

06/15/0023

TAYLOR WIMPEY EXETER

ERECTION OF 15 No DWELLINGS WITH ASSOCIATED CAR PARKING, LANDSCAPING AND DRAINAGE INFRASTRUCTURE ON LAND AT STATION FARM, STATION ROAD, BISHOPS LYDEARD

Location: STATION FARM, STATION ROAD, BISHOPS LYDEARD

Grid Reference: 316282.128982

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' SP1 'Sustainable Development Locations' and SP4 'Realising the vision for rural areas' together with Taunton Deane Local Plan Policy EC22 'Land west of Bishops Lydeard Station' and Site Allocations and Development Management Policy MAJ5 'Land west of Bishops Lydeard Station' in that it would lead to the loss of sites allocated for recreational, tourism, commercial and other employment generating uses which would represent an unsustainable form of development in this Major Rural Centre.

Proposal

This is an application for full planning permission for the erection of 15 dwellings (10 open market and 5 affordable) at land at Station Farm, Bishops Lydeard. The site is also known as Brunswick Green.

The site is in two parcels and consent is sought for the erection of 12 dwellings on the larger 0.32 northern parcel and 3 dwellings on the smaller 0.14 hectare southern parcel. The northern parcel is a mixture of 1 detached dwelling, 4 pairs of semi-detached dwellings and a terrace of 3 dwellings. All of the affordable housing would be in this parcel of land. The southern parcel of land comprises 3 detached dwellings.

The design of the properties is similar to the existing residential development and is a mixture of brick and render, 2-storey dwellings.

The northern parcel of land also includes an area marked as public open space. This is on the eastern side of this part of the site and would comprise amenity grassland and wildflower meadow/grassland

Amended plans have been received in response to the comments of the County

Highway Authority.

Site Description

Brunswick Green 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 larger 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.

Planning permissions were granted for a mixed use development comprising a public house with restaurant, 39 dwellings, office building, and a railway museum and carriage shed in 2011. Construction works on the dwellings commenced shortly afterwards.

The construction of the dwellings is complete, but two parts of the site remain undeveloped. The first is out the site entrance where planning permission was granted for the erection of a public house with restaurant. The second is at the rear of the site where planning permission was granted for the erection of a two-storey office building. Both site have access points and are best described as building plots.

Relevant Planning History

Original mixed use proposals

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.

Subsequent change of house types

In September 2011, Taylor Wimpey sought permission under application 06/11/0032 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 that required:

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

Applications for housing on the public house and office sites:

In October 2012, an application (06/12/0036) to erect 5 dwellings on the site of the approved public house and restaurant was recommended for approval by officers and refused by the Planning Committee for the following reason:

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' and SP4 'Realising the vision for rural areas' together with Taunton Deane Local Plan Policy EC22 'Land west of Bishops Lydeard Station' in that it would lead to the loss of a potential tourist/employment use that has an extant consent and no evidence in the form of marketing has been submitted to demonstrate that such a use is not viable and material considerations do not outweigh the loss of the tourist/employment use.

A second application to erect 3 dwellings (06/12/0007) on the site of the approved office building was recommended for approval by officers and refused by the Planning Committee for the following reason:

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' and SP4 'Realising the vision for rural areas' in that it would lead to the loss of a potential employment use that has an extant consent and that no evidence in the form of marketing has been submitted to demonstrate that such a use is not

viable and material considerations do not outweigh the loss of employment land.

Both of these applications became the subject of a Planning Appeal. An Inquiry was opened and the Council's evidence was heard. The appellant then requested an adjournment and submitted two revised applications for 6 dwellings on the public house site and 3 dwellings on the office site (applications 06/12/0068 and 06/12/0067). These applications were accompanied by an offer of £106,311.74 plus VAT to improvements to existing parking provision or facilitate new car parking provision at the West Somerset Railway. Both of these applications were recommended for approval by officers and refused by the planning committee for the same reasons as above.

The appeal was subsequently withdrawn.

