

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 24 February 2010 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 10 February 2010 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 34/10/0003 - Erection of ground floor extension at 113 Scott Close, Taunton
- 6 35/10/0001 - Erection of barn at Stawley Wood Farm, Stawley (retention of development already undertaken)
- 7 36/09/0021 - Erection of extension at Home Orchard Farm, Stoke Road, Stoke St Gregory
- 8 36/09/0022/LB - Erection of extension at Home Orchard Farm, Stoke Road, Stoke St Gregory
- 9 Miscellaneous Item - 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 (amended proposal to 38/09/0165)
- 10 Miscellaneous Item - Erection of agricultural storage building and track at land at Appley, Stawley as amended by letter and plans received on 22 January 2010
- 11 Miscellaneous Item - Dairy House Farm, Henlade
- 12 Miscellaneous Item - Application to fell 8 Ash trees to the south of West Combe and to thin out by 80% the area to the east of the Mill within Hestercombe Conservation Area at Hestercombe Gardens, Cheddon Fitzpaine

- 13 Enforcement Item - E/0166/25/09 - Change of use of agricultural land to domestic curtilage at Levan Barn, Harnham Court, Wiveliscombe Road, Norton Fitzwarren
- 14 Planning Appeals - Appeal decision received (attached)

Tonya Meers  
Legal and Democratic Services Manager

17 February 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.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



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 – 10 February 2010

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

Officers:- Mr J Hamer (Development Control Area Manager, West), Mr M Bale  
(Principal Planning Officer), Mr A Pick (Principal Planning Officer),  
Mrs J Jackson (Legal Services Manager), Ms M Casey (Planning and  
Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Henley in connection with application Nos 43/09/0125,  
43/09/0126 and 46/09/0030; Councillor Morrell in connection with  
application No 05/09/0034; and Councillor Coles

(The meeting commenced at 5.00 pm)

### 11. Apology/Substitution

Apology: Councillor C Hill  
Substitution: Councillor Stuart-Thorn

### 12. Minutes

The minutes of the meeting of the Planning Committee held on 20 January  
2010 were taken as read and were signed.

### 13. 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 Stuart-Thorn declared that he had previously spoken against  
application No 05/09/0034 and considered he had “fettered his discretion”.  
He left the meeting during the discussion of this item. Councillor Critchard  
declared that he opposed application Nos 43/09/0125 and 43/09/0126 and  
considered he too had “fettered his discretion”. He left the meeting during the  
discussion of these items.

### 14. 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 **outline planning permission be granted** for the under-mentioned  
development:-

**05/09/0034**

**Erection of two dwellings at land to rear of 50 Stonegallows, Bishops Hull**

**Conditions**

- (a) (i) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced; (ii) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of lines drawn 2.0m back from the carriageway edge on the centre line of the access and extending to the eastern extremities of the site frontage. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
- (c) The reserved matters application shall comply with the maximum parameters relating to the scale of development (including the eaves and ridge height, width and length of each building), as identified on Plan No. 12 Rev B & Plan No. 13. The eaves height and ridge height shall not exceed 26.5m and 23.5m respectively with reference to the survey heights shown on the aforementioned plans;
- (d) No development shall take place until details of the foul water drainage system and surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the mobile home on the site is occupied;
- (e) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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 windows shall be installed at first floor level on the west or east elevation of the development hereby permitted without the further grant of planning permission;
- (f) Provision shall be made in the submission of reserved matters for two parking spaces per dwelling;
- (g) Prior to the dwellings hereby permitted being occupied, a properly consolidated and surfaced access shall be constructed, not loose stone or gravel, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;

(Notes to applicant:- (1) Applicant was advised that having regard to the powers of the Highway Authority under the Highways Act 1980, the creation of the new access will require a Section 184 Permit; (2) Applicant was advised that the submitted details identify that surface water is to be discharged to a

soakaway. The soakaway should be constructed in accordance with BRG365 (Sep 91); (3) Applicant was advised that the reserved matters for landscaping should seek to retain the existing hedgerows and provide additional tree planting to minimise the impact of the built development on the landscape. Careful consideration should be given to the revised access arrangements to ensure a good quality development. The applicant should contact the Local Planning Authority's Landscape Officer to discuss the proposals prior to the submission of the reserved matters; (4) Applicant was advised that points of connection onto Wessex Water infrastructure should be agreed with Wessex Water prior to the commencement of works on site; (5) Applicant was advised that existing trees on site should be protected during construction and minor tree work to the Oak tree (crown raising to 2.5m) should also be carried out; (6) Applicant was advised that fenestration on the east and west elevations of the proposed dwellings should be kept to a minimum and, if any fenestration was required on these elevations, obscure glazing should be used.

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

The proposal for residential development was located within defined settlement limits where new housing was encouraged. It was considered that it would not adversely affect the character or appearance of the area or residential amenities of nearby dwellings. The proposal therefore accorded with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR4, 49 and Taunton Deane Local Plan Policies S1, S2, M4 and EN12.

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

**43/09/0125**

**Erection of a dwelling, together with revised access arrangements, within garden adjacent to 1 Shuteleigh, Wellington**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) No development shall commence until the existing bungalow, known as 1 Shuteleigh, has been demolished and all materials removed from site, unless any variation is agreed to in writing by the Local Planning Authority;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the dwelling is

- occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (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;
  - (f) The landscaping along the south and east boundary of the site shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the dwelling. In the event that the hedge or trees are removed without the Local Planning Authority's consent or die or become seriously diseased or otherwise damaged shall within five years of the completion of the development be replaced by a hedge or trees of similar size and species, or the appropriate hedge or trees as may be approved by the Local Planning Authority within the first available planting season;
  - (g) Prior to the occupation of the dwelling hereby approved, the new access and parking area, as shown on the submitted plan, over the entire length shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be maintained at all times;
  - (h) 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;
  - (i) Prior to the occupation of the dwelling hereby approved, the proposed access and drive shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2m x 2m;
  - (j) The new access and parking area hereby permitted shall not be brought into use until drop kerbs have been installed and extended at the carriageway edge and a vehicular crossover constructed across the footway fronting the site for the entire width of the access;
  - (k) Prior to the occupation of the dwelling hereby approved the existing vehicular access onto/from Pyles Thorne Road and the private lane to the east into the site shall be permanently stopped up, its use abandoned and any verge or footway crossing reinstated in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority;
  - (l) No development shall commence until details of the method for the disposal of surface water, so as to prevent its discharge onto the public highway, has been submitted to, and approved in writing by, the Local



Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling;

- (m) 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 Class A, and E of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

(Note to applicant:- Applicant was advised that, having regard to the powers of the Highway Authority under the Highways Act 1980, the creation of the new access will require a Section 184 Permit).

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

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and was therefore considered acceptable. The scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

**43/09/0126**

### **Erection of replacement dwelling, new vehicular access and associated works at 1 Shuteleigh, Wellington**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (c) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the dwelling is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (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;

- (e) The landscaping along the south and east boundary of the site shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the dwelling. In the event that the hedge and trees are removed without the consent of the Local Planning Authority, or which die or become seriously diseased or otherwise damaged shall within five years of the completion of the development be replaced by trees and hedge of a similar size and species, or the appropriate trees and hedge as may be approved by the Local Planning Authority within the first available planting season;
- (f) Prior to the occupation of the dwelling hereby approved, the new access and parking area, as shown on the submitted plan, over the entire length 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, and shall thereafter be maintained at all times;
- (g) 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;
- (h) Prior to the occupation of the dwelling hereby approved, the proposed access and drive shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2m x 2m;
- (i) The new access and parking area hereby permitted shall not be brought into use until drop kerbs have been installed or extended at the carriageway edge and a vehicular crossover constructed across the footway fronting the site for the entire width of the access;
- (j) Prior to the occupation of the dwelling hereby approved, the existing vehicular access onto/from Pyles Thorne Road and the private lane to the east into the site shall be permanently stopped up, its use abandoned and any verge and footway crossing reinstated in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (k) No development shall commence until details of the method for the disposal of surface water, so as to prevent its discharge onto the public highway has been submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling;
- (l) 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 Class A, and E of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

(Note to applicant:- Applicant was advised that having regard to the powers of the Highway Authority under the Highways Act 1980 the creation of the new access will require a Section 184 Permit).

