

06/12/0036

TAYLOR WIMPEY (SOUTH WEST) UK LTD

**ERECTION OF 5 NO. DWELLINGS WITH ASSOCIATED GARAGES AND PARKING, LANDSCAPING, AND PROVISION OF OPEN SPACE, AT STATION FARM, STATION ROAD, BISHOPS LYDEARD**

Grid Reference: 316283.128991

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 be 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 proposed loss of land for a public house is acceptable having regard to the existing provision of public houses in the village, viability concerns, and, the public benefit that will be secured through improvements to the parking facilities at the Bishops Lydeard terminus, which will support the 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 five dwellings and the provision of an on-site LEAP. The proposed design of the dwellings are 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 a double garage.

The application site currently has outline planning permission for a public house with associated car parking. The proposed development would be accessed from Greenway Road by way of the consented estate road that serves the approved residential development, which comprises 39 dwellings.

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.

The application is accompanied by a planning statement and a commercial viability report. The report outlines the difficulties in bringing forward a public house in the current climate.

### **SITE DESCRIPTION AND HISTORY**

The application site 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**

*PARISH COUNCIL* – The Parish Council object to the proposal on the following grounds:

The original application was not in the local plan and was granted on the basis of the tourism and employment opportunities that it offered to the Bishops Lydeard area, these are being removed if houses are built instead of commercial properties.

If the applicant feels that a pub/restaurant may not be viable on the site, the applicant should consider other commercial opportunities for the site.

The applicant stated in their submission for application 06/12/0007 that they felt that a prominent site was necessary for commercial operations; this site is in a prominent position and therefore fits the applicant's own view of a viable site for commercial opportunities. The Council feels that the current economic climate is not a sensible time to make judgements on the viability of commercial businesses.

The Council's previous comments on application 06/12/0007 are relevant to this application also:

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.

The Council wishes to point out that vacancies 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. 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 would like to know what proportion of the proposed new houses would be social houses.

*HIGHWAY AUTHORITY* – Comments as follows:

No objection in principle. Identifies detailed matters re: location of lighting units; surface water drainage on to the highway; and, visibility splays.

The planning officer will be aware of conditions attached to the original consent which require off-site works to be completed prior to the occupation of fifty percent of the open market dwellings on the site. This development will be in addition to those consented and therefore it is requested that a Grampian condition be attached to ensure that none of the dwellings sought under this application are occupied prior to the off-site highway works being fully delivered and open to traffic.

Conditions sought: all vehicles leaving the site shall not emit dust or deposit mud, slurry or other debris on the highway etc; provision within the site for the disposal of surface water so as to prevent its discharge on to the highway; development shall not be brought into use until that part of the service road which provides access to it has been constructed; gradients not steeper than 1:10; where garage doors are of an up-and-over type there shall be an area of hard standing at least 6m in length.

*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.

*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.

*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 of by a commuted sum to the value of 1% of the development costs.

*LANDSCAPE OFFICER* – Subject to suitable landscaping the proposals are acceptable, however, the road frontage landscaping needs ‘beefing up’ and the proposed park needs further consideration and planting. Maintenance plan required for the open space.

*NATURAL ENGLAND* – Standing advice as follows:

Bats – The authority may grant permission subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.

Great crested newts – Accept the findings and consider promoting biodiversity enhancements for GCNs (for example creation of new water bodies and suitable terrestrial habitat) in accordance with the NPPF.

Dormice – Further updated survey work should be sought.

It is for the Local Planning Authority to establish whether the proposed development is likely to offend against Article 12 (1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a license.

*Planning Officer Comment* – The agent has submitted a copy of the dormouse license issued in September 2011. This covered the site area of the consented developments.

*NATURE CONSERVATION & RESERVES OFFICER* – Comments as follows:

Change from public house to residential development is insignificant from an ecological perspective. Development should seek biodiversity gain and therefore condition recommended to secure bat/bird boxes within the development.

Further comments 25.09.12 – It is good to see confirmation that an European Protected Species license was issued by Natural England.