Consultation Responses

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL – object

The Parish Council strongly objects to the granting of permission for the following reasons:

- This application follows previous similar applications (06/12/0007, 06/12/0036, 06/12/0067 and 06/12/0068) to erect dwellings on this land. The Parish Council has objected to the granting of permission previously and would like the comments previously made in relation to those applications considered again in relation to this application. It is hoped that the Case Officer will take due note of the decisions of the Planning Committee in respect of the previous applications and will recommend refusal. Nothing has changed since those decisions save that, in respect of the larger of the two sites, Taylor Wimpey is now seeking permission for 12 units (rather than 5 or 6 previously sought) to the exclusion of a children's play area (please see the third bullet point below).
- The Parish Council notes that the previously agreed works as outlined in the planning consent for the 39 houses already built at Station Green have not been carried out, in particular, the works to improve the highway (roundabout from the A358 and traffic lights on the West Somerset Railway bridge) and improvements to footpath links (both on Station Green to Station Road and on the opposite side of the road at Greenway). No further consent should be granted or implemented until these works are completed.
- The Parish Council noted that the application does not include a children's play area within the site. The Parish Council considers the play area is currently in the wrong location (accessible from Broadgauge Business Park) and as a result not utilised fully. The Parish Council suggests that the existing play area should be relocated to Station Green in the front portion of land described in the application to enable its use by residents in Station Green and Greenway.
- The original application relating to the 39 houses already built at Station Green 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 opportunities will be removed if consent is granted. The demand for commercial

space in the village remains high, evidenced by the quick take up of any units in the Broadgauge Business Park if/when they become available.

SCC - TRANSPORT DEVELOPMENT GROUP – Comments as follows:

The development will use the existing vehicle access onto the highway, created as part of the previous development (06/11/0032) adjacent to the application site. Therefore, this has not been assessed as part of this review.

Proposed parking provision at the application site does not meet the requirements set out within the 2013 SCC Parking Strategy. The SCC Parking Strategy states that a residential development of this size would require 39 parking spaces plus 3 visitor parking spaces. It is currently proposed that visitor parking will be on-street (it is noted that there are visitor spaces associated with the previous development indicated on the plans). While this is slightly below the current standard, it is recognised that the SCC Parking Strategy identifies these as optimum standards and it is detailed in the Travel Plan that there are good bus links to Taunton and Minehead. However, there is potential that high levels of parking could lead to anti-social parking on the internal roads, obstructing driveways and potentially leading to parking on the highway, which could become a safety concern.

No details of cycle parking have been provided or motorcycle parking.

Garages are to be provided for three of the properties at the southern plot of the development site. While appropriate size for car parking, if it is proposed that cycle parking will be within the garages, the size will need to be adjusted to accommodate this.

Turning areas are provided as part of the development to allow services vehicles a space to manoeuvre in, which appear appropriate

The following highway related comments have been made as a result of looking at submitted drawing number 8048/PL103/- together with the 'Planning Statement' and 'Design & Access Compliance Statement.'

1. The proposed 15 dwellings will be served by internal access roads and footways that have already been constructed as part of a Section 38 Agreement (TD/4443/H). The site has yet to be adopted via the Section 38 Agreement so remains the responsibility of the developer Taylor Wimpey.
2. Proposed private parking bays that immediately but up against any form of structure (walls/footpaths etc) should be constructed to a minimum length of 5.5m as measured from the back edge of the prospective publicly maintained highway.
3. Surface water from all private areas, including parking bays, will not be permitted to discharge onto the public highway. Private interceptor drainage systems must be introduced to prevent this from happening.
4. If existing carriageway gullies coincide with the proposed vehicle accesses, then the gullies will need to be provided with pedestrian friendly gully frames.

5. The construction of the footway(s) providing vehicle access to the carriageway, will have to be of sufficient integrity to cater for vehicle movements over them.
6. Any highway lighting columns that need to be relocated as a result of the proposed development cannot be repositioned without the applicant making prior contact with the Somerset County Council Highway Lighting Manager.
7. No doors, gates or low-level windows, utility boxes, down pipes or porches are to obstruct footways/shared surface roads. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc.
8. Where an outfall, drain or pipe will discharge into an existing drain, pipe or watercourse not maintainable by the Local Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required, with a copy forwarded to SCC.
9. It is noted that the private car parking areas will be constructed in permeable block paving. Permeable paved areas should be constructed to fall away from the prospective public highway areas such that if they should fail to perform in the future then this will not result in discharge of surface water onto the highway. There should also be a suitable buffer between such areas and the highway to ensure that the infiltration doesn't have any detrimental effect upon the structural integrity of the carriageways and footways.
10. The developer must keep highways, including drains and ditches, in the vicinity of the works free from mud, debris and dust arising from the works at all times. They shall ensure that vehicles leaving the site do not carry out and deposit mud or debris onto the highway and shall provide such materials, labour and equipment as necessary to ensure compliance with this requirement.
11. The developer will be held responsible for any damage caused to public highways by construction traffic proceeding to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the developer in the presence of the Highway Supervisor (Greg Carreau) showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site.
12. Any existing services located within the carriageways/footways fronting the development site that may need to be diverted, lowered or protected will have to meet the requirements of both the relevant Statutory Undertaker and the Highway Authority. It should be noted that all services should be lowered to a depth to allow full road construction, inclusive of capping, to be constructed over. Any required works must comply with the requirements of 'Code of Practice' measures necessary where apparatus is affected by major

works (diversionary works) under Section 84 NRSWA 1991.

