrNo 2673/371 Castle hotel existing outbuildings historical record elevations
- (A1) DrNo 2673/370 Castle hotel existing outbuildings historical record plan
- (A1) DrNo 1170-103 Rev C Moat bridge abutment arrangements
- (A1) DrNo 1170-102 Rev C Moat Bridge general arrangement
- (A1) DrNo 1170-101 Rev A Site plan
- (A1) DrNo 2673/321/3 Paving and edges 3 typical details
- (A1) DrNo 2673/321/2 Paving and edges 2 typical details
- (A1) DrNo 2643/321/I Paving and edges I typical details
- (A0) DrNo 2673/360/2 Planters and walls 2 typical details

(A0) DrNo 2673/360/1 Planters and walls i typical details  
(A0) DrNo 2673/300 Hardworks reference plan  
(A0) DrNo 2673/204/l Site sections  
(A0) DrNo 2673/204/4 Site sections 4  
(A0) DrNo 2673/204/3 Site sections 3  
(A0) DrNo 2673/204/2 Site sections s  
(A0) DrNo 2673/203 General arrangement plan  
(A0) DrNo 2673/201 Site clearance plan  
(A0) DrNo 2673/200 Site plan and application boundary  
(A3) DrNo 21167/007/SK09 P1 Large articulated vehicle tracking  
(A3) DrNo 21167/007/SK08 P1 Large refuse vehicle tracking  
(A1) DrNo 2673/501 Typical details furniture  
(A1) DrNo 21167/007/030 P1 Levels and surface finishes  
(A1) DrNo 21167/007/021 Drainage getails  
(A0) DrNo 2673/401 Softworks planting plan  
(A0) DrNo 2673/362/2 Castle moat wall replacement 2 proposed  
(A0) DrNo 2673/362/1 Castle moat wall replacement i existing  
(A0) DrNo 2673/361/2 Castle hotel wall replacement 2 proposed  
(A0) DrNo 2673/361/1 Castle hotel wall replacement I existing

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

#### Notes for compliance

1. You are advised that a separate Listed Building Consent is required for this proposal before any works commence.
2. Your attention is drawn to the need for Scheduled Ancient Monument Consent to enable works to commence.
3. The condition relating to wildlife requires the submission of information to protect species and the submission of management proposals. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation and management 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 wildlife under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity undertaken on the site must comply with the appropriate wildlife legislation.

**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**

**DEMOLITION OF CASTLE HOTEL OUTBUILDING, REPLACEMENT BOUNDARY TREATMENT TO THE CASTLE HOTEL AND MUSEUM, IMPROVEMENTS TO NORTH ENTRANCE TO MUSEUM AND PROVISION OF NEW LIGHTING AT CASTLE GREEN, TAUNTON (AMENDED PROPOSAL TO 38/09/0166LB) AS AMENDED BY LETTER DATED 14 DECEMBER 2009 AND PLANS 2673/200, 201, 202, 203, 204/1, 204/2, 204/3, 204/4, 204/5, 300, 321/1, 321/2A, 321/3A, 321/4, 360/1, 360/2, 361/2, 362/2A, 401 & 501**

322612.124543

Listed Building Consent: Works

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## **PROPOSAL**

The proposal proposes a number of changes to listed boundaries and outbuildings to allow for the refurbishment and public realm improvements to the Castle Green. The two main changes are the removal of part of the outbuildings sited in front of the Castel Hotel and changes to the boundary walls to the moat and Hotel car park.

The boundary treatment to the moat area has been amended to open up views of the castle while still providing a modern transparent boundary with steel uprights and a hardwood balustrade. This treatment is proposed to continue from the bridge around the moat to the Castle entrance. The boundary moat wall to the west is to be retained as this is part of a more historic structure than the modern lower wall and the old gateway to the footway is to be blocked. The boundary wall to the Castel Hotel will be replaced by a more contemporary wall in acid etched concrete with an evergreen hedge above it. This specialist quality cast concrete material will also be used for planters and steps around Castle Green to complement the area.

The garage outbuilding in front of the Castle Hotel that is to be demolished dates largely from the early 19th century with later 19th and 20th century additions and alterations. The interior layout does not reflect its original use as coach house and billiard room but instead a 20th century use as garage and food store. It is clear from survey plans that few historic features survive internally and demolition of the building is proposed to enhance the Castle House and Castle Hotel.

New lighting is also proposed as part of the scheme to illuminate the area to the rear of the Municipal Buildings where new cycle racks are to be located and also within the Castle Bow to improve amenity.

## **SITE DESCRIPTION AND HISTORY**

The site area around Castle Green currently includes a public car park and access roads servicing the Castle Hotel and rear of Fore Street properties as well as bus and taxi access via Castle Way to Corporation Street. The Castle itself is set behind a low but relatively modern stone wall bounding the moat and there exists a narrow footpath accessed via a doorway in the western end of the moat wall that leads uninvitingly to Goodland Gardens. A similar low wall acts as a boundary to the Castle

Hotel. An initial scheme submission 38/09/166LB was withdrawn following various amendments to address heritage concerns.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *CONSERVATION OFFICERS* - Detailed Comments

##### 1. Demolition of outbuildings in curtilage of grade II listed Castle Hotel

The hotel outbuildings make a positive contribution to the setting of this part of Castle Green, which is acknowledged in the statement of significance accompanying this application. Their demolition is, however, an essential element of the scheme and offers improvements to the usability of this space and views of the listed buildings. Whilst the principle of demolition is acceptable, given English Heritage's response (letter dated 4<sup>th</sup> August 2009), we must verify the extent to which any significant historic fabric survives. The western end of the building (close to the Castle driveway and overgrown with vegetation), retains a blocked Ham stone window that could possibly be part of the early-19<sup>th</sup>-century fire station. Fire stations of this date are a rare, if not unique, building type in the county and are identified in the South West Archaeological Research Framework Resource Assessment and Research Agenda (2008, p.243) as worthy of recording and study. Prior to demolition, it needs to be established whether evidence of the fire station, or other feature of historic interest, does indeed survive and to ensure this is adequately recorded. This can be achieved through a full historic building survey, which should be undertaken by a specialist acceptable to the local planning authority. The survey should be to Level 3, as specified in English Heritage Guidance *Understanding Historic Buildings: a guide to good recording practice* (2006).

An appropriate condition should be added to ensure this recording is carried out before demolition.

The demolition of these buildings raises a further issue. The north wall of the buildings forms an enclosing wall of a small garden/yard area to Castle House. This space is shown as a 'drying yard' on the 1832 plan (Webster and Lillford 2006), indicating that historically it has been enclosed. I could not find any reference to the reinstatement of this boundary in the application, although I understand that it is intended to use the existing north walls of the outbuildings. An appropriate condition should be included for this.

##### 2. Demolition of boundary walls

The wall fronting the Castle Hotel car park is recent and of limited historic interest. I have reservations concerning the height of the proposed hedge, which at approx 1.3m is unlikely to act as a completely effective screen to the elevated car park and shield the inevitably large cars belonging to the hotel clientele.

The low section of the Castle Moat wall is again of little intrinsic interest but is on the approximate line of an earlier wall and gives a sense of enclosure to the castle without obscuring it. The proposed replacement boundary treatment uses materials repeated in other elements of the scheme and is taller but 'visually permeable' in

design. While I do not consider that the proposed boundary treatment offers any advantages over the existing wall, I would not object to this in the context of the rest of the scheme.

I understand that English Heritage and Somerset County Council Heritage Service are to comment on the detail design of the proposed gate pier.

