

06/2005/046

THE EXECUTORS OF W G KING

**RESIDENTIAL DEVELOPMENT FOLLOWING THE DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS, KINGS YARD, TAUNTON ROAD, BISHOPS LYDEARD.**

16997/28985

OUTLINE APPLICATION

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**PROPOSAL**

The buildings and yard have previously been used for the repair of heavy goods vehicles and machinery. The site has been used as a repair yard for farm machinery from the 1920's, working first on steam engines and then on repairs of lorries and quarry machinery. The vehicle repair activities associated with the applicants quarry at Cannington have been transferred there. The site is located within a predominately residential area and comprises an open yard area with associated industrial type buildings. The site is bounded by hedges and trees to the Taunton Road and Mill Lane frontages and timber fencing to the other boundaries. The proposal is an outline application for residential development on land currently partly occupied by industrial buildings. The application also provides for the alteration of the existing access into the site. Although the application is in outline only, the application form indicates a development comprising semi-detached and terraced 2 and 3 storey houses. In the event that the current application is approved, the details would need to be agreed by a subsequent reserved matters application. The site extends to 0.58 ha. A contaminated land site investigation report was also submitted with the application. A previous outline application for 23 dwellings was refused permission in June 2005 on grounds that the proposed development did not make adequate provision for affordable housing and recreation contributions, in accordance with Taunton Deane Local Plan policies H9 and C4. That application was the subject of a full report to the Committee on 15th June 2005. An Appeal has been lodged which is due to be considered at a Public Inquiry in June 2006. Further discussions have taken place with the applicants' agents and the current application is accompanied by a draft Section 106 Agreement covering the issues in contention.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHEOLOGIST there are limited or no archeological implications to the proposal and therefore have no objections on archaeological grounds. WESSEX WATER the development is located within a sewered area, with foul and surface water sewers available. The developer has proposed to dispose of surface water to existing mains. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. According to our records, there is a public water main close to the site and a could sewer crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum three metre easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or

protection works may need to be agreed. It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any agreements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to commencement of any works on site, a point of connection onto Wessex systems.

LANDSCAPE OFFICER subject to suitable landscape proposals it should be possible to develop the above site for residential use. PLANNING POLICY comments on the previous application are still applicable. In view of the proven contamination of the site, the requirements for affordable housing and recreation must have regard to the costs of remediation and the maintenance of financial viability of the development proposals. The following were the comments on the previous application :- 'As the site has previously been in employment use this proposal must be considered against policy EC9 of the adopted Taunton Deane Local Plan. This seeks to resist the loss of such land unless there are overriding benefits which outweigh its loss. In this instance the site appears unused or certainly under used as an employment site. The buildings appear temporary/limited life span in nature and some are in a poor state of repair. It is surrounded on three sides by residential development and there is a new purpose built employment site within the village (Broadgauge). On balance I conclude that the benefits of removing a site that has the potential to give rise to disturbance to adjoining housing, whilst increasing the supply of previously-developed housing sites at a time when completions within the Borough are running at a rate below that required by the Structure Plan, outweigh the loss of a vacant or under used employment site, given the availability of a more appropriate alternative close to hand. Regard must also be given to the advice in paragraph 42 (a) of PPG3, concerning proposals for the residential development of redundant land or buildings previously in industrial or commercial use. This states that local planning authorities should consider such proposals favourably unless they fail any of three tests that are set out in the paragraph. In my view this proposal is acceptable in respect of all three, in that a) it is a suitable site for development in terms of its previously-developed nature and location within a predominantly residential area within the settlement limit of a designated (within the Taunton Deane Local Plan) Rural Centre; b) its development would not undermine the planning strategy for the provision of housing in the Borough, nor would it lead to over provision of new housing or create problems in relation to low demand and; c) in the light of alternative and better located opportunities for employment uses at the Broadgauge Business Park, its loss would not undermine strategies for economic development and regeneration. If the proposal is permitted it is important that, as a housing site within a Rural Centre, it provides dwellings of types and sizes to meet local needs arising within Bishops Lydeard and the adjoining rural parishes. In particular, it should contain an element of affordable housing in accordance with policy H9 of the adopted Taunton Deane Local Plan (TDLP), and provision of cheaper, entry level open market dwellings. The provision of recreational open space, or financial contributions in lieu, will be required in accordance with policy C4 of the Taunton Deane Local Plan'. ECONOMIC DEVELOPMENT OFFICER object to this proposal on the grounds of loss of Employment Land. Recent work on a Business Property Survey has indicated a lack