13. Existing carriageway gullies/drains shall be completely cleared of all detritus and foreign matter both at the beginning and end of the development. If any extraneous matter from the development site enters an existing road drain or public sewer, the developer shall be responsible for its removal.
14. The existing public highway must not be used as site roads or sites for stockpiling and storing plant, materials or equipment. The developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.
15. To address Advance Payments Code legislation, the 'private drive' serving plots 8-12 should be constructed to an adoptable standard in terms of materials used and the depths laid.

In the event of permission being granted, I would recommend that conditions are imposed

WESSEX WATER – Comments as follows:

As stated on the Proposed Drainage Strategy Drawing 15318□050 "Proposed additional units will discharge to pumping station for original scheme, capacity to be checked, may require upgrading". We believe extra storage at the pumping station may be required; applicant to provide relevant information as appropriate.

Surface water will be disposed of via off site attenuation pond which will require the approval of your Authority.

BIODIVERSITY – Comments as follows:

Further to my initial comments with regards to this application, I am now satisfied with the Ecological information submitted.

LANDSCAPE – Comments as follows:

No Real landscape objections to the development. However I understand That the land at the entrance of Greenway Road is earmarked for an alternative use.

HOUSING ENABLING – Comments as follows:

25% of the new housing should be in the form of affordable homes. The required tenure split is 60% social rented and 40% shared ownership. In all cases either a partial contribution will be sought or the affordable housing unit will be rounded up to the next whole unit to provide any overall provision of 25% affordable housing. The shared ownership units should be located within their own block/terrace.

It is noted that 5 dwellings are proposed for affordable housing on this scheme which results in an overprovision, however taking into account that the scheme is

for 3 bed and larger properties, it is unclear as to how the current housing need would be met.

To meet the current housing need, the mix would need to include some 1b and 2b properties. An appropriate mix is considered to be:

Social Rent

- 2 x 1b2p Maisonette style apartments with own entrance and amenity space (in place of 1 x 3 bed property),
- 1 x 2b4p (in place of 1 x 3 bed property),
- 1 x 3b5p

Shared Ownership

- 1 x 2b4p (in place of 1 x 3 bed property),
- 1 x 3b5p

The affordable housing scheme, including location, unit type and mix must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council. Early engagement with the Housing Enabling Lead to agree the affordable housing provision is recommended.

The affordable housing should be an integral part of the development and should not be visually distinguishable from the market housing on site. The affordable housing should meet at least Code for Sustainable Homes Level 3, or meet any subsequent standard which may supersede at the date of approval of the application.

Additional guidance is available within the Adopted Affordable Housing Supplementary Planning Guidance.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

LEISURE DEVELOPMENT – Comments as follows:

In accordance with Local Plan Policy C4, provision for play should be made for the residents of these dwellings

An off-site contribution of £3,066 for each 2 bed+ dwelling should be made towards children's play. The contribution to be spent on play equipment, within the vicinity of the development.

A contribution to public art should be requested, by commissioning and integrating public art into the design of buildings and the public realm.

SCC - FLOOD RISK MANAGER – Comments as follows:

The proposals utilise the attenuation area constructed under a previous phase of the development but it has not been established whether there is sufficient capacity in the existing system and an additional attenuation area may be provided if

necessary. It would be preferable for the capacity of the existing attenuation area to be increased rather than provide a new separate area. A condition should be imposed on any approval that requires full details of the surface water management system, based on increasing the volume of the existing attenuation area if practical, to be submitted to the LPA for approval prior to any work commencing on site.