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

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

**46/09/0030**

### **Erection of 16,000 bird free range egg production building and alteration to agricultural access on land adjacent to Gerbestone Lane, West Buckland**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Prior to the commencement of the development hereby permitted, full details of the proposed access shall be submitted to, and agreed in writing by, the Local Planning Authority. The details, based on an accurate measured survey, shall show the following:- (i) That there shall be no obstruction to visibility greater than 900mm above the adjoining road level in advance of a line drawn 2m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60m either side of the access; (ii) That a recessed entrance of a minimum of 5m wide shall be constructed 10m back from the carriageway edge and its sides shall be splayed at an angle of 45 degrees towards the carriageway edge; (iii) The proposed material for the surfacing of the access showing that the area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced, not loose stone or gravel; (iv) The gradient of the access shall not be steeper than 1 in 10; (v) The provision that shall be made within the site for the disposal of surface water so that none is allowed to discharge onto the highway; (vi) The proposed location of the boundary hedge that will be realigned or replanted behind the visibility splay required by (i) above. The agreed details shall be implemented before the building hereby permitted is brought into use and shall thereafter be maintained as such;
- (c) The area allocated for parking and turning on drawing 09/20B shall be kept clear from obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (d) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 10m from the carriageway edge unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) Prior to the commencement of the development hereby permitted 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. The scheme shall show the proposed boundary treatments, precise contours for the earth deposition, all proposed planting at the site boundaries and additional planting within the site and the treatment including a method statement of the roadside boundary hedge that will be realigned in accordance with condition (b); (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;

- (f) The development hereby permitted shall not be commenced until details of a strategy to protect nesting birds and badgers has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country Contracts submitted report dated June 2009 and shall include a further survey detailing badger activity over the whole site and on adjoining land. The results of this survey shall be used to determine the external operational use of the poultry unit. The strategy shall include:- (i) Further badger surveys on site and on adjoining land owned by the applicant; (ii) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (iii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; (iv) Measures for the retention and replacement and enhancement of places of rest for the species. 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. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented and thereafter the resting places and agreed accesses shall be permanently maintained;
- (g) Spoil from the excavation shall only be deposited in the area indicated on drawing 09/20B and shall be kept 5m clear of the watercourse unless otherwise agreed in writing by the Local Planning Authority;
- (h) Predator proof fencing shall only be installed in the locations indicated on Drawing 09/20B and no other fencing shall be installed anywhere on the site unless otherwise agreed in writing with the Local Planning Authority;
- (i) There shall be no retail sales from the site.

(Notes to applicant:- (1) Applicant was advised that the Environment Agency recommend that no contaminated water shall be allowed to enter any controlled waters, including groundwaters or watercourses. It is not clear where the proposed septic tank will discharge to. The system will be subject to obtaining a separate consent from the Environment Agency under the terms of the Water Resources Act 1991. Any foul drainage system from the proposed development will be expected to meet the requirements of British Standard BS 6297: 1983 and which complies with the following:- (a) There is no connection to any watercourse or land drainage system and no part of the

soakaway system is situated within 10m of any ditch or watercourse, or within 50m of a well, borehole or spring; (b) Porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate that suitable subsoil and adequate land area is available for the soakaway (BS 6297: 1983 refers); (2) Applicant was advised that any storage of fuels must be undertaken in full accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Therefore, any facilities above ground for the storage of oils, fuels or chemicals shall be sited on impervious bases 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 per cent. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund; (3) Applicant was advised that the waste from the egg production buildings should be spread and stored in accordance with the Nitrate Vulnerable Zone Regulations 2008. All waste removed from site must be carried in line with Duty of Care and the Environmental Permitting Regulations 2008 and taken to a appropriately licensed waste management facility. If any waste is to be brought onto the site then the appropriate exemption must be applied for. The appropriate management of nitrates particularly from poultry farming has been identified as a key issue within the recently published South West River Basin Management Plan).

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

The proposed use was considered to be acceptable in principle. It would not lead to unacceptable impacts on the local highway network, the amenities of other nearby property, wildlife, flooding or pollution. The proposed landscaping and earthworks were considered to provide an acceptable mitigation to assimilate the building into the surrounding landscape and preserve views from, and the natural beauty of, the nearby Area of Outstanding Natural Beauty. The proposal was therefore in accordance with Policies S1, S2, S7, M1, M3, EN3, EN6, EN10, and EN12 of the Taunton Deane Local Plan; Policies STR1, STR6 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review; and advice contained within Planning Policy Statements 1, 7 and 9.

#### **52/09/0053**

#### **Erection and alteration of extension and four-bay car port, demolition of two-bay garage at Hillcroft House, 2 Jeffreys Way, Comeytrove**

#### **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;

- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), any first-floor window installed in the east elevation of the building shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed) and shall not be modified thereafter without the prior written consent of the Local Planning Authority;
- (d) The development hereby permitted shall not be implemented with any part of the development granted planning permission by virtue of application reference 52/09/0024 dated 13 August 2009.

**Reason for granting planning permission:-**

The proposed development was acceptably designed and would not impact unreasonably upon other nearby property or the street scene. It, therefore, was acceptable and in compliance with Policies S1, S2 and H17 of the Taunton Deane Local Plan.

**15. Unauthorised shed/workshop and fence at 139 Darby Way, Bishops Lydeard**

Reported that it had come to the Council's attention that a shed/workshop and fence had been erected at 139 Darby Way, Bishops Lydeard without the necessary consent being granted.

The owner had been contacted and advised to submit an application for planning permission but, to date, no such application had been received.

**Resolved that:-**

1. Enforcement action be taken to remove the unauthorised shed/workshop and fence at 139 Darby Way, Bishops Lydeard; and
2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**16. Change of use of land for the stationing of a mobile home and a touring caravan for residential purposes at Carriers Gate Orchard, Langford Budville**

Reported that it had come to the Council's attention that a mobile home and a touring caravan for residential purposes had been stationed on land at Carriers Gate Orchard, Langford Budville without the necessary consent for change of use being obtained.

The owner of the site had been contacted and an application for planning permission had been made but this had been refused under delegated powers.

**Resolved that:-**

1. Enforcement action be taken to remove the unauthorised mobile home and touring caravan which were being used for residential purposes and to reinstate the land to its former condition prior to the unauthorised occupation taking place at Carriers Gate Orchard, Langford Budville;
2. The enforcement notice to have a three month compliance period; and
3. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**17. Sheds and access track on land west of High View, Yalway, West Monkton**

Reported that the formation of an access track had taken place at High View, Yalway, West Monkton without the necessary planning consent being granted.

An application for planning permission to regularise the situation, together with the erection of two low pole barns had been submitted in November 2007. However, the application had not been registered as the plans submitted were not of a suitable standard.

The owner of the site had been requested to submit improved plans to enable the application to be registered but, to date, these had not been received.

In the view of the Growth and Development Manager, if suitable plans had been received, the planning application was likely to have been viewed favourably. Taking this into account and the length of time the access track and pole barns had been on the site, it was considered not to be expedient to take enforcement action.

**Resolved** that no further action be taken.

**18. Appeals**

Reported that one appeal decision had recently been received, details of which were submitted. The appeal had been allowed.

Also reported that three new appeals had been lodged, details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.10 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

34/10/0003

MR D REED

**ERECTION OF GROUND FLOOR EXTENSION AT 113 SCOTT CLOSE,  
TAUNTON**

321363.125827

Full Planning Permission

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**PROPOSAL**

The application seeks planning permission for the erection of a single storey ground floor extension, to the rear (north elevation) of 113 Scott Close, Staplegrove. The proposals will provide a small infill extension to the rear and will require the removal of a small lean to canopy roof that currently provides shelter to the rear of the dwelling.

The extension will provide for additional living accommodation to the rear of the kitchen and dining area and will also link into the attached garage through a new internal doorway. The extension will be finished in facing brick, white uPVC windows and doors and concrete interlocking roof tiles, all to match the original building. The design incorporates two rooflights, one window and one set of French doors, all to the north elevation. The extension will measure 5.6 metres x 1.8 metres, with a maximum height of 3.5 metres.