*FIRE AUTHORITY* – Means of escape together with access and facilities for the fire service should accord with Building Regulations 2000.

*ARCHAEOLOGY OFFICER* - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

*ENVIRONMENT AGENCY* – No objection subject to imposition of conditions re: finished floor levels no lower than 51.8m AOD; contamination.

*WESSEX WATER* – No objection. New water supply and waster water connections will be required from Wessex Water to serve this proposed development. It is important the development undertake a full site survey of the site and surrounding land to determine the local drainage arrangements and to contact Wessex Water if a sewer may be affected.

*DRAINAGE OFFICER* – No observations.

*POLICE* – Comments submitted to the original scheme remain applicable. In respect of the proposed Public Open Space, communal areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow good supervision from nearby dwellings. The POS in this scheme is overlooked by dwelling No. 46 and to a lesser extent by No. 45, perhaps this could be improved by slightly re-orientating No. 45. Features to prevent unauthorised vehicular access to the POS should also be implemented.

### **Representations**

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

#### Principle

- Local resident's strong objections ignored and now yet more housing – where will it end?
- This is the last remaining non-residential element of the mixed use development permitted; Those uses were previously considered justified and viable as they were consented;
- The intention all along has been to deliver housing only;
- The consented scheme was put forward on the basis that it would benefit tourism associated with WSR;
- Taunton Deane's record on so called 'enabling developments' in this village is lamentable – Sandhill Park is used as an example of 'how not to do enabling development';
- Local residents trust lessons have been learnt;
- The original development was subject to consultation and justified on the basis that its non-residential elements – the inn, the restaurant, the brewery, the cycle hire, the take-away, the employment land, the museum, the train sheds – would all boost tourism associated with the railway. What has happened to these elements?
- The residential elements were proposed to enable public benefit, without which it would have been refused;
- The Council must therefore resist the loss of the non-residential elements;
- If it is accepted that a public house is not viable then an alternative employment or tourism use should be examined first;
- The site has road frontage;
- It should be noted that Broadgauge Business Park is at capacity;
- What has happened to the uses i.e. the cycle hire, take-away, brewery? I am aware of one brewery who would move tomorrow if available;
- Rather than support the existing service provision in the village the development would place further strain on local services, including the doctors surgery and school. None of the developments have contributed to education;
- No evidence that the village needs further residents to remain viable;
- What exactly is proposed to support WSR?
- The loss of employment consents runs into millions of pounds per year. This is the benchmark that the switch to residential use should be measured;
- The Government identify the need to boost the economy. The temporary benefit associated with the construction of houses is insignificant when compared with long-term employment and/or tourism uses.

#### Loss of Public house

- There is no justification for the loss of the public house, other than it would compete with WSR – was this not obvious when consent was granted?
- Why would the 200,000 people who use the WSR annually not support a public house in this location?
- Has the public house been marketed or its viability assessed? This has not been tested;
- The Bell Inn did not go into receivership in 2011; it was sold by the owners who paid too much based on high borrowing costs;
- Enterprise Inns have struggled to attract permanent tenants at the Lethbridge Arms due to unreasonable rent expectations; The tenants will not make a penny from the sale of the car park;
- The land sold off will be worth more than Enterprise paid for the whole site including the pub;
- If the Lethbridge Arms is struggling it is nothing to do with this site;
- Disappointing the Council have asked for a viability report to justify why the public house should not be built but did not insist on the impact of the disposal of the majority of the car park and garden on the continued viability of the Lethbridge Arms;
- Loss of the public house at Cotford due to 'idiosyncrasies' of the landlord and is due to re-open;
- Given that permission was given with the full support of the WSR, what has altered to give rise to now having a 'detrimental effect on the retail facilities at the WSR', why is this only now apparent?
- Having regard to the above, it is accepted that the licensed trade is experiencing difficult trading conditions; however, what has changed in 12 months?