ECONOMIC DEVELOPMENT – Comments as follows:

1. I would agree with Greenslade Taylor Hunt's (GTH) marketing report that the larger site may not be suitable for a pub or leisure use. Without 'A road' frontage, and being located in a smaller settlement I suspect the site would not be attractive to a larger pub or restaurant chain. That is not to say that an individual or smaller developer may not wish to develop the site for such a use, but GTH's marketing activity has clearly given those individuals the opportunity to come forward.
2. I would, however, disagree with the point in GTH's Marketing report that there would unlikely be a demand for other employment / commercial uses on the larger of the two sites. There is a significant demand in the Taunton area for sites to accommodate the expansion of local businesses, evidenced by the development of sites in the vicinity of Bishops Lydeard (eg Westpark in Wellington). For example, I am aware of around 20 local businesses that are actively looking for premises in the Taunton area. This site in particular has good access and is in a location just off the main A358 Taunton to Minehead road. There are no employment units currently available in Bishops Lydeard and this site may be of interest to a developer wishing to support local businesses.
3. The Station Farm site in totality was originally proposed as a mixed use site, to include facilities to support the growth of the West Somerset Railway. I am aware that the Railway still has ambitions to grow, increasing its storage as well as the customer facilities it offers. I would therefore wish to ensure that all avenues have been explored and exhausted over the railway's use of both sites before a decision is taken to reallocate their use.
4. Specifically regarding the smaller site within Station Farm, in the light of GTH's marketing report, I would concur that it would be difficult to sell for most types of employment uses.

NATURAL ENGLAND – Comments as follows:

Statutory nature conservation sites – no objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species - We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material

consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

HALSE PARISH COUNCIL – no comments received

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – no comments received

PLANNING POLICY – Comments as follows:

These policy comments are submitted in response to application 06/15/0023 which seeks to provide 15 dwellings on land at Station Farm.

Taunton Deane Core Strategy

Bishops Lydeard is identified in the adopted Taunton Deane Core Strategy as a Major Rural Centre alongside Wiveliscombe (Policy SP1). Policy SP1 states that

‘These settlements will provide the focus for essential facilities within rural communities, this will include an appropriate balance of housing provision, small-scale employment and other local services. In these settlements allocations of up to 200 new net additional dwellings will be made through the Site Allocations and Development Management DPD.’

The site currently benefits from planning permission for a pub and office uses as part of the wider, mixed use residential scheme. The residential aspects of the planning permission have now been developed. Policy CP2 states that:

‘Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, 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.’

Site Allocations and Development Management Plan (SADMP)

The Site Allocations and Development Management Plan (SADMP) has now been submitted to the Planning Inspectorate for examination. Following examination the Council anticipate adopting the plan in 2016. Given the advanced stage of the plan, significant weight should be applied to the emerging policies and site allocations in the submission draft plan.

The application site relates to the emerging Policy MAJ5: land west of Bishops Lydeard Station. The policy seeks to allocate this land for recreational and tourism uses which support the visitor attraction of the West Somerset Railway, and other commercial, employment generating uses. This policy is carried over from the Taunton Deane Local Plan (2004) (Policy EC22).

There have been no objections raised on the proposed MAJ5 allocation in the emerging SADMP and no evidence presented as part of the development plan consultation process, to demonstrate that the employment allocation in the

emerging SADMP is undeliverable. Given the absence of any objections raised on the proposed MAJ5 allocation, significant weight can be placed on the policy in the consideration of this application.

Bishops Lydeard and Cothelstone Neighbourhood Plan

The Bishops Lydeard and Cothelstone Neighbourhood Plan is now at the 'Authority Publicity' stage, having gone through several rounds of public consultation. Notwithstanding this, NPPG advises prematurity will seldom be justified where the 'Authority Publicity' stage has not been completed.

The current application proposals for residential development are not in conformity with the emerging Neighbourhood Plan, which supports the SADMP MAJ5 allocation and states in para 5.2.18 that:

'The remaining undeveloped land west of the railway station should be reserved for the purpose permitted and any further attempts to gain planning permission for alternative uses will not be supported.'

Strategic Housing Land Availability

The Strategic Housing Land Availability Assessment (SHLAA) currently identifies a five year deliverable supply of 6.31 years when planning for a five percent buffer of housing land and 5.56 years when planning for a twenty percent buffer. Therefore the Council is able to demonstrate a five year supply of housing sites under both a 5% and 20% scenario. A developable supply of approximately 8,800 units has been identified through the SHLAA and taken with the five year deliverable supply of 6,000 units and completions to date (2,874 units), this provides ample margin to ensure the Core Strategy target of a least 17,000 new dwellings can be met.