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

**SITE DESCRIPTION AND HISTORY**

113 Scott Close is a detached two storey dwelling with four bedrooms and is located towards the end of a cul-de-sac within this large housing estate, to the north of Bindon Road. The building is served by off road parking and an attached single garage with gardens to the front and rear. The rear garden is well enclosed and bound by 1.8 metre timber panel fencing. The dwelling is finished in red facing brick, concrete interlocking roof tiles and white uPVC fenestration throughout.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations to make  
*STAPLEGROVE PARISH COUNCIL* - No observations received to date.

**Representations**

None received to date

**PLANNING POLICIES**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues that require consideration in determining the application are the impact upon the visual and residential amenity of the area.

The design of the proposal incorporates a lean to roof and utilises materials that will tie in with the original building. The scale is considered acceptable and will make use of a small infill section to the rear. With the extension being located to the rear, it will not be visible except from within adjoining properties; the design and scale of the proposed development are therefore considered acceptable and will not detract from the visual amenity of the area.

Having regard to the residential amenity of neighbouring properties, the proposal will be screened from the neighbouring properties to either side (111 & 115 Scott Close) by garages either side of the extension whilst the amenity afforded to the dwelling houses to the north will be protected by existing boundary treatments. As a result there will be no material loss of light, privacy or outlook resulting from the proposed development and therefore the residential amenity of the area will be materially unaffected.

Given the above considerations, it is recommended that planning permission be granted subject to there being no further letters of objection received before the end of the public consultation period (25th February 2010). Conditions relating to time limit and materials are recommended.

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

Recommended Decision: Subject to no representations being received by 25th February 2010 - Conditional Approval

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 does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (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. 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.

Notes for compliance

1. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.

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

**CONTACT OFFICER: Mr R Williams Tel: 01823 356469**

35/10/0001

MR J LUARD

**ERECTION OF BARN AT STAWLEY WOOD FARM, STAWLEY (RETENTION OF DEVELOPMENT ALREADY UNDERTAKEN)**

306471.123162

Retention of Building/Works etc.

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**PROPOSAL**

Permission is sought for the erection of an agricultural building on land to the north of Stawley Wood Farm. Works commenced on 01/06/2009 to build this replacement agricultural storage and livestock building. The building is constructed from block walls clad in local stone and will be finished with a pitched natural slate roof. The building has a number of openings including a main open fronted entrance to allow access for machinery; 2 doorways and 5 no. windows that will be boarded up. The building will measure a maximum of 9.5m x 18.5m with a ridge height of 8 metres.

**SITE DESCRIPTION AND HISTORY**

The site is located on open agricultural land approximately 80 metres north of Stawley Wood Farm, holding an elevated position along a steep hillside. The site currently contains a partially erected structure with all works to the walls completed and water/electricity services installed. To the south of the proposed building is a small water storage pond. To the northeast corner of the proposed building is a mature Oak tree which is set above the building, further up the hillside. The field within which the building is to be located is bound by mature hedgerows and trees.

The site is accessed off of a private track to the north of the main farm house. Along this access track there are two public footpaths, with a number of other footpaths running across neighbouring fields in the area. At its nearest point, the proposed building is some 80 metres from the footpaths running along the access track at Stawley Wood Farm. There are a number of buildings within the area, including Stawley Wood Farm house itself; converted barns for holiday accommodation adjoining Stawley Wood Farm and a detached dwelling known as The Old Rectory, some 160 metres to the west. The applicant has stated, verbally, that the farm has approximately 66 Ewes at present together with 40 remaining Lambs 8 pigs and poultry birds. The farming enterprise, whilst only modest in scale, is said to be an important factor in attracting holiday makers to the location by the applicant.

There is evidence to suggest that since the late 19th century, a building of some form has been present within this location. The latest available aerial photography shows a building present within this location in 2006; however it is difficult to perceive accurately the scale of the said building. The application states that the works are carried out as a repair to this building with a small extension to it.

The development for which retrospective planning permission is now sought was first brought to the attention of the Enforcement Officer by a member of the public. A subsequent site visit was made by a Planning Officer to ascertain what works were being undertaken. A letter and Planning Contravention Notice was served upon the

applicant, which was completed and returned as necessary. This planning application has subsequently been submitted to the LPA seeking to regularize the development.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No objections but raised concern with regard to scale and style of development and similar application(s) within the Borough relating to new agricultural buildings of a traditional construction and attempts to gain permission to convert to residential use years later.

*STAWLEY PARISH COUNCIL* - Object to the proposed development – building could have been more sympathetically located to reduce landscape impact and not convinced that the scale of the building is an accurate representation of the original building.

*NATURE CONSERVATION & RESERVES OFFICERS* - No wildlife survey carried out prior to these works. Local area appears to be good bat foraging territory but it is impossible to say if the works disturbed bats.

Diversions Order Officer - No observations to make.

### **Representations**

2 letters raising no objection, stating that the proposals broadly represent the scale of the previous building; the use of natural materials will enable the building to blend into the landscape.

2 letters of support – proposed building will enhance the local environment; a derelict barn was present in this location under sycamore trees; retaining character of previous buildings.

4 letters of objection – building very visible within the local area; not aware that a building ever existed in this position over the past 50 years; barn is of a type and size out of proportion with current level of farming activity here; scale of building more than twice that of the previous building built in 2005/06; question whether the proposal is a 'repair'; the two storey building with doors and windows is more in keeping with a dwelling than an agricultural building devoted to animal husbandry and feed storage; the location in an open field and away from the main farm complex is impractical for storage; grand design for open field shelter; how can a repair to the building be undertaken when one never existed? Unreasonable to more than double the size of an original building; why does an animal shelter and store require 2 storeys and windows; prominent feature on a conspicuous site; size and style with boarded up windows and landscaping represent a 5 bedroom dwelling more than agricultural building; proposal would set a precedent.

## **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
PPS7 - Sustainable Development in Rural Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues that require consideration in determining the proposed development are the visual impact of the building upon the local landscape character and whether such a building of such a scale and design is appropriate and reasonably necessary for modern agricultural purposes.

A number of matters have been put forward within representations to suggest that there has never been a building in this location, however it is clear to me from aerial photography and historic OS maps that since 1945, a number of buildings have been located on the application site. It has also been questioned whether the proposal should be dealt with as a repair; I do not consider it appropriate to do so as quite clearly the building that was previously in this location has been completely demolished and the proposed building, which has had significant works to its structure carried out already, is a new build and will be therefore be determined as such. The building has no cavity wall but this is not to say that one could not be created internally if necessary; the external stone is clad onto concrete block walls.

Having regard to the landscape impact of the proposed building, I have viewed the site from a number of positions within the wider landscape, including along highways and public footpaths that run across surrounding fields. This was necessary given that the building is positioned in an elevated position along part of a steep hillside and objections have been received over the detrimental visual impact. The building is cut and set into the hillside which significantly reduces its prominence and lowers the ridge line to an acceptable degree. Notwithstanding the objections received and the fact that the scale of the building is larger than the original here, I am satisfied that the proposed building will have a limited impact upon the landscape character of the area when works are completed. Whilst the proposed building is visible within its immediate vicinity, including the neighbouring property, there will be no significant material detriment to the landscape character of the area when viewed from wider vantage points with which to warrant a refusal. Nonetheless I consider it appropriate and necessary to attach a landscaping condition to any recommendation of approval to help assimilate the building into the local landscape.

A number of questions and objections have been received with regard to the intended use of the building, principally as a result of the scale and design of the proposal. These common concerns suggest that the building would appear more akin to a traditional agricultural building such as the type that has commonly been converted to residential use in rural locations over the past thirty years or so, and not one which is more commonly associated with modern agricultural practices. Today, the majority of modern agricultural enterprises require modern steel portal framed buildings with which to store goods and improve general animal husbandry. Notwithstanding the comments received, the applicant states that the reason for adopting such a design is to ensure compatibility between the new building, the farm house and its outbuildings to the south, where there are a small number of traditional stone and slate buildings, and given the location this is, to an extent, understandable. The plans clearly indicate that the building is to be used for agricultural storage and animal/livestock housing, and whilst it is understandable that there is concern amongst the public with regard to the provision of domestic style windows, doorways and the like, there is no reasonable argument nor evidence to suggest that the building will not to be used for its described purpose by the applicant - the housing of livestock and storage of feed/machinery.