Part of the higher western end of this wall (close to where the proposed bridge would start) is earlier than the lower section and is of historic interest. I could not see any specific mention of this in the application, although it was agreed to retain this at a pre-application meeting. Also required is the specification for infilling the archway in the wall leading to the current path to Castle Gardens. A Perspex screen has been proposed but I would favour this opening being blocked with matching stone set in lime mortar, recessed back from the existing face. A condition for details and a sample panel should be included in any approval.

### 3. New wall mounted light fittings

None of the existing lighting proposed for removal is of historic significance. I do however, have reservations regarding the number of lights to be attached to listed buildings, as these generally serve to increase clutter and are to be discouraged (PPG 15 Annexe C.68). More specifically:

#### Municipal offices:

This is a grade II\* listed building, the rear of which is part of Castle Green. The two wall mounted lights are to illuminate the cycle rack. Given the amount of lighting proposed for the Green and that this building will be wash-lit, I would question whether two additional lights need to be attached to this building (there are none here at present). That said, they are mounted low on the building, so their impact would not be too great.

Additional information is, however, required. In particular, existing and proposed drawings of the north elevation showing the position of the lights at an appropriate scale (1:50 or 1:100). Further details are also required as to how these will be fixed and the cable runs, to establish the extent of potentially damaging or obtrusive interventions into the historic fabric.

#### Castle Bow:

This building is listed at grade I. It is proposed to replace the existing lighting with 6 downlights affixed to the castle archway and 4 uplights recessed in the ground. The number of downlights proposed appears excessive for this fairly short run.

I am also concerned as to how these ceiling mounted lights relate to the arches, as we need to minimise their impact and they must not be attached directly to, or visually interfere with, an arch. In particular, the L17 units (which are 285mm long) must not hang down below the line of the arches. This cannot be ascertained from the information submitted and suggest that a plan of the ceiling showing the position of the arches and the proposed lights is submitted. Measured drawings of the east and west elevations are also needed to demonstrate the visual impact of the L6 and L17 units. Further details are also required as to how these will be fixed and the cable runs, to establish the extent of potentially damaging or obtrusive interventions into the historic fabric.

I am less concerned about the ground mounted units as I assume these will not

involve any intervention into the building fabric.

#### 4. Moat bridge

While I retain reservations regarding the principle of a bridge crossing the moat here, an improved link from Castle Gardens and Castle Green is an essential part of the scheme and is justified. The proposed position of the bridge is an improvement over the earlier withdrawn application and I consider that the design and materials represent, for a structure of this nature, a light intervention and an appropriate solution here.

#### 5. Salvage

There are two cast iron iron sewer grates, with associated frames and pots, that are of historic interest. These are located at:

1. Castle Green, east of the Winchester Arms PH (NGR 322590 124565) - Cast iron locking gully stamped 'ALLEN & SON TAUNTON'.
2. Castle Approach, (NGR 322616 124584) - Cast iron gully stamped 'TAUNTON TOWN COUNCIL'.

An appropriate condition should be included for the careful lifting, retention and delivery of the gully grates, and their frames and pots, to Somerset County Council Heritage Service.

The County Council Heritage Service have also requested that they retain for re-use the Pennant sandstone setts and channels it laid in 2004 on the approach to the Castle Gatehouse.

#### 6. Summary

This site has exceptional architectural, historic and archaeological value and is of national importance, reflected in its statutory status. The proposed scheme has not wholly embraced or explored the potential of all the heritage assets but does offer improvements to this historic space. I support this application with suitable conditions as outlined above.

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations.

*COMMUNITY ARTS OFFICER* - no comments received at time of writing

*BRITISH WATERWAYS* - no objections

*ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND)* - These planning and lbc applications for public realm improvements to Taunton Castle Green are primarily amendments to previous applications. I think English Heritage has been kept abreast of most of these changes and we are generally content with them, particularly the amended details for the footbridge to the south west of the Castle.

There are just two matters that are outstanding and these are described in the next two paragraphs.

Jenny Chesher, Caroline Power and I had a meeting with George Dundon on 21 December 2009. There was one design detail that we raised at that meeting with

which we had some concern. This was the concrete plinth at the base of the railings above the existing moat wall and in front of the castle. George promised to send us enlarged paper drawings of that detail but we have not yet received those.

The other matter that is still outstanding is the archaeological mitigation and recording. However that can be dealt with as part of an application for scheduled monument consent for all the Castle Green improvements. That application has not been submitted yet as certain ground investigations need to be done as a precursor and they only just starting over the next few weeks. We do note that the moat is now being reprofiled which is probably quite positive as that will give it more emphasis but only so long as this work is also covered by the archaeological mitigation and recording. I will discuss those matters with Steven Membery when the details are available.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

## **Representations**

None received.

## **PLANNING POLICIES**

PPG15 - Planning and the Historic Environment,  
PPG16 - Archaeology and Planning,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
EN14 - TDBCLP - Conservation Areas,  
EN15 - TDBCLP - Demolition Affecting Conservation Areas,  
EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,  
EN21 - TDBCLP - Nationally Important Archaeological Remains,  
EN23 - TDBCLP - Areas of High Archaeological Potential,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The proposed scheme is to improve the public realm area of Castle Green and provide an improved pedestrian link to Goodland Gardens. As part of the scheme works involve a number of separate elements affecting listed structures. The main consideration is to ensure these works enhance the character of the Conservation Area and do not harm the fabric and character of listed structures.

The works involve the demolition of an outbuilding in front of the Castle Hotel that is listed building and a justification has been put forward for this given the age and character of the structure and aim of improving the usability of space and views of the listed buildings. The principle of demolition here is acceptable and is supported by English Heritage and the Conservation Officer subject to the appropriate recording of the building prior to its demolition and a condition is suggested in respect of this issue. A condition to control the boundary treatment to the Castle House north of the site is also considered important and detail of this will need assessing during the demolition works depending on the nature of the state of the existing rear boundary wall.

The wall fronting the Hotel car park is relatively recent and of limited historic interest. Its demolition and replacement is considered acceptable as this will blend in with the other changes taking place around Castle Green. Concern over the ability of the new structure to screen vehicles is noted and a condition to secure the appropriate levels and hedge planting form part of the conditions proposed on the planning application. The low section of Castle Moat wall is also considered of little intrinsic historic interest, although it is on the line of an earlier structure. The proposed replacement boundary treatment of a 'visually permeable' fence with a timber hand rail is considered appropriate in the context of the scheme design.

The provision of the new pedestrian footbridge will supersede the need for the existing footway to Goodland Gardens and the closure of this route past the Wyndham Hall with the blocking of the entrance gate in the wall is proposed and a condition to secure the detail of the stone infill is required.

New wall lights to the Castle Bow and Municipal Buildings are proposed and the precise details of fixings and cable runs are currently lacking and will be required as a condition to ensure details are appropriate to the character of the buildings concerned and do not detract from their character and appearance.

In summary the scheme proposed enhances the character of the area and ensures improvements to the historic space that is in keeping with the historic character of the area. The works are not considered to detrimentally affect the adjacent listed buildings and subject to the conditions proposed the scheme is recommended to be approved subject to the view of the Secretary of State.

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

Recommended Decision: Approval by Secretary of State

Subject to the view of the Secretary of State no objection be raised subject to conditions of time limit, materials, recording of building, archaeological watching brief, boundary wall detail to Castle House, plinth detail, wall infill detail, details of fixing and cable runs for new lights.