Conclusion

The current planning application covers part of a site which already benefits from an outline permission for a public house and office uses. The site is allocated for recreational and tourism uses which support the visitor attraction of the West Somerset Railway, and other commercial, employment generating uses, in the development plan.

The NPPF highlights the need for applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal is not compliant with adopted or emerging development plan policies in both the SADMP and the Neighbourhood Plan. Furthermore the applicants have neither objected to the MAJ5 allocation in the emerging SADMP nor have they presented evidence as part of the development plan consultation process, to demonstrate that the employment allocation in the emerging SADMP is undeliverable. Paragraph 12 of the NPPF explicitly states that:

'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.'

In conclusion, the proposal remains counter to both the adopted and emerging

development plans (both the SADMP and the Neighbourhood Plan).

Representations Received

8 Letters of objection which raise the following issues:

- The area does not need any more housing with houses already being built on this site and at Sandhill Park.
- The developer have no complied with their previous obligations to construct a roundabout and building further housing would represent a greater highway danger.
- Plot 41 dormer windows will inhibit our privacy to the front of our property especially into the bedrooms.
- The original application was for 12 properties, the developers are attempting to gain more profit on the delay of this development.
- There are no 2 bed properties included in this application which suit the whole community of Bishops Lydeard and surrounding villages.
- The smaller site is only suitable for two houses, not three. Overdevelopment
- No permission should be granted until all of the highway works required for the original application have been carried out.
- What happened to all the shops and offices which were meant to be built here?
- Understood that the land was protected for tourism and employment uses connected to the West Somerset Railway.
- It would be better if this land was made into a children's play area
- The statement made at Paragraph 4.2.6 of the Marketing Report is not entirely accurate. The previously erected board saying "For Sale Development Sites (0.39 & 0.79 Acres) for Public House, Tourism, Recreation and Employment Uses" at the front of the site adjacent to Greenway Road was removed by Taylor Wimpey approximately 12-15 months ago, when the wooden hoardings that previously surrounded the site were taken away.
- Not clear what the public open space shown on the plans is for? Does it include play equipment?

5 Letters of support which raise the following issues:

- This site should be used for housing.
- Any commercial or industrial use of the land would cause a very real danger for the young children and people on this estate. Such use of the land would create heavy traffic which, in our opinion, the estate is not able to cope with, and would cause safety issues with young children playing in the local vicinity.
- There is no interest in this site for commercial or industrial use and there is unlikely to be due to the location.
- There is no demand for more public houses and locals pubs have already closed down.
- Would prefer to see this land used for housing (but with more public open space and children's play area).
- Houses would be better than derelict wasteland

2 Letter of comment which raise the following issues:

- New housing would be in keeping and would complete the estate.
- It is essential that the plans include pedestrian footways and dropped kerbs at the site entrance to allow for people to cross Station Road and access Bishops Lydeard
- The developer have no complied with their previous obligations to construct a roundabout and building further housing would represent a greater highway danger

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

EC22 - TDBCLP - Land West of Bishops Lydeard Station,
M4 - TDBCLP - Residential Parking Provision,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,
CP2 - TD CORE STRATEGY - ECONOMY,
CP4 - TD CORE STRATEGY - HOUSING,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - TD CORE STRATEGY - ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
DM4 - TD CORE SRATEGY - DESIGN,

Site Allocations and Development Management Plan (SADMP)

Policy MAJ5: land west of Bishops Lydeard Station.

Bishops Lydeard and Cothelstone Neighbourhood Plan

para 5.2.18: 'The remaining undeveloped land west of the railway station should be reserved for the purpose permitted and any further attempts to gain planning permission for alternative uses will not be supported.'

Local finance considerations

Community Infrastructure Levy

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £212,500

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough	£17,586
Somerset County Council	£4,397

6 Year Payment

Taunton Deane Borough	£105,516
Somerset County Council	£26,379

Determining issues and considerations

It is considered that there are 6 main issues in the determination of this application. They are:

- Planning Policy
- Neighbourhood Plan
- Marketing
- Affordable Housing
- Design and Layout
- Off-site Highway Works

Planning Policy

This is the key issue as the site is allocated for recreation and tourist development by saved policy EC22 in the Taunton Deane Local Plan and it is proposed to allocate the site in the emerging Site Allocations and Development Management Policies Plan (SADMP) for recreational and tourism uses which support the visitor attraction of the West Somerset Railway, and other commercial, employment generating uses. Core Strategy Policy CP2 seeks to resist the loss of identified business land to other uses unless the overall benefit of the proposal outweighs the disadvantages of the loss of potential employment on the site. It should also be noted that the emerging Neighbourhood Plan supports the site being reserved for previously permitted uses and that alternative uses would not be supported.

