

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

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 4th 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-19th-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.

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