

06/12/0007

TAYLOR WIMPEY (SOUTH WEST) UK LTD

**ERECTION OF 3 NO. DWELLINGS WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD**

Grid Reference: 316313.12888

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

The recommendation is subject to Members voting to approve both applications 06/12/0007 and 06/12/0036. Without which the public benefit, in the form of upgrading the West Somerset Railway car park (owned by TDBC), could not be delivered and would therefore change the balance of the planning considerations.

Recommended Decision: Condition Approval subject to the applicant entering into an appropriate legal agreement to secure the following:

Enabling Works

- Prior to the commencement of development a financial contribution of \*£50,000 shall be paid to the Council to deliver improved parking facilities at WSR terminus or such works shall be undertaken and completed by the developer, in accordance with an agreed schedule of works. This is a total figure and will be secured from applications 06/12/0007 and 06/12/0036.

\* Subject to DLO verifying that the costing schedule provided by the developer will deliver the necessary enhancements to the car parking facility.

Affordable Housing

- 20% provision of affordable housing to provided on site in accordance with details that shall be agreed by the Housing Enabling Lead. The provision shall be provided as part of the site area for applications 06/12/0007 and 06/12/0036 or across the wider consented development under application 06/11/0032.

Community Facilities

- Provision of the LEAP on site and its long term maintenance;
- Contributions of £1454 per dwelling for active outdoor recreation;
- Contribution of £194 per dwelling for allotment provision;

Public Art

- A contribution towards the provision of public art and public realm enhancements in accordance with the Council's Public Art Policy.

Reason for granting planning permission

It is considered that the loss of employment land is acceptable having regard to the public benefit that will be secured through improvements to the parking facilities at the Bishops Lydeard terminus, which will support the long term tourist potential of the West Somerset Railway, in broad accordance with saved Local Plan Policy EC22.

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

Conditions will be imposed to deal with the following matters:

Time limit; approved plans; landscaping; hard landscaping; grampian condition to secure off-site highway works; highways matters; surface water drainage; floor levels; materials; ecological mitigation.

### **PROPOSAL**

Planning permission is sought for the erection of three dwellings. The proposed design is very much reflective of the consented development as it is the same developer bringing forward the proposal. The materials are a mixture of slate or tiled roofs and brick or render external finish. The properties will benefit from either a single or double garage. The proposed development would be accessed by way of the consented estate road that serves the wider enabling residential development, which comprises 39 dwellings. The layout and position of the plots has been amended during the course of the application.

The application site currently has outline planning permission for an office building (400sqm). The application is accompanied by two submissions from commercial agents which conclude that the site would not generate demand for office use in this location.

The office development was consented as part of the wider enabling development at Station Farm. This is set out further below, in the planning history.

This application proposes enabling works, secured by way of a legal agreement, to deliver an enhancement of the existing car parking resource for the West Somerset Railway. Those works have been costed and, subject to their verification, a financial contribution would be secured for those works to be delivered by the Council.

### **SITE DESCRIPTION AND HISTORY**

The application site, measures 0.16 ha, and is located to the west of the tourist attraction of the West Somerset Railway. The Bishops Lydeard terminus of the railway and the railway line form the eastern boundary of the overall development. The rural centre of Bishops Lydeard is located to the north east, with a pedestrian underpass providing access across the A358. The site is accessed off Greenway Road, to the east of the entrance to the residential development at Greenway, which continues into Station Road and joins the A358.

The relevant site history dates back to 2007 when the developer GADD Homes secured a resolution to grant planning permission for the following applications:

06/07/0027 – Erection of mixed use development comprising tourist facilities, 29 open market houses, 8 affordable units and associated infrastructure works. The tourist element of the proposals provided for a café, micro-brewery, creative industry

centre, cycle hire centre and an ice cream kiosk.

06/07/0028 – Erection of Public House with restaurant.

06/07/0042 – Erection of 2 detached dwellings plots 38 & 39.

06/07/0043 – Erection of single storey building to form museum and carriage shed.

06/07/0044 – Erection of two storey office building.