Whilst there have been a number of cases, some recently, where attempts have been made to get round restrictive planning policies, specifically with the building of traditional style agricultural buildings for animals, only for an application to be made for a domestic conversion scheme a short period of time later. Whilst the long term intended use of the building has been questioned by the objectors, I am confident that the recent shift in central government and local authority planning policy will ensure that the building, as proposed, is unlikely to be viewed favourably for conversion to a residential dwelling house or any ancillary building of such nature in the future. The site is located within an isolated location and distant from day to day services. As such there would be a strong 'in principle' objection to any such proposal. This is further strengthened by a number of recent planning decisions to refuse planning permission on sustainability grounds for the conversion of rural buildings to dwellings, and such decisions have been upheld at appeal. Similarly, attempts to work the planning system in the described format have also been unsuccessful in the past.

Given the above considerations, and notwithstanding the observations and objections received from the public, the proposal is considered to be necessary for agriculture as described and that there will be no material detriment to the visual amenity of the surrounding landscape. It is therefore recommended that planning permission be granted subject to a landscaping condition and advisory note to the applicant regarding the proposed and future use of the building. The application is made retrospectively in part and therefore conditions for time limit and materials are not considered necessary.

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

Recommended Decision: Conditional Approval

The proposed agricultural building 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), S7 (Outside Settlements) and EN12 (Landscape Character Areas).

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

1.
  - (i) Within three months of the date of this permission, 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.

2. The building shown the submitted plan shall be used for the purposes described on the application form only and for no other purposes without the prior written consent of the Local Planning Authority.

Reason: In the interests of maintaining the character of this rural area in accordance with Taunton Deane Local Plan Policy S7.

#### Notes for compliance

1. Planning permission has been granted on the basis that the building will be used solely for agricultural purposes. You are advised that the building hereby permitted is unlikely to gain planning permission for any other use should an application seeking a change of use be received by the Local Planning Authority at any point in the future, particularly one involving a domestic residential scheme.

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

**CONTACT OFFICER: Mr R Williams Tel: 01823 356469**

36/09/0021

MR G JOLL

**ERECTION OF EXTENSION AT HOME ORCHARD FARM, STOKE ROAD, STOKE ST. GREGORY AS AMENDED BY DRAWING 004A RECEIVED 11 FEBRUARY 2010**

334264.127321

Full Planning Permission

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**PROPOSAL**

Home Orchard Farm is a part brick/part stone barn conversion, formed around a courtyard. The barn conversion was granted in June 2003, along with the erection of a new garage, workshop and stores. The dwelling is set back from the road, to the rear of Lane End Farm, a brick/render and thatch Grade II Listed Building and is otherwise surrounded by fields. A public footpath runs to the east of the site.

This application seeks planning permission for a stone and double roman tile garden room with large areas of timber framed glazing. The extension is proposed to the south-west elevation.

Following concerns raised by the Conservation Officer, amended plans were received removing the element of glazing in the apex of the south-west elevation and replacing this with horizontal timber boarding.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations

*STOKE ST GREGORY PARISH COUNCIL* - Support on the basis of:

- The design of the extension is sympathetic to the environment in which it will be situated.
- There is minimum impact on the surrounding areas.

*CONSERVATION OFFICERS* - Whilst not noted in the submission, I had a telephone enquiry with the applicant, pre-application, whereby I advised that, the principle of an extension, was very unlikely to be favourably considered. Likewise, the same advice was conveyed to the agent, prior to submission.

As noted in the submission and evident from the site history, the extant conversion was only viable/possible, by way of the provision of a link to existing buildings. This was deemed acceptable as the proposed link was small but was not at variance of the essential U plan of established buildings.

In my opinion, the proposed extension, introduces a feature with extensive glazing, in a location at variance with the established footprint of historic buildings and is contrary to the established premise of barn conversion policy. I therefore object to the principle of the extension on the grounds noted above being contrary to Policy 9

of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance as contained in PPG15.

Following receipt of amended plan:

Amended plan 004A, received 11 February 2010, reduces the amount of glazing, which is an improvement but I still consider the principle of an extension, in this location, undermines the established historic form, of the extant farm buildings.

### **Representations**

6 letters have been received stating no objection to the extension on the grounds of:

- It is in sympathy/keeping with and will have no impact on the amenity of the neighbourhood.
- It is an attractive addition to their home, is appropriate to the setting and will blend in well with the general layout of buildings in our area, with no negative visible impact.

### **PLANNING POLICIES**

PPG15 - Planning and the Historic Environment,  
S&ENPP5 - S&ENP - Landscape Character,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
EN12 - TDBCLP - Landscape Character Areas,  
H17 - TDBCLP - Extensions to Dwellings,

### **DETERMINING ISSUES AND CONSIDERATIONS**

The original barns comprised an arrangement of buildings in a U shape. The barn conversion policy (H7) states that barns should be suitable for conversion without major rebuilding or significant extension and alteration. It was demonstrated at the time that a small extension to link these buildings would render the project viable and provide the required facilities, without resulting in significant rebuilding or extension. The need for any further extensions would not have been looked upon favourably.

When permission was granted for the conversion of the barns to a residential unit, several conditions were attached removing the rights generally available under the Town and Country Planning (General Permitted Development) Order 1995. As such, these rights in connection with any addition or extension; building, structure or other enclosure; and garages were removed. This indicates the strong feeling of the local planning authority that further alterations/extensions would not be appropriate in this instance.

It is considered that the positioning and orientation of the barns form a natural courtyard, bounded by these buildings. In converting the buildings, their historic character, along with the U plan form was retained. The outermost wall of the barns is considered to be the buildings site limits, beyond which extensions would materially alter the traditional shape and form of the barns.

The proposal for a large garden room, protruding 6.1 metres and 5.4 metres in width, lies outside of the main confines of the barn courtyard and results in harm to the original character of the barns, and introduces an incongruous addition, which would complicate and detract from the traditional form of the property.

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

Recommended Decision: Refusal

The proposed extension, by virtue of its size, design and location, appears as an incongruous addition, detracting from its historic U plan form, to the detriment of the traditional character of the existing dwelling. As such, the proposal is contrary to the relevant sections of PPG 15, policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

## **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: Miss K Purchase Tel: 01823 356468**

**ERECTION OF EXTENSION AT HOME ORCHARD FARM, STOKE ROAD, STOKE ST. GREGORY AS AMENDED BY DRAWING 004A RECEIVED 11 FEBRUARY 2010**

334264.127321

Listed Building Consent: Works

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**PROPOSAL**

Home Orchard Farm is a part brick/part stone barn conversion, formed around a courtyard. The barn conversion was granted in June 2003, along with the erection of a new garage, workshop and stores. The dwelling is set back from the road, to the rear of Lane End Farm, a brick/render and thatch Grade II Listed Building and is otherwise surrounded by fields. A public footpath runs to the east of the site.

This application seeks listed building consent for a stone and double roman tile garden room with large areas of timber framed glazing. The extension is proposed to the south-west elevation.

Following concerns raised by the Conservation Officer, amended plans were received removing the element of glazing in the apex of the south-west elevation and replacing this with horizontal timber boarding.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations

*STOKE ST GREGORY PARISH COUNCIL* - Support on the basis of:

- The design of the extension is sympathetic to the environment in which it will be situated.
- There is minimum impact on the surrounding areas.

*CONSERVATION OFFICERS* - Whilst not noted in the submission, I had a telephone enquiry with the applicant, pre-application, whereby I advised that, the principle of an extension, was very unlikely to be favourably considered. Likewise, the same advice was conveyed to the agent, prior to submission.

As noted in the submission and evident from the site history, the extant conversion was only viable/possible, by way of the provision of a link to existing buildings. This was deemed acceptable as the proposed link was small but was not at variance of the essential U plan of established buildings.