#### Residential Amenity

- Ongoing problems during construction work, including: noise, digging up the road, and traffic delays for residents of Greenway;
- Still no bridge work or roundabout carried out;
- Loss of rural outlook;
- Loss of privacy;
- Increase in flooding;

The West Somerset Railway has no objections to this application.

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**

CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP8 - TD CORE STRATEGY- ENVIRONMENT,  
 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 SRATEGY - DESIGN,  
 EC22 - TDBCLP - Land West of Bishops Lydeard Station,  
 M4 - TDBCLP - Residential Parking Provision,  
 EC15 - TDBCLP - Associated Settlements/Rural Centres/Villages,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues for consideration are the loss of the public house, provision of residential development outside the defined settlement boundary and whether the financial contribution to improve parking facilities at the West Somerset Railway sufficiently mitigates any harm from failure to provide a public house.

### Loss of public house \_

The public house development formed one of five applications granted on land west of Bishops Lydeard railway station. The scheme formed part of a mix of proposed uses. The public house scheme itself was not however part of the S106 agreement. The supporting text to Policy EC22 which allocates land for recreation and tourist development lists, in the supporting text, a public house as a use that would be acceptable. However, the original developer went into administration and the issue is whether there is any prospect of a public house being delivered.

Policy CP3 of the Core Strategy (iv) states that, with regards to facilities such as a public house:

*'Proposals which would result in the loss of such services will not be permitted where*

*this would damage the vitality and viability of a settlement or increase car travel by local residents unless it can be independently proven to be unviable for re-use for local service provision'*

The applicant has submitted a commercial report which outlines the difficulties in delivering such a use in the current market. Furthermore, it is noted during discussions with WSR they do not support the provision of a public house as this would be in direct competition with their business. As the objective of Policy EC22 is to support the tourist potential of the railway the non-delivery of the public house is not considered to be harmful to the viability of the railway. In terms of the loss of a potential community facility there are existing public houses in the village of Bishops Lydeard and therefore its loss is not considered to be significant in this context.

The Council have been in dialogue with the WSR to understand their priorities. Now that the WSR have secured the transfer of 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.

This improvement to the tourist facilities of the WSR would be in general accordance with the objectives of Policy EC22.

### Outside Settlement

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 derived.

It is therefore considered that the loss of the public house is acceptable having regard to the primary purpose of the allocation which is to support the tourist potential of the WSR. In addition, the proposal will provide public open space in the form of a LEAP within closer proximity to the enabling residential development and the residents of Greenway. This will also ensure there is no requirement to deliver the LEAP on the WSR land.

### Design

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 on-site provision of a LEAP is a planning benefit which will provide a facility that is in closer proximity than the existing play area to both residents of the scheme and those in Greenway. The existing play area will be maintained for older children.

### Ecology

The Council's Nature Conservation Officer is satisfied that the proposals would have no adverse impact on ecology.

### Highways

Revised plans have been submitted to address the comments of the Highway Authority. Members will be updated of any further response received.

### Other matters

There has been a question as to where this development leaves the other tourism related uses such as the micro-brewery; creative industry centre, cycle hire centre and an ice cream kiosk. These were specifically identified under application 06/07/0027. The later Taylor Wimpey scheme, 06/11/0032, amended that consent only in so far housing elements of the scheme. There would be a marginal reduction in land available but this application would not prevent such uses coming forward in some form. However, its delivery is not part of the previous S106, as amended.

This does not affect the land transferred to the WSR and its intentions to deliver the museum and carriage shed. Indeed what it will do is provide some certainty to the railway that the LEAP will not be provided on their land.

### Conclusion

The concerns of the Parish Council and local residents are understood and noted. However, it is considered the loss of the public house would not adversely affect vitality and viability of the village. Furthermore, consideration is given to the objective of the allocation which is to support the enhancement of facilities at WSR. The provision of parking is an important resource for the WSR and the improvements to the parking provision will provide a tangible benefit. The scheme will also deliver on-site open space and play equipment to serve the needs of the development and in closer proximity to the existing community.

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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