Those applications were then held in abeyance as the developer went into administration. The applications were formally consented in August 2011 once the technical information on ecological and flooding matters were finalised.

In September 2011, reference application 06/11/0032, Taylor Wimpey sought permission to change the consented house types for their own design and some minor alterations to the layout of the scheme, including the provision of SUDS.

The application carried forward the main enabling works to secure:

- Transfer of land to WSR for the provision of tourism facilities related to the functions of a Heritage Railway;
- Provision of a Tourist Information Facility

and through a Grampian Condition:

- No more than 50% of the open market housing to be occupied until the following highway works had been delivered:
  - Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches;
  - Provision of shuttle traffic signals at the approach to the bridge and footway works over the bridge;
  - Provision of a new roundabout at the junction of Station Road and the A358.

In addition there were planning obligations related to the development i.e. affordable housing provision.

The application was approved by the Planning Committee. The transfer of the land known as the 'tourism land' to the WSR has now been executed.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*PARISH COUNCIL* – objects on the following grounds:

- The Council does not feel that the applicant has tested the local employment market sufficiently;
- The Council feels that the applicant should look at all forms of employment for

which the site could be used, not exclusively office based;

- While the Council does not agree with the applicant's view that the current site is not suitable for an employment building, the Council feels that the applicant has not looked at potential options to redesign the current development to re-site the proposed office buildings to a more prominent site, if this is what the applicant feels is necessary to improve viability;
- The Council wishes to point out that vacancy in employment buildings at nearby Broadgauge Park are rare and short lived, which does not agree with the applicant's assessment of the employment market in Bishops Lydeard.
- While a letter dated 9 January from Origin 3 was received by the Council, this did not arrive in time to be considered at the Council's meeting on 11 January.
- The letter was considered at the Council's February meeting and a response was prepared. However, the Council was disappointed to see that a planning application had been submitted without further contact from Origin 3 regarding the Council's opinion. No offer of a meeting was made by Origin 3 as stated in their letter. The Council had the following comments to make regarding the proposal outlined in Origin 3's letter, which the Council believes are also relevant to this proposal:
  - The Council is not aware of any spare employment land within the village;
  - The Council finds the statement that there is a lack of an employment market within the village questionable;
  - The Council questions the applicant's statement that vacant land would become scrub land – there are a number of projects that could effectively utilise the land, such as a skate park or allotments.
  - The Council would like to know what proportion of the proposed new houses would be social houses;
  - The Council requests clarification on the statement by Origin 3 that their research shows that existing employment land within Taunton should be considered as priority and that this is 'in accordance with the Council's strategy and policies'.

*ECONOMIC DEVELOPMENT MANAGER* – Comments as follows:

The site of the proposed residential development at Station Farm, Bishops Lydeard has an extant permission for B1 employment use. I have discussed the likely demand for small employment units in this location with a number of local commercial agents and developers and would offer the following views.

- There is demand for commercial units in this type of location, but the difficulty may be in attracting sufficiently high rent levels to make it stack up financially.
- Broadgauge Business Park is full and continues to be very popular – when units become available they are usually snapped up before they hit the market.
- There is an undoubted demand for small (500-1000sq ft), basic units in rural areas that would accommodate small, 1 or 2 person businesses. Offered on

easy-in, easy-out terms these sorts of units might generate £80-£100 per week. They may not be the best neighbours (noisy, outdoor and non-conforming uses) but they create local jobs and are an excellent way for people to start their own business.

- I would suggest the best model (learning from Broadgauge BP) is to offer the site as serviced plots of land for freehold sale.

The existing permission also includes provision for a public house, which would provide valuable amenities for the village, as well as jobs. Whilst many rural pubs are currently closing throughout the UK, there is still demand for property amongst breweries in the right location and situation. The pub's location adjacent to a major visitor attraction, and being the only pub in this part of the village, would imply that there is the potential for it to be commercially viable were it to be sited on the main road frontage.

The proposal to develop the site for residential would negate the opportunity to develop the site for the above mixed employment uses.