In my opinion, the proposed extension, introduces a feature with extensive glazing, in a location at variance with the established footprint of historic buildings and is

contrary to the established premise of barn conversion policy. I therefore object to the principle of the extension on the grounds noted above being contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance as contained in PPG15.

Following receipt of amended plan:

Amended plan 004A, received 11 February 2010, reduces the amount of glazing, which is an improvement but I still consider the principle of an extension, in this location, undermines the established historic form, of the extant farm buildings.

## **PLANNING POLICIES**

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

## **DETERMINING ISSUES AND CONSIDERATIONS**

The original barns comprised an arrangement of buildings in a U shape. The barn conversion policy (H7) states that barns should be suitable for conversion without major rebuilding or significant extension and alteration. It was demonstrated at the time that a small extension to link these buildings would render the project viable and provide the required facilities, without resulting in significant rebuilding or extension. The need for any further extensions would not have been looked upon favourably.

When permission was granted for the conversion of the barns to a residential unit, several conditions were attached removing the rights generally available under the Town and Country Planning (General Permitted Development) Order 1995. As such, these rights in connection with any addition or extension; building, structure or other enclosure; and garages were removed. This indicates the strong feeling of the local planning authority that further alterations/extensions would not be appropriate in this instance.

It is considered that the positioning and orientation of the barns form a natural courtyard, bounded by these buildings. In converting the buildings, their historic character, along with the U plan form was retained. The outermost wall of the barns is considered to be the buildings site limits, beyond which extensions would materially alter the traditional shape and form of the barns.

The proposal for a large garden room, protruding 6.1 metres and 5.4 metres in width, lies outside of the main confines of the barn courtyard and results in harm to the original character of the barns, and introduces an incongruous addition, which would complicate and detract from the traditional form of the property.

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

Recommended Decision: Refusal

The proposed extension, by virtue of its size, design and location, appears as an incongruous addition, detracting from its historic U plan form, to the

detriment of the traditional character of the existing dwelling. As such, the proposal is contrary to the relevant sections of PPG 15 and policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

**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: Miss K Purchase Tel: 01823 356468**

## Planning Committee – 24 February 2010

### Report of the Growth and Development Manager

**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 (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 & 501AS AMPLIFIED AND AMENDED BY E-MAIL DATED 11 JANUARY 2010 AND 20 JANUARY 2010**

The above application for the Castle Green public realm improvements was considered by Members on the 20 January 2010 when it was determined to grant permission subject to a plan indicating planters in place of bollards at the Corporation Street entrance to the site.

A plan has been submitted illustrating this but concerns have been raised by the Design Team over a number of issues including, the need to comply with the Design Code and maintain the free flow of pedestrians through this area, the need for access by emergency vehicles and access to utility services in the road in this location.

The Design Team comments are set out below:

“Before addressing the particular public open space design issues this request raises, we would first like to set out some key technical points about planters in this location that would define their basic design.

1. The entry/exit point between Castle Green and Corporation St. needs to allow free flow of pedestrians, while preventing vehicles from trying to pass through here illegally. Therefore planters in this location need to be large enough to reduce the space between them to prevent vehicles passing through, but not so large as to impede free flow of pedestrian movement.
2. Planters can be a high maintenance item to local authority teams, especially in the growing season when watering would be required frequently. In order to reduce this maintenance burden, planters in this location would need to be large enough to contain a greater volume of soil to reduce frequent drying out and wilting of plants.



3. A larger size of planter is also more robust and less attractive to vandalism or movement by those who might want to access the area in a vehicle by an illegal route.

4. A set of planters in this location would need to be constructed and finished in materials to match those proposed as part of the Castle Green scheme to ensure that they are coordinated with the newly designed space.

This leads to a conclusion that a set of planters in the Corporation St. access would probably have to be comprised of three large units constructed and finished as mould cast concrete or hardwood timber. With this outline specification in mind, we have reviewed how such a proposal responds to the adopted design codes for the area and other existing constraints that the design has to work to in this vicinity.

The Taunton Town Centre Design Code (Adopted 2008) sets out a range of design objectives and principles for the Cultural Quarter, in which Castle Green sits. These Design Code objectives and principles, together with the approved brief for the detailed design of the scheme drafted with the key stakeholders and statutory consultees, has driven the design development of all aspects of the design for the place.

5. The linkage from the north through Castle Green leading south out to Corporation St. to Bath Place and the town centre has been defined as a 'Strategic Pedestrian Link' as illustrated on the Movement Hierarchy Plan.

6. Code SP001, relates to overarching principles of allowing for movement through clear routes. Further rationale for the importance of this linkage is justified by the Landmarks and Legibility Strategy as illustrated in the same Adopted Taunton Town Centre Design Code document.

7. Under Code C04, which relates specifically to Castle Green and the Cultural Quarter, the design principles set out a requirement to 'improve the pedestrian connection from Corporation Street'. Under Code P02 it is a specific requirement that a design for the space;

- Accommodates emergency access vehicles
- Strengthens physical and visual connections between Castle Green and the Town Centre
- Retains and strengthens views of Taunton Castle

Taking into account the likely design of planters in this area we believe that compliance with the design code requirements above may be compromised. In the event that there is an emergency in Castle Green in its ordinary every day use, there is only one access route in and out of the space via Tower St./Castle Green. If for any reason this access point is impassable, a route through from Corporation St. is the next most suitable point for a fire tender to get access. A fire crew have standard equipment for cutting steel quickly and easily, which they would likely use if necessary on bollards. A set of planters across this access point would prove more of a challenging obstacle, which

may slow a fire crew down. This concern increases significantly if there is a civic event taking place in Castle Green when an emergency occurs.

In a regenerated Taunton town centre, the strategic connection from north to south through the Castle Green space will become one of the most significant pedestrian links. The Castle Green design layout has been set out to respond to the importance of this link in the future, which an axial connection terminated by the backdrop of Taunton Castle when viewed from the south. Taunton Castle already sits at a level 1m below Castle Green and for reasons of avoiding disturbance of below ground archaeology; this level difference may be increased by 100mm in the finished scheme. The placement of planters across this access point would add a further visual barrier, which would undermine the legibility strategy objectives and impede the natural flow of people through this pivotal gateway along the north/south pedestrian link. The use of a row of bollards is a more appropriate response to the design code and detail design brief objectives of improving the physical and visual connections and retaining and improving the presence of Taunton Castle from this key southern vantage point.

There is a significant issue to consider with regard to existing constraints of the site in this location, which also count against the specification of planters. There is a large electricity sub-station to the rear of the Moat House Inn, adjacent to the entry/exit point between Castle Green and Corporation St. We understand that there are high quantities of high voltage cable connections extending from this sub-station out to Corporation St., which serve a large portion of the town. The electricity statutory undertakers are likely to object to the placement of planters in this location, as it adds to their work in the event that they need to get access to these cables. Under these circumstances, it is likely that their objection to the planters would supersede any local authority preference. The specification of a row of bollards fixed to the pavement structure in this location has been seen by the statutory undertakers and not had any objections.

On the basis of these points we would submit that the original proposal of a row of bollards across the entry/exit point from Castle Green to Corporation St. is a more appropriate design response to the requirements in this location”.

**HEALTH & SAFETY OFFICER:** I confirm that there are safety and emergency planning reasons why planters are potentially a problem in this area:

1. In an emergency we would not be able to use the access for emergency vehicles. There are several scenarios where this would be essential. Any delay caused by the need to remove the planters as against lifting a bollard could result in far worse consequences.
2. Planters would also have the effect of restricting or slowing the access or egress of large movements of pedestrians into and out of this area. I note, due to the loss of the market site and impending loss of car parks, that we are having difficulties in identifying assembly areas for marches

and parades for civic events, etc. This access could not be used for this purpose if the planters are installed.

3. The planters could potentially restrict or limit the use of the space due to access difficulties with equipment and/or emergency service attendance during a public event.
4. I understand that there are major underground services and utilities located in this area and vehicular access by the utilities from Corporation Street may be the preferred option in times of breakdown or routine maintenance.
5. I also understood that Corporation Street provided a major open pedestrianised entry into Castle Green from Bath Place and this was an important visual and physical link between the two areas. Bollards retain this visual link and operational choice.
6. I also understood that a gap of a set width has to be kept open in order to avoid 'closure' of the highway' and the line of planters seems to encroach into this area. (Next to the Bingo hall.)