of available land for employment purposes. Other ongoing work on the Employment Land Monitor seeks to quantify this issue and address it in the medium term. It is the view of the Economic Development Department that there is a current shortage of Employment Land and it's loss should be resisted where reasonable. This particular site is a flat piece of land of regular shape, with reasonable vehicular access, something could be done with it. The costs of cleaning up the existing site would be less to keep the site in employment use rather than convert to residential. It is our understanding that the Kings Yard site has not been actively marketed as employment land, yet there is no land available at Broadguage Business Park, this has all been sold and very nearly all developed. It is surrounded by residential properties on 3 sides but the Mill lane side is screened off by trees and a bank. The nearest houses on the other sides are both gable end on. If the site could be used by light' industry it should not be problem to existing residents. Should Members wish to support this application, it is strongly suggested that further work is done to explore the provision of additional employment land in the Bishops Lydeard area. DRAINAGE OFFICER it is recommended of this Authority that development of this site investigate the use of Sustainable Drainage Systems (SUDs) for the treatment of surface water disposal. This is in line with PPG25 and Building Regulations 2000 (Part H). I therefore enclose a copy of the Sustainable Drainage Systems produced by Somerset Local Authorities in conjunction with the Parrett Catchment Study and a design guide for on site attenuation. Therefore a condition should be attached that an agreed method of surface water disposal be agreed before any works commence on site. It is strongly advised that the applicant contact the Drainage Officer to discuss disposal means at an early stage. HOUSING OFFICER would require 1 in 3 dwellings in a rural area. There is a proven need in Bishops Lydeard. There have been discussions regarding affordable housing delivery on this site with the Council's Valuer. LEISURE DEVELOPMENT MANAGER in accordance with policy C4, provision for play and active recreation must be made. The site is within walking distance of public open space which could be improved for the benefit of residents to provide for play and outdoor recreation. Would therefore request a contribution of £770 per each 1 bed dwelling for sport and £2562 per each 2 bed+ dwelling for sport and play.

PARISH COUNCIL (a) the Council supports the application; (b) essential to restrict proposed dwellings to two storey units, to preserve the open vista from the A358 by-pass; (c) provision of a footway to connect with Webbers is essential, together with the need to secure a contribution for a footway extension along Taunton Road to the Gore Square area; (d) ensure adequate off-street car parking facility for each dwelling, but not that of communal parking area. Experience, particularly at Cotford St Luke, has shown under utilisation with similar development communal areas to the detriment of congested highways in the vicinity; (e) possible contribution, derived from any residual sum for the proposed Sports Field and Play Facilities Contributions applicable to new, but not to the detriment of renovation of the existing, facilities in Bishops Lydeard, to assist establish an off-site cycleway (Bishops Lydeard/Taunton) for the benefit of the community.

## **POLICY CONTEXT**

The following policies in the Somerset and Exmoor National Park Joint Structure Plan Review are relevant :- (sustainable development), STR6A (rural settlements), 16, (provision of land for industrial, warehouse and business development), 48 (access and

parking) and 49 (transport and development). The site, together with the land to the south east was originally allocated for housing development in the First Draft of the West Deane Local Plan, utilising the present access to the site. This did not proceed, since at that time the owners wanted to retain the vehicle repairing workshop. The land to the south east has now been developed. The following policies in the Taunton Deane Local Plan are relevant :- S1 (general requirements), S2 (design), S4 (rural centres), H2 (housing within rural centres), H9 (affordable housing within general market housing), EC9 (loss of employment land), M4 (residential parking requirements), C4 (provision for recreation), EN4 (wildlife in buildings to be demolished), EN6 (protection of trees, woodland, orchards and hedgerows), EN32 (contaminated land) and BL2 (new housing development within Bishops Lydeard).