I am, however, mindful of the financial contribution offered to the West Somerset Railway from the residential scheme, which is in accordance with the relevant policy within the Core Strategy. The WSR contribution would enhance the visitor attraction by enabling it to improve its visitor facilities and attract more spend locally.

I do not wish to see this site become a housing site, and would prefer to see business units, but I am also mindful that were permission for residential to be refused the developer could take the view that he would rather leave it undeveloped; in which case the West Somerset Railway would lose the contribution on offer.

*HIGHWAY AUTHORITY* – The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the new development is likely to be dependant on private vehicles for most of its residents daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the NPPF and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National park Joint Structure Plan review (Adopted April 2000), and policy S7 of the Local Plan.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the benefits of this application or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

The amended layout is shown within drawing number 0443-102. The garage sizes now have dimensions 6m x 3m and can be considered as part of the overall level of parking provision.

Off-street car parking for plot 42 is now located adjacent to the dwelling. However, the proposed driveway is not perpendicular to the highway and is shown to be at an angle. This would make it very difficult for vehicles to reverse onto the highway.

The proposed level of off-street parking provision is still considered to be unsatisfactory and does not accord to the Somerset County Council Parking Strategy. The guidance states that each of the dwellings should have three spaces.

Although it is acknowledged that the site is not in a particularly sustainable location, therefore it is accepted that this is a justification for providing additional parking for plots 40 and 41.

The shortfall in parking provision for plot 42 is considered to be unacceptable. This shortfall, combined with the poor alignment to the driveway, is likely to result in an increase in vehicles parking on the highway, to the detriment of highway safety.

It is therefore recommended that the planning application is refused permission for the following reason:

- Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000).

*LANDSCAPE LEAD* – The proposals are acceptable subject to the implementation of landscape proposals.

*LEISURE DEVELOPMENT OFFICER* – Comments as follows:

The proposal for an additional 5 family size dwellings will create need for children's play. A contribution of £2,688.00 per each of the additional dwellings should therefore be made.

A contribution of £1454.00 for each dwelling should be made towards the provision of facilities for active outdoor recreation.

A contribution of £194.00 per dwelling should be sought for allotment provision along with a contribution of £1,033.00 per dwelling towards local community hall facilities.

All the above should be index linked.

A public art contribution should be requested, either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of the development costs.

*NATURE CONSERVATION & RESERVES OFFICER* – No objections to the change of use from office buildings approved to proposed residential dwellings.

Further comments received – 25.09.12

It is good to see confirmation that an EPS license was issued by Natural England.

*HOUSING ENABLING LEAD* – My comments are based on need and the comments do not reflect the site in terms of planning. The affordable housing requirement is 25% of the total number of new dwellings in line with the Taunton Deane Core Strategy Policy CP4. Details of which shall be agreed in writing with the Housing Enabling Lead Officer.

*ENVIRONMENT AGENCY* – No objection subject to the imposition of conditions addressing: finished floor levels; surface water drainage scheme; and, contamination.

*DRAINAGE OFFICER* – This application forms part of a previous larger application at which the design principles were agreed. Any drainage proposals agreed here shall ensure that the original design is not compromised.

A condition should be attached to any planning approval for this development that no development shall begin on site until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved. The scheme shall include full details of proposed on site storage, where run off rates have been limited to those from a 1 in 1 year storm on the greenfield site and for all storm events up to and including the 1 in 100 year + climate change allowance. The details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site.

Details of exceedance flows shall be shown together with flow paths and depths indicated.

*WESSEX WATER* – Comments as follows:

New water supply and waste water connections will be required from Wessex Water to serve this proposed development.

#### *ARCHAEOLOGY*

There are limited or no archaeological implications to this proposal and we therefore have no objection.

*CONSERVATION OFFICER* – No observations to make.