The proposal would enhance/maintain the character and appearance of the Conservation Area and would not affect the character of Listed Buildings and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policy EN14 (Conservation Areas) and PPG15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and complies with policies S1, S2 and EN15 of the Taunton Deane Local Plan and policy G1 of the Taunton Town Centre Area Action Plan.

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

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by

S51(4) Planning and Compulsory Purchase Act 2004).

2. No walling or fence shall be erected until a sample panel of the proposed fence plinth and concrete wall has been built on the site and have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Guidance note 15.

3. The boundary treatment to the rear of the Castle Hotel outbuilding to be demolished shall be agreed in writing prior to complete demolition of the building and the material finish and height of the wall to be retained shall be agreed in writing by the Local Planning Authority and a plan indicating the position, design, materials and height of boundary treatment shall be submitted. The agreed boundary treatment shall be completed before the use of the new car park area commences and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents and the character of the area in accordance with policy S1 of the Taunton Deane Local Plan.

4. The developer shall afford access at all times to any archaeologist nominated by the Local Planning Authority, and shall allow him to observe the excavations and record items of interest and finds during the demolition work.

Reason: To ensure protection of the archaeology of the borough in accordance with Policy 12 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy EN21 of the Taunton Deane Local Plan and advice contained in Planning Policy Guidance note 16.

5. A full historic building survey and recording of the building prior to demolition shall be carried out by a specialist and schedule to be agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate recording of the building to preserve the heritage of the district.

6. Details of any new lighting fixings and cable runs to the rear of the Municipal Buildings and within Castle Bow shall be submitted to and approved in writing by the Local Planning Authority at an appropriate scale of 1:50 or 1:100 before any installation takes place. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To minimise the impact of the development in accordance with Policies S1 and S2 of the Taunton Deane Local Plan.

7. The detail of the doorway infill in stone to the wall west of the new bridge on drawing 2673/362/2A shall be submitted to and approved in writing by the Local Planning Authority and shall include the provision of a stone sample panel and the colour and type of mortar for pointing used within the panel and shall be carried out as agreed following completion and opening of the new moat bridge.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

8. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - (A1) DrNo C3037/D01 Rev B Exterior lighting details
  - (A0) Exterior lighting layout
  - (A3) DrNo 158-513 Moat bridge plan details
  - (A3) DrNo 158-512 Moat bridge elevations details
  - (A3) DrNo 158-511 Moat bridge north abutment
  - (A3) DrNo 158-510 South abutment
  - (A3) DrNo 158-411 Moat bridge- narrow cross section
  - (A3) DrNo 158-410 Moat bridge- wide cross section
  - (A3) DrNo 158-310 Moat bridge plan and elevations
  - (A3) DrNo 158-210 Moat bridge plan
  - (A3) DrNo 158-200 Overall plan
  - (A1) DrNo 2673/371 Castle hotel existing outbuildings historical record elevations
  - (A1) DrNo 2673/370 Castle hotel existing outbuildings historical record plan
  - (A1) DrNo 1170-103 Rev C Moat bridge abutment arrangements
  - (A1) DrNo 1170-102 Rev C Moat Bridge general arrangement
  - (A1) DrNo 1170-101 Rev A Site plan
  - (A1) DrNo 2673/321/3 Paving and edges 3 typical details
  - (A1) DrNo 2673/321/2 Paving and edges 2 typical details
  - (A1) DrNo 2643/321/1 Paving and edges 1 typical details
  - (A0) DrNo 2673/360/2 Planters and walls 2 typical details
  - (A0) DrNo 2673/360/1 Planters and walls 1 typical details
  - (A0) DrNo 2673/300 Harworks reference plan
  - (A0) DrNo 2673/204/1 Site sections
  - (A0) DrNo 2673/204/4 Site sections 4
  - (A0) DrNo 2673/204/3 Site sections 3
  - (A0) DrNo 2673/204/2 Site sections s
  - (A0) DrNo 2673/203 General arrangement plan
  - (A0) DrNo 2673/201 Site clearance plan
  - (A0) DrNo 2673/200 Site plan and application boundary
  - (A1) DrNo 21167/007/030 P1 Levels and surface finishes
  - (A0) DrNo 2673/401 Softworks planting plan
  - (A0) DrNo 2673/362/2 Castle moat wall replacement 2 proposed
  - (A0) DrNo 2673/362/1 Castle moat wall replacement 1 existing
  - (A0) DrNo 2673/361/2 Castle hotel wall replacement 2 proposed
  - (A0) DrNo 2673/361/1 Castle hotel wall replacement 1 existing

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

Notes for compliance

**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**

41/09/0026

MR P MORRELL

**ERECTION OF 11KW WIND TURBINE (18.3 METRES HIGH TO HUB WITH ROTORS AT 13 METRES DIAMETER) AT BRIDGETS FARM, TOLLAND, AS AMENDED BY AMENDED DESIGN AND ACCESS STATEMENT RECEIVED 29TH OCTOBER 2009, EMAIL DATED 19TH NOVEMBER 2009 WITH ACCOMPANYING PLAN AND ENVIRONMENTAL NOISE ASSESSMENT DATED 28TH NOVEMBER 2009**

310367.132831

Full Planning Permission

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## **PROPOSAL**

The proposed wind turbine is a Gaia-Wind GW11 with a hub height of 18.3m and a fixed speed downwind rotor with a diameter of 13m. All non galvanised elements of the turbine will be coloured pale grey. The mast will be a solid tubular tower. Access to the site will be gained via the existing farm and site access. The purpose is to enable the applicants to reduce carbon emissions and energy bills of their business and home, and to increase self-sufficiency in terms of electricity production. The energy produced by the turbine would represent almost half of the farm's electricity needs and would replace part of the farm's current grid supply.

A Design and Access Statement and Planning Statement were submitted with the application. These included an appraisal of the context of the proposal involving an evaluation process that has sought to balance the various aspects of the proposal.

A Landscape Assessment was submitted. This concludes that the proposed turbine would occupy an elevated position, but is hidden from most surrounding vantage points by folds in the land or tree ' hedgerow screening. It therefore considers that the proposal would have a limited, non-material impact on the character of the landscape.

An Environmental Noise Assessment has also been submitted. This predicts turbine noise levels at the nearest residential properties and compares these with the maximum noise levels specified in the relevant guidance.

## **SITE DESCRIPTION AND HISTORY**

The proposed wind turbine would be located on agricultural land about 220m north west of Bridgets Farm on the southerly slope of Tolland Down at a ground height of approx 198m AOD. The land continues rising to the west to Willett Hill, which is covered with a forest plantation. Apart from Bridgets Farm, the nearest residential properties are all over half a kilometre from the site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - no observations to make.  
*LYDEARD ST LAWRENCE & TOLLAND PARISH COUNCIL* - Supports – renewable energy is an important consideration.

*NATURAL ENGLAND* – requests that the recommendations of the TDBC Nature Conservation Officer be used in determining the application and attaching conditions.

*MINISTRY OF DEFENCE* – no objection.

*LANDSCAPE OFFICER* – Having now had the opportunity to assess the impact of the proposed turbine site, as indicated on site by a pole, I am concerned that it is too close to the local skylines – which it clearly breaks from several vantage points- and would have a detrimental impact on the landscape character of the area. Most of the vantage points are to the south and east of the site. However, I think there is still scope for a turbine within the farm's ownership, but lower down the slope of the field.

*NATURE CONSERVATION OFFICER* (original siting) – concerned that no wildlife survey has been submitted with the application. The proposed wind turbine is located approx 5m from a hedge line, a possible bat foraging route, contrary to a Natural England Technical Information Note. The submitted Design & Access Statement states 'potential impact on bats is thought to be low'. This statement should be supported by survey information.