It is considered that the design issues referred to above are material to the reason why bollards were originally designed into the scheme. The design is in keeping with the Design Code and would be in compliance with policy G1 of the Taunton Town Centre Area Action Plan. The use of bollards would also be safer in terms of emergency exit from the site for pedestrians at events rather than being constricted by the planters option and also easier access for emergency services. A reason the bollards were originally proposed was also to enable easy access to utility services set within the roadway.

In light of the design considerations above it is considered the provision of the bollard design in lieu of planters should be re-considered.

### **Recommendation**

Permission be GRANTED as per the originally proposed design and the conditions proposed on the previous report attached hereto.

**Contact Officer Gareth Clifford Telephone Number 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 Annex 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 2643/321/1 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 Hardworks 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  
(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**

## **Planning Committee – 24 February 2010**

### **Report of the Growth and Development Manager**

#### **Miscellaneous item**

#### **Erection of agricultural storage building and track at land at Appley, Stawley as amended by letter and plans received on 22 January 2010**

#### **Background**

An Agricultural Notification was received on the 15 December 2010 regarding the above proposal. The Local Planning Authority (LPA) has a statutory 28 days to determine if their Prior Approval is required for the siting, design or external appearance. If the Applicant is not notified within 28 days of receipt of the application they have the right to carry out the proposal.

The Planning Officer consulted Stawley Parish Council, SCC Transport Development Group and the Heritage and Landscape Officer, and in conjunction with their comments concluded that Prior Approval was required.

The Agent was notified of this decision on the 7 January 2010, and requested to provide details of landscaping and elevation and floor plans of the agricultural storage building, and to display a site notice on or near the land where the development is proposed.

The appropriate information was received on the 21 January 2010, validating the Prior Approval application and setting a decision target date of the 18 March 2010. During that time, the Local Planning Authority is required to consider the siting, design and external appearance of the proposal. The principle of whether the development should be permitted is not for consideration.

Consultees, Parish and Neighbours were notified on the 22 January 2010. Amendments were received on the 22 January 2010 and amendment notification letters sent on the 26 January 2010.

The public consultation period, as stated on the Taunton Deane Planning website, was the 25 January until 15 February 2010.

The Officers' report was completed and signed off by the Area Manager on the 9 February 2010 (attached).

The report was forward to the Planning Committee chair on the 9 February for consideration and returned to Planning Administration the same day.

#### **Issue**

An administration error occurred as the 'Granting of Prior Approval' decision was issued on the 9 February 2010, whilst the public consultation period did not conclude until 15 February 2010.

The Parish informed the officer of the error and stated their concerns.

Five further letters of objection were received from neighbours between the 9 and 15 February 2010 which raised the following issues:

- Building situated well back from the road
- Excessive in terms of height for purely agricultural use
- Building should be sited on a lower point in the field
- Visual impact of such a large agricultural building would be detrimental
- Possible forerunner for an application for a residence on the site

The valid issues raised have been previously addressed and acknowledged in the attached officer's report (please refer to "determining issues and considerations") and it is considered that no new valid issues have been received which alter the considerations, recommendation and decision made.

The arrangements for Agricultural Notifications do not impose full planning controls over the developments to which they apply. Those developments remain 'permitted development' under the General Permitted Development Order. The principle of development is not relevant providing the Order conditions are satisfied, nor are other planning issues.

### **Recommendation**

The Committee is therefore recommended to endorse the decision of the Development Control Manager to grant Prior Approval for the erection of agricultural storage building and track at land at Appley, Stawley as amended by letter and plans received on 22 January 2010

**Contact Officer Bryn Kitching Telephone: 01823 358695**

**CASE OFFICER'S REPORT AND  
RECOMMENDATION**

Expiry Date: 18 March 2010  
Earliest Decision Date: 15 February 2010  
Final Decision Level: Chair/Vice Chair Decision  
Decision Type: Prior Approval (No Conditions)

**35/09/0008/AGN**

MR S OWEN

**ERECTION OF AGRICULTURAL STORAGE BUILDING AND TRACK AT  
LAND AT APPELEY, STAWLEY AS AMENDED BY LETTER AND PLANS  
RECEIVED ON 22 JANUARY 2010.**

307370.121189

Agricultural Notification

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**PROPOSAL**

This is an Agricultural notification application for the erection of a storage building and track. The building would be used to store hay/silage and machinery, would be some 30.5 metres by 15.2 metres in ground area, 7.5 metres to ridge height, and would be constructed of timber boarding and profiled grey sheeting. Additional and amended landscaping details have been submitted which include the replanting of a former hedge to the east of the building, the planting of 3 new oak trees to the west of the building, and the provision of grass in the middle of the access track.

**SITE DESCRIPTION AND HISTORY**

The proposal is accompanied by planning application 35/09/0009, relating to the formation of a replacement agricultural access.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* -No observations.

*STAWLEY PARISH COUNCIL* - letter of 24/1:

1. We repeat our concerns about the size and location of this proposed building in this sensitive landscape - part of the Brendons Landscape Character Area.
2. The GPDO could authorise only a building that is reasonably necessary for this 8.58 hectare agricultural unit. Mr Curtis points out that the application contains no detailed or significant business plan in support. Will a business plan be supplied justifying how a barn would be used for farming a unit of this modest size? If the building is larger than necessary for farming the agricultural unit, the GPDO does not apply and an ordinary application for planning permission should instead be made for this proposal.
3. The proposed building would be 30.5 metres by 15.2 metres and would cover 463.6 square metres, i.e. just short of the 465 square metres maximum covered ground area permitted under the GPDO. But this maximum does not apply to the building alone. Under the GPDO the area is defined as the "area

which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding two years and any part of which would be within 90 metres of the proposed development.”

4. Any chicken sheds within the 90 metre radius would be “buildings or structures” within the definition. If the automatic condition preventing use of the building in the proposed location for housing livestock is observed, where will any chicken sheds be sited?
5. The adjacent hardstanding is within the 90 metre radius, as is part of the proposed track. Both are surely “works” within the definition. If so, the proposal (with or without the chicken sheds) falls well outside the defined maximum area permitted by the GPDO and an ordinary application for planning permission is required.
6. Further we believe that the building in the proposed location would be within 400 metres of the garden of a protected building, namely the home of Mr and Mrs Curtis, a former farmhouse known as Frogs Farm.
7. We recommend that, if the approved siting is still within this distance, a note attached to the approval records that the GPDO permission is subject to the automatic condition that the building may not be used for housing livestock except only in the special circumstances specified by the GPDO, e.g. sickness, quarantine or extreme weather. It could be that Mr Owen is not aware of this. In a recent letter to our councillors he includes among his potential options the keeping of livestock including pigs, poultry and beef. If he wishes to keep livestock in the proposed building, he would need to site it further away from Frogs Farm.
8. For all these reasons we recommend that, consideration is given to reducing the size of the building and siting it significantly further down the hill, cut into the slope. We ask that we are given a fair opportunity to respond on any further plans and specifications that are supplied to the TDBC, including as to the colour of the timber and concrete walls (Roof would be “anthracite grey”) and the type of surface materials on the track, presently referred to merely as “hardcore” “self-coloured”.
9. Further, in view of the expressed concerns about the potential unauthorised development, we also recommend that, if (despite the points mentioned above) the development is treated as proceeding under the GPDO, the attached note clarifies to everyone the scope of the permitted development. We suggest that it states that the GPDO permission is only for a building that is reasonably necessary for the purposes of agriculture within the agricultural unit, not for a dwelling or other purposes, and that the development is authorised only if it is carried out in accordance with the approved details.
10. Including the notes on the approval would make the situation clearer to all concerned.
11. As mentioned above we accept that Mr Owen and his successors can make planning applications for other uses in due course if desired. The planning merits can be considered then, and any permission can be subject to conditions that are appropriate at that time.

Letter of 3/02/10:

Stawley Parish Council notes that whilst some points made in their letter concerning this proposal have been noted, they reiterate that despite the WYG letter, and Ian Clarkes recommendations, this Council still recommends re-siting the building to a less prominent position. Therefore they object to the proposal in its present form.