Saved policy EC22 of the saved local plan allocates the northern parcel of land for recreational and tourism development which was the basis for the previous

approvals for a mixed use development that comprised the tourist facilities, public house, office building and residential. The residential element of these permission was seen as a way to secure the transfer of land to the West Somerset Railway for the erection of the museum and carriage shed as well as subsidising the overall mixed use development. Policy EC22 states that:

EC22 - Land west of Bishops Lydeard Station is allocated for recreation and tourist development. Complementary recreation and tourist developments 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.*

This remains the saved local plan policy that forms the development plan. It is proposed to replace this with policy MAJ5 in the emerging Site Allocations and Development Management Policies Plan (SADMP) which is at an advanced stage in the preparation process. Hearings for SADMP have now been scheduled for Wednesday 30 March, Thursday 31 March, Friday 1 April & Wednesday 5 April 2016 and the Inspector has not raised any matters or issues with regard to Policy MAJ5. There are no objections to the new policy - including none from the developers of the site - and the Parish Council strongly support the policy as can be seen from statements in the emerging Neighbourhood Plan. Given the absence of any objections raised on the proposed MAJ5 allocation, significant weight can be placed on the policy in the consideration of this application. Policy MAJ5 covers both parcels of land that are subject to the current application and states:

MAJ5 - Sites totalling 0.5 hectares west of Bishops Lydeard Station, as indicated on the Proposals Map, are allocated for recreational and tourism uses which support the visitor attraction of the West Somerset Railway, and other commercial, employment generating uses.

The supporting text to this policy states that “the allocations currently have planning permission for a pub and commercial offices as part of a wider, mixed use residential scheme. The allocation therefore makes provision for other commercial uses, in line with this existing permission. Together, the allocated sites under policy MAJ5 will provide additional employment generating activities in Bishops Lydeard, assisting in ensuring that an appropriate balance of housing and jobs are provided in this major rural centre, in line with policy SP1 of the Core Strategy”

Policy SP1 of the adopted Core Strategy identifies Bishops Lydeard as one of two Major Rural Settlements and states that “these settlements will provide the focus for essential facilities within rural communities, this will include an appropriate balance of housing provision, small-scale employment and other local services”. Policy CP2 of the Core Strategy states that:

CP2 - Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, 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.

It is clear that the policies in the Development Plan and the emerging SADMP seek to retain these sites for recreational, tourism, commercial and other employment generating uses. It is therefore considered that the loss of these sites to residential

development would be contrary to the above policies. It is therefore necessary to consider whether there are any material considerations that would outweigh the policies in the Development Plan. This is discussed in the sections below.

Neighbourhood Plan

Although the emerging Neighbourhood Plan is at an advanced stage, it has not yet been to referendum, it has been through independent examination and the Examiner report recommended – subject to minor amendments – that the plan should now progress to a local referendum. The referendum is scheduled for 5th May 2015.

There are no policies that seek to allocate the sites in the Neighborhood Plan as it is not necessary to repeat policies that are already in the Development Plan. However, it is clearly stated in the plan that policy MAJ5 of the SADMP is supported and states in para 5.2.18 that:

The remaining undeveloped land west of the railway station should be reserved for the purpose permitted and any further attempts to gain planning permission for alternative uses will not be supported.

It is therefore clear that the current application is not in conformity with the emerging Neighbourhood Plan.

Marketing

In support of the application, the developer has commissioned a local estate agent, Greenslade Taylor Hunt to market the sites for both the previously approved uses and alternative employment uses. A marketing report accompanies the application and the agent considers that “due to a now proved lack of demand following over two years of marketing, rising construction costs and low returns the building of any form of commercial property on either site would, in my view, be unviable”. It concludes that the sites are not suitable for either an office location or for a public house and if either site were going to attract interest from developers, the marketing campaign would have done so by now.

Advice has been sought from the Councils Economic Development Manager who agrees that the larger site may not be suitable for a pub or leisure use. However, he disagrees that there would be unlikely demand for other employment and/or commercial uses. He states that “I am aware of around 20 local businesses that are actively looking for premises in the Taunton area. This site in particular has good access and is in a location just off the main A358 Taunton to Minehead road. There are no employment units currently available in Bishops Lydeard and this site may be of interest to a developer wishing to support local businesses.”