(amended siting) - the installation of a wind turbine is one of the instances listed on the trigger list when a wildlife survey is required. However as the proposal is located away from any designated sites, woodland or water feature and the proposed location of the structure has been amended to be over 50 m away from any hedge, the risk to bats is greatly reduced. As you are recommending refusal and the applicant has taken steps to reduce the risk to bats, it seems unreasonable to request a wildlife survey.

*ENVIRONMENTAL HEALTH OFFICER* – comments on the Environmental Noise Assessment:-

The report details the noise level measurements taken from around the surrounding area of the proposed wind turbine site and predicts the turbine noise levels at the nearest residential properties. The report concludes that although the turbine site is in a rural location and well away from main road the predicted turbine noise levels will have no significant impact on the neighbouring residential properties. The report suggests a noise condition limiting the turbine noise level to 35 dB  $L_{A90,10min}$  at a wind speed of 10 m/sec at 10 m high. I find the report satisfactory to address my concerns regarding the impact the proposed wind turbine will have on the neighbouring residential properties and am happy to except the condition put forward in the report with a slight amendment, see suggested condition below.

### **Suggested condition:**

Noise emissions from the wind turbine to which this permission refers shall not exceed 35 dB  $L_{A90,10min}$  at a wind speed of 10 m/sec at 10 m high when measured at any point at the facade of any residential or other noise sensitive boundary.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the turbine to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

## **Representations**

SEVEN LETTERS OF SUPPORT making the following points:-

1. Need new energy sources and wind turbines are an excellent form of energy.
2. Size and position of wind turbine will have very little adverse impact on the environment but will have a huge benefit to us all in the future.
3. Seems to be an attempt on a sensible scale to generate energy from a renewable source and reduce reliance on fossil fuels, which should be encouraged.
4. The benefits of such an initiative far outweigh any minor negative effects.
5. Consider it to be a suitable site.
6. Local businesses should be encouraged.
7. Suitable sites for wind power are exposed by their very nature.
8. Close to other developments which have been allowed by Taunton Deane.
9. Existing telecommunications mast is far more visually intrusive than the proposed turbine.
10. Site is well related to roads and tracks to service the site.
11. Sited well away from noise sensitive development.
12. Sited well away from public footpaths or roads and therefore no risk to the public in the case of mechanical failure.
13. Will not cause shadow flicker nuisance to neighbouring properties or other interference since the nearest permanent dwelling is more than 500 metres away.
14. The development would not present a significant danger to wildlife, being away from farm buildings where bats and owls concentrate their feeding activities.

FIVE LETTERS OF OBJECTION making the following points:-

1. Will be extremely visually intrusive and noisy.
2. It will be seen for miles and could be a distraction to motorists on the B3224.
3. Applicant should have contacted local residents before proceeding with such an application.
4. It is completely inappropriate to compare the installation with electricity pylons because there are none in the vicinity.
5. The turbine will be white and stand out like a beacon in this predominantly green landscape.
6. Seems that wind farming will catch on as agriculture desperately seeks returns on new forms of diversification and this application will undoubtedly be regarded as a precedent for many others to come.
7. Will decimate what's left of the community.
8. This huge turbine should be sited far away from the ancient and historic village – it has no place interrupting and disturbing resident's lives whilst it can so obviously be sited elsewhere on the farmer's high land where it will not disturb anyone.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,

PPS 1 SUPP - Planning and Climate Change,

PPS7 - Sustainable Development in Rural Areas,

PPS9 - Biodiversity and Geological Conservation,

PPS22 - 'Planning for Renewable Energy' and its associated 'Companion Guide' provide the national framework within which local planning authorities decide on individual applications. It sets the objective based criteria that must be applied by Local Planning Authorities in deciding individual planning applications to generate energy from wind.

RPG10 - Regional Planning Guidance for the South West - Policy RE6 covers Energy Generation and Use.

Draft Regional Spatial Strategy – sets out the region's commitment to sustainable development and to tackling climate change. Policy SD1 'The Ecological Footprint' states that building a sustainable, low carbon and low resource consuming economy is key. Policy SD2 'Climate Change' specifically targets climate change and says that the region's contribution to further climate change will be reduced by reducing greenhouse gas emissions at least in line with national targets. Policy RE1 'Renewable Energy targets 2010 and 2020 sets out renewable energy targets. The push towards these targets is supported by Policy RE4 'Meeting the Target through development of New Resources', which states that planning authorities will take into account the wider environmental, community and economic benefits of proposals, whatever the scale.

S&ENPP64 - S&ENP - 'Renewable Energy' - Policy 64 states that provision should be made, where environmentally acceptable, for the development of renewable energy resources.

C12 - TDBCLP - 'Renewable Energy' - "Development of renewable energy sources will be permitted where relevant Local Plan policies would be met. In assessing the impact of the proposed development, account will be taken of individual and cumulative effects, the mitigating measures and of wider environmental benefits".

C13 - TDBCLP - 'Wind Turbines' - "Proposals for wind turbines, wind farms and any associated development, including access roads, will be permitted provided that:

- (A) development is sited to minimise impact on the landscape, utilising landscape features and avoiding the skyline;
- (B) turbines on a wind farm are of a similar size, type and of a uniform plain colour chosen to minimise landscape impact;
- (C) development is well-related to roads capable of carrying construction traffic. New access roads across open countryside will not be permitted;
- (D) development is sited and designed to avoid causing noise nuisance, particularly near noise-sensitive development;
- (E) development is sited and designed to minimise possible danger to the public, with turbines set back by at least their height from public footpaths, roads, railways and buildings;
- (F) turbines will not cause 'shadow flicker' nuisance to neighbouring properties or

electro-magnetic interference;

(G) development would not disturb or present a significant danger to wildlife, and;

(H) any connection to the local electricity distribution network is by underground cable.

Where planning permission for a wind turbine is extant or has been implemented, development proposals which could reduce local wind speeds and the regeneration of electricity by that turbine will not be permitted".

EN12 - TDBCLP - 'Landscape Character Areas'.

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Renewable and Sustainable Energy

The benefits of renewable and sustainable energy is a major consideration weighing in favour of the proposal, particularly when taking into account the Government's targets for renewable energy. The Government's view on renewable energy has been set out in various policy documents. One of the key principles of PPS22 is that renewable energy developments should be capable of being accommodated in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily. The guidance goes on to state that development proposals should demonstrate that any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures. However, it is important to note that PPS22 goes on to say that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given considerable weight in determining whether proposals should be granted planning permission. It is clear therefore that a judgement has to be made on the benefits of a sustainable form of energy and that of the impact of the turbine on the surrounding area.

### Need

PPS22 states that small scale projects can provide a limited but valuable contribution to overall output of renewable energy and that planning authorities should not reject planning applications simply because the level of output is small. It goes on to say that small-scale developments should be permitted within sensitive landscape areas providing there is no significant environmental detriment to the area concerned.

### Visual Impact

The Council's Landscape Officer has concerns that the proposal would have a detrimental impact on the landscape character of the area. I concur with that view. The proposed turbine will be particularly prominent and intrusive from a number of vantage points in the area. Although the area is not subject to any landscape designation, the proposed site is located on high ground within an area of attractive countryside.