#### **Representations**

7 letters of OBJECTION have been received. Summary of objections:

##### Principle

- If the applicant is so bothered about providing social and economic benefits to the location and immediate area then surely this would be better achieved by providing the offices (and the subsequent employment opportunities) as originally planned – rather than housing;
- Developers priority is profit driven;
- LPA should make a stand and represent their electorate;
- Original plan should be adhered to and then perhaps developers would stop including things in their original applications that they never had any intention of doing;
- TDBC Officers now accept the original office location was ‘inadequate and lacked coherence with its setting’ – why was the original plan approved;
- Local residents broadly supported the original application on the basis it provided employment opportunities;
- Further growth in Bishops Lydeard needs local employment, including small scale start up businesses, and will enable the village to be more self sufficient;
- Faster broadband coming to Bishops Lydeard will increase the viability of creating businesses;
- If offices are not viable then a different employment use should be pursued;

- There should be no automatic use of this employment land if offices are unviable at this time;
- Any economic benefit in terms of contributions should be put forward on the basis of the office floor space 4,520 sq ft and the UK Government recommended occupancy rate (110sq per person) – employing 41 staff. At an average salary of £26,871 that would equate to a contribution to the economy of over £1 million. Any benefit should therefore be judged against this context.
- No S106 contributions are offered;
- No onsite green space/play areas;
- Don't be surprised if further houses are proposed on the site of the public house;
- Previous applications considered pre NPPF.
- Localism – the Parish Council have expressed their objection to the scheme;
- Existing employment at Bishops Lydeard is at capacity;
- Market will pick up and we should be set to capitalise with a ready supply of employment land;
- The developer does not need to build a speculative employment;
- None of the existing industrial units in Bishops Lydeard are located on main roads and the inference that the site is not visible and therefore will not be attractive is not supported by fact;
- No financial contribution to WSR within the application;

#### Detailed Matters

- Plot 42 has only 1 parking space allocated – this is over 20 yards from the house entrance;
- It will not be used by the residents who will then park on the narrow road and pavement adjoining the plot, blocking the entrance to plot 20.
- A parking space should be allocated in the rear garden of plot No. 42 or the house re-sited further back to allow a parking space at the front.
- The entrance to the cul-de-sac for plots 21, 22, 40 & 41 is too narrow. Drivers will mount the pavement outside plot 20 to gain access. I suggest the front boundary line to plot 41 is taken back in line with plot 42, enabling a safer and wider entrance to the cul-de-sac.
- Plot 41, the dormer windows need to be south facing to gain maximum amount of daylight into the rooms.

One further letter of OBJECTION has been received following consultation on the enabling works. Summary of objections:

- Why has it taken two weeks for the consultation to be circulated?
- The offer of a financial contribution does not enable their development;
- The primary justification for this development was to promote tourism at the terminus of the WSR. This incorporated a hotel/pub/restaurant, brewery, take-away, cycle hire, museum, train sheds and offices. In order to 'enable' some of these facilities, the developer proposed to construct 39 dwellings;
- It is the dwellings that are the enabling development not the financial contribution;
- With the eradication of all of the non-residential uses from this supposed mix use development, the question is 'what is it that these dwellings are supposed to be enabling?'
- £50,000 towards surfacing a car park is way off the mark to compensate the



local economy for the loss of these commercial premises; as previously stated the value of salaries in the permitted office accommodation would exceed £1 million;

- Whilst the applicant has promoted additional public open space as a benefit this is effectively compensatory, not additional given the plan to convert the existing car park at the railway into a car park;
- In any case such development would need planning permission and any perceived benefit from its use as a car park cannot be taken into consideration;
- Determination must be made on the basis of the benefit of resurfacing the car park and not any possible increase in capacity that could be permitted in the future;
- The railway will not attract one single additional visitor on the basis that its car park has become smoother.

## **PLANNING POLICIES**

CP8 - TD CORE STRATEGY - ENVIRONMENT,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP4 - TD CORE STRATEGY - HOUSING,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
DM4 - TD CORE STRATEGY - DESIGN,  
EC22 - TDBCLP - Land West of Bishops Lydeard Station,  
M4 - TDBCLP - Residential Parking Provision,

## **DETERMINING ISSUES AND CONSIDERATIONS**

This application has been somewhat delayed in being presented to Members as a result of protracted discussions with the developer to ensure the development mitigates any planning harm.