The Economic Development Manager concedes that the smaller site at the south of the development would be difficult to sell for most employment uses. This comment is understood as the site is at the end on the residential estate road and effectively ‘hidden-away’ without any main street frontage

The NPPF seeks to build a strong competitive economy and places significant

weight on the need to support economic growth through the planning system. It requires local planning authorities to identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.

However, the NNPF also require the regular review of allocated employment sites and paragraph 22 requires:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

The allocation of these sites in the emerging SADMP for recreational and tourism uses which support the visitor attraction of the West Somerset Railway, and other commercial, employment generating uses is considered to comprise a review of the previous local plan policy EC22 and, in this case, the emerging policy expands the range of uses that would be accepted on the site.

Weight must be given to the marketing report and a judgement has to be made as to whether there is a reasonable prospect of the sites being used for the allocated purposes. In this case, it is considered that emerging SADMP policy should not be disregarded at such an early stage, especially as it allows for other commercial or employment generating uses.

The comments from one of the neighbours is noted with regard to the removal of the marketing boards from the site and it is also noted that the sites have been marketed over a period where the existing planning permissions for the public house and office have effectively expired – the ability to submit reserved matters applications expired in August 2014. The applicants have not sought to renew these planning permission to help market the sites, nor have they sought permission for any other recreation, tourism, commercial or employment generating uses.

Affordable Housing

It should be noted that this application proposes more affordable housing (33%) than the Core Strategy policy requirement of 25%. In terms of benefits that weigh in favour of the development, the provision of affordable housing that meets specific local housing need should be given positive weight as a material consideration. The comments from Housing Enabling raise questions regarding the provision of 3-bedroom properties for affordable housing and suggest that a more appropriate mix would include 1-bedroom and 2-bedroom properties in order to meet current need.

It is considered that although this over provision of affordable housing is to be welcomed, it would not outweigh the overall conflict with adopted and emerging planning policy and the loss of a site reserved for other purposes. Should Members

be minded to grant permissions, it would be necessary to secure a more appropriate mix of affordable housing in agreement with the Housing Enabling Manager.

Design and Layout

The design and layout of the development is similar in form and density to the existing housing estate. There are some large areas of parking to the front of the dwellings on the northern parcel of land, which are similar to the dwellings immediately to the south. The applicants have submitted some amendments to the parking layout in response to the comments of the County Highway Authority. This also includes details of cycle and motorcycle parking.

The plans show an area of open space to be provided in the northern parcel of land and representations have been received as to how this would be used. The submitted plans show that this would be open grassland with no play equipment. It is proposed under a current application to upgrade part of the existing children's play area at Broadgauge Business Park using the Section 106 contributions secured under the previous planning permission.

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.

Off-site Highway Works

Many comments have been received regarding the previously consented schemes and the requirement to carry out off-site highway works. These include the construction of a roundabout on the A358 and works to the existing railway bridge, including the provision of footways and traffic signals. This application does not change the requirements to undertake these works which are subject to the agreement of the County Highways Authority. The frustration of local residents and parish council on this matter is understood, however, the determination of this application would not alter the requirement for the off-site highway works to be completed. It is therefore recommended that little weight is placed on the failure to construct the off-site highway works.

Other Issues

Comments raised with regard to overlooking from plot 41 are noted, however, it is considered that front dormer windows at a distance of 18 metres between dwellings that face each other across a highway, is a sufficient distance so as not to result in a loss of residential amenity.

Comments regarding the current appearance of the site and that the development of houses would 'tidy-up' or complete the residential are understood, however, it is considered that this is not a sufficient argument to allow development that would otherwise be unacceptable as it could be repeated too often.

Conclusions

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. It is clear that this application is not in accordance with the policies in the Local Plan and Core Strategy, nor is it in accordance with the emerging Site Allocations and Development Management Policies Plan (SADMP) which is at an advanced staged in the preparation process. The marketing of the site for the previously permitted uses is a material consideration that should be given some weight in the determination of this application. A judgement has to be made whether there is a reasonable prospect of the site being used for the allocated purposes. As the allocation is already in the process of being reviewed – as required by the NPPF – and is at an advanced stage with no objections being received, it is considered that the loss of these sites to housing would not represent sustainable development and the application should be refused.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

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