### Noise

PPS22 states that renewable technologies may generate small increases in noise levels and that Local Planning Authorities should ensure that renewable energy developments have been located and designed in such a way to minimise increases in ambient noise levels. A Companion Guide refers to a Report which describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm developers or planning authorities. It makes a series of recommendations that can be regarded as relevant guidance on good practice and should be used by planning authorities when assessing and rating noise from wind energy developments. There is a specific recommendation for single wind turbines in that a simplified noise condition may be suitable if the noise is limited to a certain level. The submitted Noise Assessment states that the predicted noise levels are well below the required criterion and concludes that there will be no significant impact from the noise of the turbine, subject to a condition limiting the turbine noise level to the required level. The Environmental Health Officer concurs with that view subject to the condition in the consultation response.

## Wildlife

The British Wind Energy Association (BWEA) considers that experience and careful monitoring by independent experts shows that birds are unlikely to be damaged by the moving blades of micro wind generators. General advice from the Bat Conservation Trust and the Wildlife Trust regarding domestic scale installations and other similar turbine applications states that it is good practice for the siting of turbines to avoid close proximity to buildings that could be used as roosts, or groups of mature trees, hedgerows and water bodies which could be used as foraging and commuting routes. They recommend siting of domestic scale turbines 50m away from any such feature. This advice is backed up by English Nature in technical advice. The amended siting complies with this requirement. Taking the above into account, the proposed construction and operation of the wind turbine can be carried out without having any adverse impact on existing ecological or hydrological features or assets of value. The Nature Conservation Officer does not consider that it would be reasonable to require a wildlife survey to be carried out following the amendment to the siting.

## Other Issues

Shadow flicker can cause a problem to nearby properties early in the morning or late in the evening. It is caused by the rotating blades interrupting the light from the sun when the turbine is between you and the sun. This would occur early in the morning to the west of the turbine and late in the evening to the east of the turbine. The effect is likely to be worse on sunny days in winter than in summer, as in summer the sun is much higher for longer and therefore the shadow is more local to the actual turbine. It is generally accepted that some degree of shadow flicker is acceptable, but that limits should be imposed to restrict the number of hours per year for which one property will be affected. Properties greater than 85m are unlikely to be seriously affected, since the duration of any shadow flicker will be reduced and its severity will be lower since the shadows from the blades will become more diffuse. Separation distance between the proposed turbine and the applicant's

property is well in excess of industry recommendations. Due to the larger separation distance between the proposed turbine and other nearby properties, shadow flicker is not considered to be likely to adversely affect residential amenity.

PPS22 states that provided careful attention is paid to siting, wind turbines should not cause any significant problems of electromagnetic interference. It is also intended to use a permanent magnet brushless alternator, which avoids one main source of potential electromagnetic interference – worn brushes. Also following the full changeover to digital TV viewing, signal interference will no longer be of concern as digital signals will not be subject to electromagnetic interference.

The Ministry Of Defence confirms that they have no objection to the proposal from an aviation point of view.

Due to the location of the proposed turbine, at a considerable distance from the road, driver distraction on the B3224 is not considered to be an issue. Furthermore, the County Highway Authority has not raised any objection.

## Conclusion

I recognise the need to encourage the use of renewable technologies in areas such as electricity generation and that the proposal is relatively small scale in terms of wind turbines. However, the proposed siting is on elevated ground close to where the land drops away to lower ground. The proposal will appear as skyline development from a number of vantage points particularly to the south and east. I consider that the proposal will have a detrimental impact on the landscape character of the area and will appear as an incongruous feature. My conclusion is that the sustainable benefits of the proposal do not outweigh the visual detriment that the proposal would result in.

The applicant has been requested to withdraw the current application and consider alternative positions. However he wishes the application to be determined as it stands. He is concerned that alternative locations would have a negative impact on the proposed turbine's efficiency, due to proximity to buildings and mature trees, etc. The BWEA outlines guidance for turbine height and siting and states that the output from a wind turbine is highly sensitive to wind speed and obstacles. It considers that it is essential that turbines be sited away from obstructions.

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

Recommended Decision: Refusal

- 1 The application site is located in an attractive area of countryside where it is considered that the proposed development, due to its size, form and siting, will have a significant adverse impact on the local landscape character by reason of its visual intrusion which will adversely affect the setting of this landscape. As such the proposal is considered contrary to advice given in PPS1, PPS7 and PPS22, and Taunton Deane Local Plan Policies C13(A) and EN12.

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

Notes for compliance

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

**CONTACT OFFICER: Mr J Hamer Tel: 01823 356461**

43/09/0110

MIDAS HOMES

**RESIDENTIAL DEVELOPMENT TO PROVIDE FIVE DWELLINGS IN LIEU OF FOUR PREVIOUSLY APPROVED, TOGETHER WITH ACCESS, PARKING AND ASSOCIATED WORKS, PLOTS 24-27, LAND AT FORMER ABL & WESTFORD PLASTICS SITE, PAYTON ROAD, WELLINGTON**

311810.12039

Full Planning Permission

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**PROPOSAL**

The proposal provides for a replan of part of a 69 dwelling development at Westford. The proposal is to replace the previously consented four detached houses with five smaller dwellings – four semis and one detached. All the dwellings will be affordable with four being for social rent and the fifth a shared equity property. All plots will have two parking spaces which will maintain the approved provision.

**SITE DESCRIPTION AND HISTORY**

The site comprises part of an ongoing development site at the former Westford Mill. Planning permission for the overall development of 69 dwellings was granted in 2007.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - views awaited.

*WELLINGTON TOWN COUNCIL* - object because it was felt that it would result in overdevelopment of the site and that development was inappropriate for the site as the members had stated before.

*CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE* - no comments to make.

*ENVIRONMENT AGENCY* - no comments to make.

*DRAINAGE ENGINEER* - no observations to make.

*HOUSING ENABLING MANAGER* - on the basis that this scheme is likely to provide all affordable housing, no comment to make.

*NATURE CONSERVATION & RESERVES OFFICERS* - concerned that no wildlife survey was submitted with the application, especially as a pond is located very close to the application site. Suggest that a wildlife survey be requested to support the

application.

*LEISURE DEVELOPMENT MANAGER* - in accordance with Policy C4, provision for play and active recreation must be made. A contribution of £1,023 for each additional dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £1,785 for each 2 bed+ dwelling should be made towards children's play provision. The contributions should be indexed linked.

*HERITAGE AND LANDSCAPE OFFICER* - no further landscape impacts.

## **Representations**

SEVEN LETTERS OF OBJECTION making the following points:-

1. Have previously objected to this development because of the impact it will have on the access to Westford with the amount of extra traffic. The main road through Rockwell Green is small with mainly single file traffic which goes over the railway bridge, with its poor visibility for drivers and the consequent high risk of accidents. There are no pavements for safe walking from Westford up to the bridge. Instead of taking the healthy walking option, families would have to consider using their cars purely for safety reasons.
2. Would be an overdevelopment of a small site and quite unnecessary if previously built houses have not sold yet.
3. The area is not suitable for a large increase in residencies. Houses are needed but Westford is in danger of losing its unique character with over population.
4. Adjacent pond, which attracts a great deal of wildlife in that area.
5. The developer should stick to the original plans and not try to increase profits in this way.
6. The site is already very crowded and somewhat out of keeping with its semi rural location. The only people benefiting from this application would be the developer, not future occupiers or neighbours.
7. One more 'box' to add to the unsightly development in Westford. Westford is fast losing its own identity, soon to become merely an extension of Rockwell Green and grossly overcrowded. Hope TDBC will take full responsibility when the road accidents start.
8. Object to any further increase in the density of the site.
9. The people who move there will have hardly anywhere to sit or play outside in their gardens and there will probably be insufficient parking space for all their vehicles, which will doubtless increase congestion along Payton Road and in Rockwell Green.
10. Already with the current occupation, residents are subjected to parking problems, noise and increased traffic volumes through Rockwell Green. Understood that work was supposed to be carried out on the bridge prior to the start of development to ensure safety of the increased pedestrian traffic.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,  
PPS9 - Biodiversity and Geological Conservation,  
S1 - TDBCLP - General Requirements,

## **DETERMINING ISSUES AND CONSIDERATIONS**

This is a small area of a largely completed redevelopment project of 69 dwellings originally approved in 2007. The proposal relates well and is in keeping with the remainder of the dwellings on the overall site. The increase in the number of units by one (effectively increasing the number of dwellings on the overall development from 69 to 70) is considered to be acceptable.