## **ASSESSMENT**

The site lies within the settlement limits of Bishops Lydeard, which is defined as a rural centre. As such Policy S4 of the Taunton Deane Local Plan sees selective development which enhances or maintains the settlements' local social and economic role and environmental quality and is unlikely to lead to a significant increase in car travel as appropriate. Bishops Lydeard has a range of services and employment close to the site and is on a well served bus route into Taunton. The proposal would result in the loss of existing employment land and has therefore also to be considered against Policy EC9 of the Taunton Deane Local Plan. This seeks to resist the loss if such land unless there are overriding benefits which outweigh its loss. The site is currently vacant with the buildings in a relatively poor state of repair. The site is surrounded on three sides by residential development and there is a relatively new purpose built employment site nearby. Although the Economic Development Officer objected to the previous application, I consider that the principle of an alternative use as proposed is considered acceptable. The contaminated land site investigation report submitted with the application indicates several options with regard to remediation works. The applicants would need to do a more site specific risk assessment before deciding what would be acceptable on the site. Affordable housing is sought in accordance with Policy H9 of the Taunton Deane Local Plan. On suitable windfall sites such as this, the supporting text in the Local Plan indicates that the level of affordable housing to be provided on each site will be within the range 20 - 35 %. The actual level is to be determined by any exceptional costs associated with the site which would threaten its economic viability and whether the provision of affordable housing would threaten other planning objectives which need to be given priority. The viability of the proposal is dependant upon the total cost of ground remediation. The applicant's property agent considers that the majority of major residential house builders will only be interested in purchasing the site on the basis that a complete remediation package is agreed and then implemented. Of major concern to house builders is the need to satisfy purchasers, their surveyors and mortgage companies that the issue if ground contamination has been completely solved and will not return to haunt future property owners. Agreement has been reached with the applicant to provide for a sliding scale of affordable housing provision, with the number of units reducing if as the remediation costs increase from 5 units if remediation costs are up to £229,999 to none if the remediation costs exceed £462,000. In view of this financial consideration, it is not considered appropriate to require that a contribution be made towards any off site cycleway to Taunton. Furthermore, there is no specific reference in the Local Plan to seeking such contributions from sites such as this one. In conclusion, the proposal is considered to be appropriate development of a brown field

site, where residential development will be compatible with the adjacent existing residential areas.

## **RECOMMENDATION**

Subject to (i) the views of the County Highway Authority and any conditions that they may request; and the applicants entering into a Section 106 Agreement to provide for affordable housing and a contribution towards sport and play provision, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine the application and if permission is GRANTED be subject to conditions if time limits, details, materials, landscaping, trees and hedges to be retained, protection of trees, no service trenches beneath canopy of trees, no felling, boundary treatment, estate roads, access from Taunton Road, visibility splay, meter boxes, demolition of existing buildings, contaminated land report, removal of GPDO rights for garages and walls/fences forward of dwellings, details of surface water, drainage, wildlife survey and no surface water discharge onto highway. Notes re contaminated land remediation strategy, sustainable drainage, contact Wessex Water, disabled access, energy/water conservation, street naming, meter boxes, secure by design, CDM regulations, S106 and design guide.

REASON(S) FOR RECOMMENDATION:- The site is located within the settlement of Bishops Lydeard where residential development is considered acceptable in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6A. The proposal is considered to meet the requirements of the Taunton Deane Local Plan Policies S1, S4, H2, H9, EC9, C4 and BL2 and material considerations do not indicate otherwise.

In the event that the S106 Agreement is not concluded by 21st March, 2006, the application be REFUSED for reason that the proposal does not make adequate provision for housing and recreation contributions.

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

**CONTACT OFFICER: 356461 MR J HAMER**

NOTES: