

06/12/0067

TAYLOR WIMPEY C/O

**ERECTION OF 3 No DWELLINGS WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD (RESUBMISSION OF 06/12/0007)**

Grid Reference: 316321.128881

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

The recommendation is subject to Members voting to approve both applications 06/12/0067 and 06/12/0068. Without which the public benefit, in the form of upgrading the West Somerset Railway car park (or provision of additional visitor parking), could not be delivered and would therefore change the balance of the planning considerations.

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

Enabling Works

- "Prior to the occupation of the 4<sup>th</sup> property the applicants will pay a sum up to a maximum £106,311.74 plus VAT to the Council to fund improvements to existing parking provision or facilitate new car parking provision at the WSR facility and as shown for indicative purposes only on plan [ ]]. These provisions are considered necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the Development. WSR shall agree with the Council a suitable scheme or schemes to deal with the expending of the monies for improvements to existing parking provision or new car parking provision, as relevant. This sum will be held by the Council for a maximum period of [10] years from the date of payment, or such other period of time as agreed between the Council and the applicants, and the Council shall have the ability to draw down the monies in their entirety or in parts at any time during that period, to be expended for the agreed purposes. Upon the expiry of the 10 year period, if all or any part of the monies have not been expended for the agreed purposes then the Council shall return any such unexpended sum to the applicants."

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 application 06/12/0068.

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.

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

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 0443-205 D2000 Plans  
(A3) DrNo 0443-204 D2000 Elevations  
(A3) DrNo 0443-203 DF1735 Plans  
(A3) DrNo 0443-202 D1735 Elevations  
(A3) DrNo 0443-201 D1400 Plans  
(A3) DrNo 0443-200 D1400 Elevations  
(A2) DrNo 0443-104 External Works Layout  
(A3) DrNo 0443-109 Garages  
(A1) DrNo 1127-110 Roads and Sewers Layout  
(A1) DrNo 4832-L-01S Soft Landscape Scheme  
(A3) DrNo 0443-102 Planning Layout  
(A3) DrNo 0443-101 Location Plan  
(A3) DrNo 0443-108 Materials Layout  
(A3) DrNo 0443-103 Street Scene  
(A3) DrNo 0443-105 Vehicle Tracking Layout

Reason: For the avoidance of doubt and in the interests of proper planning.

3. a. Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.  
  
b. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.  
  
c. For a period of five years after the completion of each landscaping

scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

4. Prior to the commencement of the development hereby permitted, the proposed finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to during construction and shall thereafter be maintained as such.

Reason: In the interests of the visual amenities of the area and to ensure that the development does not have an unacceptable impact on other nearby residential properties.

5. Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the first dwelling and shall thereafter be maintained as such.

Reason: To prevent any increase in the risk of off-site flooding.

6. No part of the development hereby permitted shall be brought into use until that part of the service road that gives access to it has been constructed in accordance with the plans hereby permitted and shall thereafter be maintained as such.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site in the interests of highway safety

7. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

## PROPOSAL

This is a resubmission of a previous application which was refused by the Planning Committee in October 2012. That application is the subject of a Planning Appeal with the Inquiry due to re-open in September 3013.

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 either the existing car parking or for new car parking at the West Somerset Railway. The agent has made the following offer:

*"Prior to the occupation of the 4<sup>th</sup> property the applicants will pay a sum up to a maximum £106,311.74 plus VAT to the Council to fund improvements to existing parking provision or facilitate new car parking provision at the WSR facility and as shown for indicative purposes only on plan [ ]]. These provisions are considered necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the Development. WSR shall agree with the Council a suitable scheme or schemes to deal with the expending of the monies for improvements to existing parking provision or new car parking provision, as relevant. This sum will be held by the Council for a maximum period of [10] years from the date of payment, or such other period of time as agreed between the Council and the applicants, and the Council shall have the ability to draw down the monies in their entirety or in parts at any time during that period, to be expended for the agreed purposes. Upon the expiry of the 10 year period, if all or any part of the monies have not been expended for the agreed purposes then the Council shall return any such unexpended sum to the applicants."*

## 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.

In October 2012, an application to erect 3 dwellings 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.*

That application is the subject of a Planning Appeal with the Inquiry due to re-open in September 3013.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL –*

The Council objects to the proposal on the following grounds:

- Since there has been no change to this application, the Council's comments on 06/12/0007 still stand.
- 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.

*SCC - TRANSPORT DEVELOPMENT GROUP –* comments on previous application:

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).

#### *WESSEX WATER –*

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

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

*BIODIVERSITY* - No objections to the change of use from office buildings approved to proposed residential dwellings.

*HOUSING ENABLING* – The housing enabling lead supports this application based on need and the comments do not reflect the suitability of the site in terms of planning.

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 06/12/0068 and 06/12/0067 or across the wider consented development under application 06/11/0032.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3

or meet any subsequent standard at the commencement of development.

The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council

*ENVIRONMENT AGENCY* – no comments on this application but commented on previous application:

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

*HERITAGE* – No observations

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - no comments on this application but commented on previous application:

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

*DRAINAGE ENGINEER* – No objections subject to applicant confirming that the application does not increase the area of impermeable surfacing proposed originally by the proposed office space

*NATURAL ENGLAND* – Standing advice

The protected species survey has identified that the following European protected species may be affected by this application: Bats, Hazel Dormice and Great Crested Newts.

Our standing advice sheets for individual species provide advice to planners on deciding if there is a 'reasonable likelihood' of these species being present. They also provide advice on survey and mitigation requirements.

## **Representations**

2 letter of SUPPORT (from a single household) which raise the following issues:

- There would be no issues with parking
- Do not want to see a pub/restaurant and offices as these would generate disturbance
- Support the provision of a LEAP on the housing site

3 individuals OBJECT which raise the following issues:

- Application was previously refused – What has changed?
- Not enough parking for plot 42 and will result in on-street parking
- Plot 41 should be south facing



- The access road is too narrow
- All previous comments should apply.

Previous comments included:

### 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;
- 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.

### 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.

### **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,  
 CP2 - TD CORE STRATEGY - ECONOMY,

## LOCAL FINANCE CONSIDERATIONS

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

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£3,237
Somerset County Council (Upper Tier Authority)	£809

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£19,423
Somerset County Council (Upper Tier Authority)	£4,856

## 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:*

- *support the tourist potential of the West Somerset Railway; and*
- *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 have been considered. Firstly, it is possible to secure an appropriate contribution for the existing car park to 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. Alternatively, the same value of contribution could be used to provide a new staff car park and free up the existing staff car park to be made available for visitors. This could amount to an additional 50 car parking spaces which could increase visitor numbers and spend at the WSR. This is also considered to accord with the objectives of Policy EC22.

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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