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

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

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

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

Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.

2. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with 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.

3. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

4. Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings. If there are no discrepancies a letter confirming no variations should be received by this Authority within 1 month of the completion of the landscape scheme.

Reason: to ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

5. Work shall not commence until details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats, has been submitted to and approved in writing by the Local Planning Authority. Once approved the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented.

Reason: To maintain the status of bats and their roosts. Bats and their roosts are included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & c.) Regulations 1994, in accordance with Taunton Deane Local Plan Policies EN4 and EN5.

6. The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy M4.

7. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted

to and approved by the Local Planning Authority,

Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with TauntonDeane Local Plan Policy S1 (A) and (E).

9. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forwardmost part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).

10. The finished floor levels of the proposed dwelling shall be a minimum of 62.2m AOD.

Reason: In order that adequate flood protection is provided to the proposed dwellings in accordance with Taunton Deane Local Plan Policy EN28.

11. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).

12. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage.

Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1 (E).

13. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) 1025/22/01 Ground Floor Plan  
(A3) Block Plan  
(A3) Drg No 1025/01 Site Layout  
(A3) Drg No 1025/04 Location Plan  
(A3) Drg No 1025/05 Context Plan  
(A3) Drg No 1025/06 Street Scenes

(A3) Drg No 1025/20/01 Ground Floor Plan  
(A3) Drg No 1025/20/02 First Floor Plan  
(A3) Drg No 1025/20/10 Elevations  
(A3) Drg No 1025/21/01 Ground Floor Plan  
(A3) Drg No 1025/21/02 First Floor Plan  
(A3) Drg No 1025/21/10 Elevations  
(A3) Drg No 1025/22/02 First Floor Plan  
(A3) Drg No 1025/22/10 Elevations  
(A1) Drg No 0706-24 Proposed drainage layout  
(A1) Drg No 1025/02 Proposed Adoptable Highway  
(A1) Drg No 1025/03 Materials Plan

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

Notes for compliance

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

**CONTACT OFFICER: Mr J Hamer Tel: 01823 356461**

49/09/0054

MR J LAWREY

**ALTERATIONS TO APPROVED SCHEME FOR CONVERSION OF BARN TO DWELLING (49/09/0059) AND ERECTION OF AGRICULTURAL BUILDING AT FOOTLANDS FARM, FORD, WIVELISCOMBE. (AS AMENDED BY DRAWING NO. 03D RECEIVED ON 7 DECEMBER 2009, AND DRAWING NO. 01A RECEIVED ON 17/11/09).**

308893.128733

Full Planning Permission

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## **PROPOSAL**

The proposal comprises the conversion of an attractive stone barn to form a 3-bedroomed dwelling (The Granary), and the erection of a weather-boarded agricultural implement shed. The application has been amended by: the retention of the old front door instead of its replacement with a new glazed door; the omission of a new window above the front door; the omission of a rooflight to the front elevation; the redesign of the flue to the rear elevation; the inclusion of a rooflight to the rear elevation; and the provision of turning circle and 4 no. car parking spaces.

The application is presented to Committee because the agent is related to a member of staff.

## **SITE DESCRIPTION AND HISTORY**

The building is within the curtilage of Lower Grants farmhouse, a Grade 2 listed building. Accordingly, the application is accompanied by listed building application 49/09/0055LB, which is also included within this Committee agenda. Both applications are on the agenda because the agent is a related to a Council employee.

Application 49/09/0056, relating to roof alterations to an adjacent agricultural building in order to provide accommodation for bats in association with the conversion of The Granary, was reported to Planning Committee on 16th December 2009.

Planning permission was granted for conversion of this barn in December 2008 and June 2008, references 49/08/0059 and 49/08/020 respectively. The conversion granted under reference 49/09/0059 comprised a different design, a double garage, and did not include an agricultural building.

Planning permission has also been granted for conversion of the adjacent barn to a dwelling (Rileys Byre), in December 2008, reference 49/2008/0060.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Further to my letter dated 13 November and the subsequent amended plan received on 17 November 2009. As previously advised it is essential that two vehicles can not only park, but turn within the site when the parking areas are occupied. In addition access/turning for agricultural/farm machinery that will be stored in the new building will need to be

taken into consideration.

A revised layout has been submitted, showing the gate to the adjoining field that is located to the south opening into the field; a parking area for four vehicles; parking for two agricultural vehicles within the new building and a turning area. Parking and turning for four vehicles within the site would be restricted and I'm not sure why four have been shown as two are considered sufficient for a three bedroom unit. Notwithstanding this, if two vehicles parked facing the wall where there field gate is positioned, and the remaining yard area is kept available for turning I am satisfied that it would be possible to accommodate two vehicles and a sufficient turning area, which the agricultural vehicles could also utilise. On the basis of this arrangement being provided within the site, I would not wish to raise a highway objection and in the event of permission being granted I would recommend that conditions are imposed.

*WIVELISCOMBE PARISH COUNCIL* - Support subject to barn planning conditions.

*CONSERVATION OFFICERS* - This agricultural building is quite domestic in scale. It probably dates to the 18th century and is listed by virtue of being within the curtilage of the Grade 11 listed Lower Grant's Farmhouse. The barn's chief interest lies in its relationship with the farmhouse and its surviving historic features. The barn is substantially intact. The main past alterations are: the replacement roof structure; the south east opening infilled with cement block work; and the west elevation wall mostly corrugated metal sheeting. None of these are of historic interest.

Of the historic features, the timber door and door surround on the north elevation, is of particular note. This has a number of incised marks consistent with what are known as ritual, or apotropaic, marks. The door also has good contemporary hinges and contributes greatly to the character and appearance of this building. It must be retained in situ.

The impact of the proposals would be most felt on the west and south elevations, which are the least prominent and in the case of the south elevation not visible from the road. On balance, I consider that much of the special character of this building can be retained provided the proposals are properly executed. I would therefore support the approval of this application with planning conditions.

*DIVERSIONS ORDER OFFICER* -No observations.

*SENIOR ENFORCEMENT OFFICER* -N/A.

*NATURE CONSERVATION & RESERVES OFFICERS* - In principle, subject to the views of Natural England and the applicant's consultant, have no objections to the provision of a new bat roost over the existing tractor store instead of the proposed garage as approved in the previous application.

However the mitigation proposed with this application does not have the same level of detail as it does in the previous application. For example it is not clear from the drawings how the bats will access the roost. Will a loft hatch be provided to provide access for bat workers? There are no additional bat boxes proposed. Is the new roost adjacent to bat flight routes? There is no provision for the enhancement of the site for breeding birds, in particular sparrows. An ecologist should have an input in the design of the new bat roost, I suggest the following condition:

The development hereby permitted shall not be commenced until details of a strategy to protect bats has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the submitted drawings and advice provided in Acorn Ecology Ltd's submitted mitigation report, dated 31 January 2008 and include:

1. Details of protective measures to include method statements to avoid impacts on bats and breeding birds during all stages of development;
2. Details of the timing of works to avoid periods of work when the bats and breeding birds could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for bats and breeding birds.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat roost and bird boxes and related accesses has been fully implemented.