The Parish Council and local residents have expressed their objection to the loss of the office, or employment land. The consented scheme for office development is a material consideration and any loss of such land would need to be balanced in the decision-making process.

The site is not allocated for office use or employment, other than could be considered in association with any tourism facilities. Its delivery was not previously considered to be fundamental to achieving the aims of the allocation. In other words there is no phasing or S106 requirement to deliver the office and it has no direct connection to the railway. Its provision was put forward as part of the subsidy which would deliver the transfer of the tourism land and tourism facilities. The transfer of land has been secured.

Nevertheless, there is a consented scheme for employment and its loss needs to be considered. The Parish and local residents express strong concern to the loss of employment land and suggest that alternative uses should be considered. There is a viability argument to delivering office development as identified by commercial agents and, in part, accepted by the Council's Economic Development Manager. The

alternative would be to require the developer to demonstrate that an alternative employment use could not be achieved.

Saved Local Plan Policy EC9 'Loss of Employment Land' is applicable and states:

*'Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.'*

In addressing whether there is any overall benefit regard must be had to the retained Policy EC22 of the Local Plan – Land West of Bishops Lydeard Station which states:

*'Land west of Bishops Lydeard Station is allocated for recreational and tourist development.'*

*Complimentary recreation and tourist development will be permitted which:*

- (A) support the tourist potential of the West Somerset Railway; and*
- (B) respect the character and setting of the station buildings, including Slimbridge.*

The main aim of the policy is the improvement of facilities for visitors at Bishops Lydeard terminus. The supporting text encourages proposals which enhance the tourist potential of the railway. Therefore proposals for further facilities to meet the needs of existing visitors to the WSR will be encouraged.

There are a range of examples provided including, café, picnic facilities, restaurant, pub or gift shop, and associated facilities to encourage greater use of the railway, such as railway-related exhibition area or museum, craft shops or workshops or other interpretative facilities.

The provision of office development is not an objective of the Policy. The policy seeks to improve the existing facilities at the terminus. The Council have been in dialogue with the WSR to understand their priorities. Now that the WSR have secured the land they are able to seek heritage funding and begin fundraising to deliver the tourism facilities i.e. museum, carriage shed. However, one of their most immediate pressing issues is that of parking provision. Two options were considered. However, option B has been rejected by officers as the loss of open space cannot be adequately compensated. The proposed scheme will therefore upgrade the existing resource. The car park will be re-surfaced, drained, landscaped, and, importantly marked out. This would provide a more efficient use of the car park facility for the WSR to manage and be an improvement for patrons of the railway, in general accordance with the objectives of Policy EC22. It is currently managed by staff who direct the parking of vehicles as best they can.

In terms of the principle of residential development outside of the settlement this is considered acceptable, in the context of the consented enabling development and the wider benefits that will be delivered.

It is therefore considered that the loss of the office building (or other employment use) is acceptable having regard to the primary objective of the allocation which is to

support the tourist potential of the WSR.

### Design and Layout

In terms of the planning layout and design of the proposed dwellings the scheme would integrate with the consented scheme. It is considered that there would be no unreasonable adverse impact on the amenity of nearby residents.

The Highway Authority has now raised an objection on the level of parking provision. However, the scheme would accord with the Local Plan provisions of 1.5 spaces per dwelling. There is also a technical concern to the car parking space to Plot No. 42 not being perpendicular. However, the submission is accompanied by a vehicle tracking plan which demonstrates that it is feasible to use the parking space. Furthermore, as this at the end of the cul-de-sac it is not considered to be so harmful to highway safety as to warrant a refusal on this ground.

### Conclusion

The concerns of the Parish Council and local residents are understood and noted. However, the loss of employment land needs to be balanced against the objective of Policy EC22. The allocation seeks to improve the facilities at Bishops Lydeard terminus. The parking issue has been identified by WSR in discussions with officers as a high priority. Those improvements will provide a tangible benefit to support the long term growth of the WSR.

As such it is recommended that permission be granted.

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

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