*HERITAGE AND LANDSCAPE OFFICER* - the addition of the hedgerow and additional tree planting along with the cart track proposals will help integrate the proposals into the rural area.

## **Representations**

1 letter of objection has been received on the grounds that the building would be sited on the highest point of the field boundary and will be able to be viewed from considerable distances; and the building could be sited in a corner of the field where it would not be viewed and which would save 75 yards of track construction.

## **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The Parish Council's concerns include the size of the building; that it is just within the size authorised by the GPDO; that the building of chicken sheds would not be allowed within 90 metres of the building unless an application is submitted; that the building could not be used to house livestock in accordance with the GPDO; that for these reasons consideration should be given to reducing the size of the building and relocating it; that they want a fair chance to respond to proposed colour of materials; and that a note should be added which restricts the use of the building as a dwelling.

Whilst acknowledging these points, the sole and relevant consideration with AGN applications relates to the impact of the development on visual amenity, and given that additional landscaping is proposed, and given the support for the scheme from the Landscape Officer, I consider that there would be limited impact and certainly no adverse impact on visual amenity. Accordingly, the proposal is considered acceptable.

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

Recommended Decision: Prior Approval (No Conditions)

## **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.**



# Planning Committee – 24 February 2010

## Report of the Growth and Development Manager

**Prepared By: Maria Casey – Planning and Litigation Solicitor**

### Purpose of Report

To obtain approval from Members for the making of an Order under S14(2) of the Planning (Hazardous Substances) Act 1990 to revoke the Hazardous Substances Consents dated 23 November 1992 and 30 November 1993 (HSCs) at Dairy House Farm, Stoke Hill, Henlade, Taunton, Somerset, TA3 5NB (the Site), subject to confirmation by the Secretary of State.

#### **1. Background**

- 1.1 The HSCs in force on the Site (Ref Nos 31/92/011HS and 37/93/012HS) allow for the storage of 60 tonnes of Liquefied Petroleum Gas (LPG). Due to the existence of the HSCs, a Consultation Zone was established. Proposals for future development at the Site and/or on land adjacent/near to the Site are referred to consultees to consider possible effects on public safety. The Health and Safety Executive (HSE) is a consultee.
- 1.2 The Site has not been used for the storage of hazardous substances for a number of years and on 4 November 2005 permission was granted for a change of use on the Site to use the Site for vehicle storage.
- 1.3 Even though LPG is no longer used or stored at the Site and there has been a material change of use of the Site, it is almost certain that the HSE would 'Advise Against' any planning application for development on the Site and against any other developments within the Consultation Zone. Until the HSCs are revoked it is difficult to deal with development proposals relating to the Site and relating to land within the Consultation Zone.

#### **2. Revocation of the Hazardous Substances Consents**

- 2.1 The Planning (Hazardous Substances) Act 1990 (the Act) allows for HSCs to be revoked under Section 14. This Authority, as Hazardous Substances Authority, can make a revocation order under S14(1) or (2) of the Act. The revocation will be subject to confirmation by the Secretary of State under S15 of the Act (even when it is unopposed). S16(1) of the Act provides that compensation is payable for a revocation or modification using powers under S14(1). Compensation is therefore not payable for a revocation or modification using powers under S14(2).
- 2.2 The grounds under which revocation can be made are set out in S14(2) as being:-
  - a) that there has been a material change of use of land to which a hazardous substances consent relates; or
  - (b) that planning permission [or development consent] has been granted for development the carrying out of which would involve a

material change of use of such land and the development to which the permission [or development consent] relates has been commenced; or

(c) in the case of a hazardous substances consent which relates only to one substance, that that substance has not for at least five years been present on, over or under the land to which the consent relates in a quantity equal to or exceeding the controlled quantity; or

(d) in the case of a hazardous substances consent which relates to a number of substances, that none of those substances has for at least five years been so present.

2.3 As stated in paragraph 1.2 above, permission for change of use of the Site was granted on 4 November 2005 under Application Number 37/2005/011. The development proposal was for Change of Use of Land and Erection of Building for Vehicle Storage. As a result, an Order can be made under S14(2)(b) and the Council will not be liable for any claim for compensation.

**3. Recommendation**

- 3.1 That Hazardous Substances Consents ref. 31/92/011HS and 37/93/012HS be revoked.
- 3.2 That the Committee authorise the Legal and Democratic Services Manager to prepare a Revocation Order under S14 of the Planning (Hazardous Substances) Act 1990 for the Secretary of State to confirm. A draft Order is attached at the Appendix to this Report.
- 3.3 That the authority of the Committee be conditional on the agreement in writing of the owner of the Site to the revocation including a statement to the effect that they will not suffer loss and do not intend to claim compensation on the revocation of the HSCs.

**4. Reasons for Recommendation**

The Site is no longer used for the storage or use of materials stipulated in the HSCs and the continuation of the HSCs is no longer relevant.

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

**CONTACT OFFICER Maria Casey 01823 356413 or  
m.casey@tauntondeane.gov.uk**

## **APPENDIX**

### **TAUNTON DEANE BOROUGH COUNCIL REVOCATION OF HAZARDOUS SUBSTANCES CONSENT ORDER No 1 of 2010**

**DAIRY HOUSE FARM STOKE HILL HENLADE TAUNTON  
SOMERSET TA3 5NB**

**PLANNING (HAZARDOUS SUBSTANCES) ACT 1990 – SECTION 14(2)(b)**

#### **WHEREAS**

1. Taunton Deane Borough Council (the Authority) is the Hazardous Substances Authority for the area.
2. On 3 November 1992 MGA GAS SUPPLIES of Dairy House Farm, Stoke Hill, Henlade, Taunton, Somerset, TA3 5NB (MGA) claimed from the Authority a deemed consent for the storage of Liquefied Petroleum Gas (LPG), with an established quantity of 60 tonnes on land described in the Schedule to this Order (the Land).
3. The Authority registered such deemed consent under reference number 31/92/011HS on 3 November 1992 (the First Deemed Consent).
4. On 30 November 1993 MGA claimed from the Authority a second deemed consent for the resiting of two LPG tanks on the Land. The Authority registered the second deemed consent under reference number 37/93/012HS (the Second Deemed Consent).
5. On 5 September 2005 MGA applied to the Authority for planning permission for a change of use and erection of a building for vehicle storage at the Land. The Authority granted planning permission for the application under reference number 37/2005/011 on 4 November 2005 (the 2005 Permission).
6. It appears to the Authority, having regard to all material considerations, that it is practical to revoke the Deemed Consents since having regard to the 2005 Permission effecting a material change of use of the Land, the continued existence of the Hazardous Substances Consents is no longer relevant and might unreasonably blight what might otherwise be reasonable development according to the Development Plan

NOW THEREFORE the Authority as Hazardous Substances Authority and in pursuance of Section 14(2)(b) of the Planning (Hazardous Substances) Act 1990 and all powers enabling hereby make the following order:-

1. The Hazardous Substances Consents being the First Deemed Consent and the Second Deemed Consent relating to LPG are revoked.
2. This Order shall be cited as Taunton Deane Borough Council Revocation of Hazardous Substances Consent Order No 1 of 2010

### **SCHEDULE**

Land at Dairy House Farm, Stoke Hill, Henlade, Taunton, Somerset, TA3 5NB shown edged red on the plan attached hereto.

**THE COMMON SEAL of**                    )  
**TAUNTON DEANE BOROUGH**        )  
**COUNCIL** was hereunto affixed    )  
in the presence of                    )

The office of the Secretary of State for Communities and Local Government hereby confirms the foregoing Order

## Planning Committee – 24 February 2010

### Report of the Growth and Development Manager

**08/09/0024T**

**Application to fell 8 Ash trees to the south of West Combe and to thin out by 80% the area to the east of the Mill, within Hestercombe Conservation Area at Hestercombe Gardens, Cheddton Fitzpaine**

Submitted by Ben Knight, Landscape Garden Supervisor, Hestercombe Gardens Trust

### PROPOSAL

The application can be divided into two proposals. The first part of the application proposes to fell 8 ash trees in the area of land to the south of West Combe, adjacent to the main entrance drive and at the eastern end of the newly planted oak avenue. The second part of the application proposes to thin out the woodland area to the east of the newly restored mill and barn, by 80%. The application proposes re-planting in both areas with native trees and shrubs (in the woodland).