Reason: The law protects bats and breeding birds and their habitats from damage.

*SCC - RIGHTS OF WAY* - I can confirm that there are no public rights of way recorded in the area.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - Recommends contamination condition.

### **Representations**

None received.

### **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H7 - TDBCLP - Conversion of Rural Buildings,  
PPG15 - Planning and the Historic Environment,  
S&ENPP9 - S&ENP - The Built Historic Environment,

### **DETERMINING ISSUES AND CONSIDERATIONS**

The principle for conversion has already been established, and this amended scheme, which includes both revised design details and an agricultural building, are now considered agreeable to both Conservation Officer and CHA, such that both the integrity of the building as an agricultural barn, and road safety, would be safeguarded. In addition, both the setting of the Farmhouse, and visual amenity, would not be adversely affected.

The proposal is consequently considered acceptable.

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

Recommended Decision: Conditional Approval

The building is in keeping with its surroundings, limited alteration is proposed, it is unlikely to attract a suitable business re-use, is sited near a public road, and neither road safety nor visual and residential amenity, nor the setting of Lower Grants Farmhouse would be adversely affected. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1, S2, and H7, nor with PPG15, nor with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

### **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. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2, Part 1 Classes A, B, C, D, E, F, G, and H and in Part 2 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To safeguard the character and appearance of the building, and visual amenity, and the setting of the adjacent listed building, in accordance with Taunton Deane Local Plan Policies S1, S2, H7 and EN17, and with PPG15, and with Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

3. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall: (a) provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site. (b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment, (c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation

strategy.

Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority, in accordance with Taunton Deane Local Plan Policy S1.

4. Where necessary, the building shall be repaired with salvaged materials of similar age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.

Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies 81(D) and S2(A).

5. Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

6. Before any works are commenced details of the finish to the timber work shall be submitted and approved in writing by the Local Planning Authority.

Reason: To reinforce the local character and distinctiveness of the area in accordance with the Taunton Deane Local Plan Policies S1 (D) and S2 (A).

7. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local plan Policy S2.

8. Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved in writing by the Local Planning Authority before

development commences.

Reason; To reinforce the local character and distinctiveness of the area in accordance with the Taunton Deane Local Plan Policies S1(D) and 82(A).

9. Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

10. All repairs shall be progressed on the basis of minimal intervention with all repairs being effected in appropriate traditional materials and with workmanship commensurate with the buildings age/character.

Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

11. The windows hereby permitted shall be recessed in the wall to match existing recesses.

Reason: To reinforce the local character and distinctiveness of the Taunton Deane Local Plan Policies S1 (D) and S2(A).

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and reenacting that Order), the use of garage hereby permitted shall not be used other than for the parking of domestic vehicles and not for further ancillary residential accommodation or any other purpose whatsoever.

Reason: To safeguard road safety in accordance with Taunton Deane Local Plan Policy S1.

13. The altered access, parking, and turning area shall be properly consolidated and surfaced, (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard road safety in accordance with Taunton Deane Local Plan Policy S1.

14. The area allocated for turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the turning of vehicles in connection with the development hereby permitted.

Reason: To safeguard road safety in accordance with Taunton Deane Local Plan Policy S1.

15. Any entrance gates erected shall be hung to open inwards.

Reason: To safeguard road safety in accordance with Taunton Deane Local Plan Policy S1.

16. No development, excluding site works, shall begin until a panel of the proposed stonework measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, 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.

17. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with 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.

18. No development shall take place until a sample of the ridge tile has 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.

19. No development shall take place until a sample of the slate to be used has 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.

20. No development shall take place until a sample of the weatherboard infill has 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.

21. The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall

first have been agreed in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of the character and appearance of the building, in accordance with policies S1 and S2 of the Taunton Deane Local Plan.

22. The proposed rooflights shall be flush fitting "conservation type".  
Reason: To safeguard the character of the building and visual amenity in accordance with Taunton Deane Local plan policies S1 and S2.

23. The door to the northern elevation shall be retained in situ and details of its treatment shall be submitted to and approved in writing by the Local planning Authority before development commences.  
Reason: To safeguard the character of the building and visual amenity in accordance with Taunton Deane Local Plan policies S1 and S2.

24. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority.

Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).

25. The development hereby permitted shall not be commenced until details of a strategy to protect bats has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the submitted drawings and advice provided in Acorn Ecology Ltd's submitted mitigation report, dated 31 January 2008 and include:

1. Details of protective measures to include method statements to avoid impacts on bats and breeding birds during all stages of development;
2. Details of the timing of works to avoid periods of work when the bats and breeding birds could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for bats and breeding birds.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat roost and bird boxes and related accesses has been fully implemented.

Reason: The law protects bats and breeding birds and their habitats from damage.

Notes for compliance

1. The condition relating to wildlife requires the submission of information to protect the species, The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats and breeding birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the bats and breeding birds that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
2. Bats are known to use the building(s) as identified in submitted reports. The species concerned are European Protected Species within the meaning of the Conservation (Natural Habitats &c) Regulations 1994 (as amended 2007). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with Regulation 44 (3) (b) of the above regulations. NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.  
Bat boxes and Sparrow nest boxes are available from Alana Ecology Tel 01588 630173 [www.alanaecology.com](http://www.alanaecology.com)
3. Having regard to the powers of the Highway Authority under the Highways Act 1980, the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Somerset County Council, Taunton Deane Area Office, Burton Place, Taunton, tel 0845 3459155. Application for such a Permit should be made at least four weeks before access works are intended to commence.

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

**CONTACT OFFICER: Mr J Grant Tel: 01823 356465**

49/09/0055/LB

MR J LAWREY

**ALTERATIONS TO APPROVED SCHEME FOR CONVERSION OF BARN TO DWELLING (49/09/0059). (AS AMENDED BY DRAWING NO.03D RECEIVED ON 7 DECEMBER 2009). FOOTLANDS FARM, FORD, WIVELISCOMBE**

308893.128733

Listed Building Consent: Works

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**PROPOSAL**

The proposal comprises the conversion of an attractive stone barn to form a 3-bedroomed dwelling (The Granary). The application has been amended by: the retention of the old front door instead of its replacement with a new glazed door; the omission of a new window above the front door; the omission of a rooflight to the front elevation; the redesign of the flue to the rear elevation; and the inclusion of a rooflight to the rear elevation.

The application is presented to Committee because the agent is related to a member of staff.

**SITE DESCRIPTION AND HISTORY**

The building is within the curtilage of Lower Grant's farmhouse, a Grade 2 listed building.

This application is accompanied by planning application 49/09/0054, which also includes the erection of an agricultural building.

Application 49/09/0056, relating to roof alterations to an adjacent agricultural building in order to provide accommodation for bats in association with the conversion of The Granary, was reported to Planning Committee on 16th December 2009.

Planning permission was granted for conversion of this barn in December 2008 and June 2008, references 49/08/0059 and 49/08/020 respectively. 49/09/0059 comprised a different design, a double garage, and did not include an agricultural building.

Planning permission has also been granted for conversion of the adjacent barn to a dwelling (Rileys Byre), in December 2008, reference 49/2008/060.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*WIVELISCOMBE PARISH COUNCIL* - Supporting local industry. Subject to barn conditions.

