

TAUNTON DEANE BOROUGH COUNCIL

PLANNING COMMITTEE - 30 NOVEMBER 2010

REPORT OF THE LEGAL SERVICES MANAGER

MISCELLANEOUS REPORT RELATING TO DEVELOPMENT AT
STATION FARM BISHOPS LYDEARD (06/07/0028, 06/07/0043 AND
06/07/0044)

VARIATION OF REQUIREMENTS FOR S106 AGREEMENT

The Proposal.

In 2007 applications were made for the development of the land around Station Farm Bishops Lydeard for mixed use development comprising open market housing, affordable housing and tourist facilities. There was a further application by West Somerset Railway for the erection of a single storey building to form a museum on land which was to be transferred to WSR as part of the overall development.

It was resolved to grant permission subject to a S106 imposing various obligations in respect of off site highway works, affordable housing, the provision of tourist facilities and the transfer of land to WSR.

Re-appraisal of requirements in 2009

Following the changes in the housing market a viability assessment was submitted on behalf of the developer which, following scrutiny by a consultant on behalf of the Council, led to a variation in the obligations sought. In December 2009 it was agreed that the heads of terms for the S106 agreement should be as follows;

1. The mix of affordable housing was agreed with a provision that it be provided prior to the occupation of the 20th open market value house.
2. Land was to be transferred to the WSR on completing of the agreement at a consideration of £50,000. This was to form the site for the proposed museum and carriage sheds. Services were to be provided to the site prior to first occupation of the open market housing.
3. Tourist facilities were to be provided on a designated area of land adjacent to the station, including a café, micro brewery, craft centre, cycle hire and ice cream kiosk. These were to be provided on a phased basis in line with the development of the open market housing, with all

the tourist facilities to be completed by the occupation of the 19th open market house.

The current position

The developer involved on the proposal was Gadds which as members will be aware has gone into administration. The land owner has been in discussion with a new developer to bring forward the development. That developer has re-assessed the viability of the scheme in the current climate and has requested a further variation to the obligations as follows.

The developer wishes to replace the obligation to provide the tourist facilities with an obligation to transfer the designated area of land to the WSR at a consideration of £1. There would be a further obligation to provide services to the land prior to the occupation of any open market housing.

The WSR would then be under an obligation to provide tourist related facilities on the land related to functions of a heritage railway and to continue to provide Tourist Information facilities as at the present station.

All other obligations would remain.

West Somerset Railway

WSR welcomes the proposal and envisages developing the tourist land with similar facilities to those originally envisaged but more closely linked to the existing railway functions and the proposed new museum. It is not however in a position to set out detailed proposals at this stage as the proposal has only recently arisen.

The variation

The consequence of agreeing this variation is that although the tourist facilities will still be delivered, the delivery will no longer be linked to the occupation of the open market housing, although it should be noted that the tourist facilities only had to be completed not occupied prior to occupation of the open market housing. The current proposal will secure the ownership of the tourist facilities by WSR and will ensure the use of the land for purposes associated with a heritage railway in perpetuity.

Parish Council comments.

For contractual reasons the S106 agreement needs to be concluded before the next meeting of the Planning Committee and therefore needs to be considered at this meeting. The Parish Council will meet on the 8 December 2010 to consider their response to the proposal.

Consideration

The reasoning behind allowing development in this location was to improve the visitor experience for the public visiting the WSR. The WSR sees the development of its Museum and carriage shed as critical to its future development.

It is considered that the proposed variation is reasonable in the current economic climate and that the transfer of the tourist land to WSR will secure the future use of the land and, in conjunction with the proposed museum facility, an enhanced tourist facility which will have benefits for the local economy. It is therefore concluded that the proposal remains in accordance with its original justification.

Recommendation

It is therefore recommended that subject to the Parish Council raising no objections to the proposed variation, the Chairman in conjunction with the Development Management Lead be authorised to agree the variation to the heads of terms for the S106 agreement.

Judith Jackson
Legal Services Manager

Contact Officer Judith Jackson 01823 356409 or
j.jackson@tauntondeane.gov.uk

Station Farm
Intention of the Parties including WSR