### CONSULTATIONS AND REPRESENTATIONS

CHEDDON FITZPAINE PARISH COUNCIL – objection on the grounds that there is insufficient information in the application to explain the reasons for the felling and its possible impact on wildlife. There is also insufficient information about the re-planting proposals. The PC raises the question of whether the woodland area to the east of the mill and barn is designated 'Ancient Woodland'.

25 INDIVIDUAL OBJECTIONS, INCLUDING 8 BY PETITION – the issues raised by the objectors can be summarised as follows:

8 ash trees south of West Combe

- i) The trees are healthy and not dangerous. There is no reason to fell them.
- ii) They provide a link for wildlife between West Combe and the 'sinks'.

Woodland area east of the mill and barn

- i) The thinning is too drastic and will destroy ancient 'natural' woodland, flora and fauna.
- ii) The works will have a detrimental impact on wildlife, particularly the lesser horseshoe bats.
- iii) The works will have a detrimental impact on the public rights of way through the woodland.
- iv) The wood is designated 'Ancient Woodland' and contains rare native broadleaved trees.
- v) The copse provides a useful windbreak and screen between Hestercombe Farm and the gardens.
- vi) The area has been continually denuded of trees and ground cover, and will become sterile parkland, or managed suburban-style park.
- vii) The area has been 'untouched' for many years.
- viii) Wildlife surveys and impact assessments should be carried out.

## ASSESSMENT (AND BACKGROUND INFORMATION)

As well as being in the Conservation Area, Hestercombe Gardens has also been designated as a Special Area of Conservation (SAC) due to the presence of a lesser horseshoe bat roost (the roost is also a Site of Special Scientific Interest). Following initial site visits before and after receiving the application, a meeting was held on site between the applicants and representatives from TDBC, Natural England, Somerset Wildlife Trust and Somerset County Council, at which it was agreed that further detail about the proposed works was required, and that Hestercombe would work with the Wildlife Trust to draw up a management plan for the woodland area. Due to the presence of the bat roost (SAC), it was necessary for TDBC to carry out a 'Test of Significance' which would assess the application's possible impact on the bats. This was done by an ecologist at SCC, and approved by Natural England.

The Woodland Management Plan 2010 to 2035, together with subsequent further detail by email stating the number of replacement trees that would be planted in the woodland, provided the information necessary to make an informed assessment of the application. It should be noted that most, if not all, the objections were received prior to our receipt of the woodland management plan and 'Test of Significance'.

### 8 ash trees south of West Combe

The 8 trees are within a triangular area that contains 17 trees in total. The ones to be removed are the poorer specimens, to allow space for the remaining trees to spread and give space for replanting with oaks. The proposal is considered acceptable tree management of the area, so long as a reasonable number of new trees are planted. The 'Test of Significance' concludes that removal of the trees is unlikely to have a significant effect on the bat flight-paths.

### Woodland area east of the mill and barn

The Woodland Management Plan states the number of trees to be removed. The 80% thinning stated in the application proposal includes the removal of shrubs (most of the laurel) and small naturally re-generated trees such as sycamore and elder. It also includes removal of dead trees such as elm and a number of larch. Shrubs, dead trees and small trees (in woodland) with stem diameters less than 100mm at 1.5 metres cannot be protected under the Town and Country Planning Act 1990 – permission is therefore not required to remove them under this Act.

The woodland area is part of Gotton Copse, designated as a Planted Ancient Woodland Site. It has been almost entirely clear-felled in the past, and now contains predominantly trees that are 30-40 years old. Many of these trees are non-native, such as larch and sycamore. Whilst these trees, along with the laurel, create a woodland and provide some habitat for wildlife, it is considered that restoration and regeneration of the woodland so that it contains more native species will be beneficial to the wildlife in the longer term, and should increase the biodiversity of the area. None of the trees currently in the woodland are rare. The application does not propose the removal of the old sweet chestnuts.

It has been agreed that certain areas of laurel will be left in order to provide flight paths and feeding areas for the bats, and to retain some screening between Hestercombe Farm and the mill and barn. The 'Test of Significance' carried out by SCC's ecologist has concluded that the works, as detailed in the management plan, should not adversely affect the bat colony, so long as re-planting is carried out immediately after felling.

The public footpath runs alongside and to the south of the area of works, and will not be affected by them.

The woodland management plan shows that Hestercombe Gardens Trust intends to retain the area as woodland. So long as the plan is adhered to, the area will not become 'suburbanised' or part of the formal garden.

#### RECOMMENDATION

It is recommended that Hestercombe Gardens Trust be allowed to carry out the felling and re-planting, and that no Tree Preservation Orders should be served.

(Note that the 6-week notification period expired 2 February 2010)

**Contact Officer David Galley Telephone Number 356493**

## Planning Committee – 24 February 2010

### Report of the Development Manager

#### Enforcement Item

#### Parish:

1. **File/Complaint Number** E/0166/25/09
2. **Location of Site** LEVAN BARN, HARNHAM COURT, WIVELISCOMBE ROAD, NORTON FITZWARREN, TAUNTON, TA4 1BX
3. **Names of Owners** Mrs D Griffin, Levan Barn, Harnham Court, Norton Fitzwarren
4. **Name of Occupiers** Mrs D Griffin
5. **Nature of Contravention**

Change of use of agricultural land to domestic curtilage

6. **Planning History**

The change of use of land was brought to the councils attention in May 2009 and an application was requested to be submitted for consideration to retain the change of use of agricultural land with pond to domestic curtilage. The application was submitted in July 2009 and subsequently refused in October 2009.

7. **Reasons for Taking Enforcement Action**

- 1 The site is located within a Landscape Character Area where it is the policy of the Local Planning Authority to resist development where it would adversely impact on its character and visual amenity. In the opinion of the Local Planning Authority, the change of use of agricultural land to domestic use, together with likely enclosures and domestic paraphernalia, would detrimentally affect the character and appearance of this Landscape Character Area and the proposal is therefore considered to be contrary to Taunton Deane Local Plan policies S1, S2 and EN12 along with the guidance held within Planning Policy Statement 7.
- 2 The proposed change of use, if permitted, is likely to encourage similar proposals in respect of other land in the vicinity, which might then be difficult for the Local Planning Authority to resist, the cumulative effect of which if permitted would further detract from the character and appearance of the Landscape Character Area. The proposal is therefore considered to be contrary to Taunton Deane Local Plan policies S1, S2 and EN12 along with the guidance held within Planning Policy Statement 7.



**8. Recommendation**

The Councils Solicitor be authorised to serve an Enforcement Notice to cease the use of the land as domestic curtilage and remove all items of a domestic nature, 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: Mrs A Dunford – 01823 356399**

**APPEAL DECISION FOR COMMITTEE AGENDA – 10 FEBRUARY 2010**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>DECISION</b>
APP/D3315/A/09/2115610/WF	Conversion of barn to form dwelling and erection of double garage for The Vicarage, Parsonage Lane, Milverton as amended by plans 1023/p2and 1023/p20 and statement from agent received 9 June 2009	<p>The proposed access, by reason of the limited visibility to the north, does not provide sufficient visibility of or from vehicles emerging from the access directly onto the carriageway. Any increased use of this existing access, such as would result from the proposed development, would be prejudicial to highway safety, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan.</p> <p>The proposed alterations to the surfacing of the access and the public highway would be unsympathetic and visually incongruous in the street scene, detracting from the character and appearance of this part of Parsonage Lane. It</p>	23/09/0010	The Inspector considered the proposed garage would jar when seen against the surrounding historic buildings and would harm the historic core of the village and conflict with national planning guidance and development plan policies. He considered that the proposed barn conversion, which would double the number of dwellings, would significantly increase use of the access thus endangering highway safety. For these reasons the Inspector DISMISSED the appeal.

		would fail to preserve the character and appearance of the conservation area, contrary to Policy EN14 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the statutory duty outlined in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.		
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**TDLP** = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park