*CONSERVATION OFFICERS* - This agricultural building is quite domestic in scale. It probably dates to the 18th century and is listed by virtue of being within the curtilage of the Grade 11 listed Lower Grant's Farmhouse. The barn's chief interest lies in its relationship with the farmhouse and its surviving historic features. The barn is substantially intact. The main past alterations are: the replacement roof structure; the south east opening infilled with cement block work; and the west elevation wall mostly corrugated metal sheeting. None of these are of historic

interest.

Of the historic features, the timber door and door surround on the north elevation, is of particular note. This has a number of incised marks consistent with what are known as ritual, or apotropaic, marks. The door also has good contemporary hinges and contributes greatly to the character and appearance of this building. It must be retained in situ.

The impact of the proposals would be most felt on the west and south elevations, which are the least prominent and in the case of the south elevation not visible from the road. On balance, I consider that much of the special character of this building can be retained provided the proposals are properly executed. I would therefore support the approval of this application with planning conditions.

### **Representations**

None received.

### **PLANNING POLICIES**

PPG15 - Planning and the Historic Environment,  
S&ENPP9 - S&ENP - The Built Historic Environment,

### **DETERMINING ISSUES AND CONSIDERATIONS**

The revised details of the conversion are considered acceptable to the Conservation Officer.

The character and appearance of this curtilage listed building would not be adversely affected.

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

Recommended Decision: Conditional Approval

It is considered that the proposal is in line with PPG15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings.

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

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

2. No development, excluding site works, shall begin until a panel of the proposed stonework measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used

within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with PPG15 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9.

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with PPG15 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9.

4. No development shall take place until a sample of the ridge tile has 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 PPG15 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9.

5. No development shall take place until a sample of the slate to be used has 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 PPG15 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9.

6. No development shall take place until a sample of the weatherboard infill has 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 PPG15 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9.

7. The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of the character and appearance of the building, in accordance with PPG15 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9.

8. The proposed rooflights shall be flush fitting "conservation type".

Reason: To safeguard the character of the building and visual amenity in accordance with PPG15 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9.

9. The proposed wood burner flue shall be matt black unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the character of the building in accordance with PPG15 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9.

10. The door to the northern elevation shall be retained in situ and details of its treatment shall be submitted to and approved in writing by the Local planning Authority before development commences.

Reason: To safeguard the character of the building and visual amenity in accordance with PPG15 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9.

11. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority.

Reason: In the interests of satisfactory design and visual amenity in accordance with PPG15 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9.

Notes for compliance

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

**CONTACT OFFICER: Mr J Grant Tel: 01823 356465**

# **Planning Committee – 20 January 2010**

## **Report of the Head of Legal and Democratic Services**

### **Miscellaneous Enforcement Action**

#### **County Hardwoods, Creech Mills Industrial Estate**

Members will recall that at the meeting of the Committee on 15 April 2009 a report was made recommending three separate enforcement actions in respect of alleged breaches of planning legislation at the County Hardwood site at Creech Mills.

Members declined to take action in respect of two small units on the site but did resolve to take action against storage which was taking place in containers stationed on land adjacent to the main building.

However, the owner of the site subsequently wrote to Legal Services querying whether there was justification for taking enforcement action when a report to the Committee in 2005, in relation to another matter, had indicated that the site had a mixed use including B1, B2 (light industrial and industrial) and B8 (storage).

A further visit has therefore been made to the site and following the site inspection it is considered that the site is a single planning unit with a mixed use of B1, B2 and B8. Whilst the owner was advised of this, he is clearly aware of the concern of local residents at the level and type of activities at the site, mainly arising from the unsatisfactory access. It was suggested to him that certainty would be given to all parties if an application for a Certificate of Lawful use for the whole site was submitted so that the detailed use for the site could be established. To date no such application has been submitted.

In the intervening period however a cross disciplinary meeting has taken place with the local residents and the Parish Council to obtain a better understanding of the concerns, especially in relation to the access, and to identify possible solutions in the longer term.

Whilst as a result of that meeting some progress may be made in the future to improve matters, it is not appropriate to proceed with the enforcement action against the storage use which is unlikely to be successful.

## **Recommendation**

The Committee is therefore recommended to note the contents of the report and agree that the proposed enforcement action against the storage use authorised on the 15 April does not proceed.

**Tonya Meers**  
**Head of Legal and Democratic Services**

**Contact Judith Jackson 01823 356409 or email  
[j.jackson@tauntondeane.gov.uk](mailto:j.jackson@tauntondeane.gov.uk)**

# Planning Committee – 20 January 2010

## Report of the Growth and Development Manager

### Enforcement Item

#### Parish:

1. **File/Complaint Number** E/0279/24/09
2. **Location of Site** Land Adjacent to Stoneyhead Cottage, Wrantage
3. **Names of Owners** Mr J Small
4. **Name of Occupiers** Unknown
5. **Nature of Contravention**

Mobile home situated on land adjacent to Stoneyhead Cottage, Wrantage

#### 6. **Planning History**

A mobile home had been positioned on the site since 1976 under a temporary planning permission granted in March 1976. The permission was renewed on two occasions with the last renewal expiring in 1979. The permission was not subsequently renewed but the unit remained on site. In 1980 the caravan was occupied by a relation of the occupier of Stoneyhead Cottage. Following the deaths of the occupiers of Stoneyhead Cottage in 2004 and 2005 the property was sold. During this period a Lawful Development Certificate was issued to regularise the unauthorised mobile home. Following the successful sale of the property it was noticed that the mobile home had been relocated outside of the area approved under the Lawful Development Certificate. On 12th November 2009 the owner was contacted by the Councils Senior Solicitor and informed that the mobile home should be located back to its approved position. Failure to comply with the request may result in further action. The owner contacted the Senior Solicitor and said he was considering applying for Planning permission to retain the unit in its current position. To date no application has been received and the mobile home continues to be sited outside the approved site.

#### 7. **Reasons for Taking Enforcement Action**

The site is located in the open countryside where the presumption is against the development of residential development unless an agricultural or forestry need is proven. The mobile home represents an inappropriate and unsustainable form of development in the countryside. Therefore the development conflicts with the provisions of Taunton Deane Local Plan Policies S1, S2, S7 and EN12, and Policies 5, 49, STR1 and STR6 of Somerset and Exmoor National Park Joint Structure Plan Review, and advice contained in Planning Policy Statement 7.

**8. Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER:**

John A W Hardy Telephone Number : 01823  
356479

**APPEALS RECEIVED : FOR COMMITTEE AGENDA : 20 JANUARY 2010**

<b>Appeal Proposal</b>	<b>Start Date</b>	<b>Application Number</b>
ERECTION OF 4 BEDROOM DETACHED DWELLING WITH DETACHED GARAGE, ON LAND AT REAR OF 265/267 CHEDDON ROAD, TAUNTON (RESUBMISSION OF 38/08/0225)	30 DECEMBER 2009	38/08/0523

**APPEAL DECISION FOR COMMITTEE AGENDA – 20 JANUARY 2010**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>DECISION</b>
APP/D3315/A/09/2112207/WF	Construction of boundary wall and planting of native hedgerow at Chestnut Farm, Helland, North Curry amended proposal to 24/08/0052 (retention of development already undertaken)	The timber fence has an adverse impact on the rural character of the area.	24/09/0014	The Inspector considered that the fence was an unacceptable feature of the development and <b>DISMISSED</b> the appeal.

**TDLP** = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park