

06/16/0002

TAUNTON DEANE BOROUGH COUNCIL

Change of use from Class D2 (part of children's play and recreation area) to Class Sui Generis (car park) and provision of improved children's play area on remainder of site at Broadgauge Business Park, Westridge Way, Bishops Lydeard

Location: CHILDREN'S PLAY AREA, BROADGAUGE BUSINESS PARK,
WESTRIDGE WAY, BISHOPS LYDEARD, TAUNTON
Grid Reference: 316535.12878 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

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) Equipment Layout Plan
(A3) DrNo SPP1965P007 Proposed Play Area Layout
(A3) DrNo SPP1965P006 Planning Proposal Overflow Car Park with Play Area
(A3) DrNo SPP1965P005 Layout Plan
(A4) Location Plan

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

3. (i) Before any part of the permitted car park 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.
(ii) 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.

- (iii) 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 in accordance with Policy DM1 of the Taunton Deane Core Strategy.

- 4. No development shall take place on the play area until details of the proposed play equipment of the development hereby permitted have been 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.

Reason: To ensure that the proposed development is in compliance with relevant European legislation and in the interests of safety and amenity of future users of the play space.

Notes to Applicant

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

Proposal

Alterations to existing play area, change of use of part of the site from children's play area (use class D2) to car-park (sui generis) for the West Somerset Railway (WSR), alterations to vehicular entrance, additional pedestrian entrance from Westridge Way and from proposed carpark area, and associated landscaping

Site Description

Existing play area bordered by hedgerows, trees, and existing landscape bank, mainly laid to lawn, sited next to railway yard and Broadgauge Business Park, with double five-bar wooden gates and pedestrian wooden gate

Relevant Planning History

None

Consultation Responses

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL - The Parish Council supports the granting of permission in respect of the car park element of this planning application but continues to have the view that the children's play area is in the wrong location to enable it to be a well used community facility.

PARKING SERVICES - No comments received

LANDSCAPE - Notes that design is too rigid and formal for the site and that established landscape bank should be retained and some of the trees, supports works to childrens play area

SCC - TRANSPORT DEVELOPMENT GROUP - standing advice, highways access, parking and turning requirements in compliance with advice

Representations Received

West Somerset Railway PLC submitted comments requesting that the application should include secure gates and a barrier to stop caravans and travellers and others using the site overnight, and install fencing with anti-trespass notices, and lighting

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.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,
C3 - TDBCLP - Protection of Recreational Open Space,

Local finance considerations

Community Infrastructure Levy

The proposed development is not liable for the Community Infrastructure Levy

New Homes Bonus

The development of this site would not result in payment to the Council of the New Homes Bonus.

Determining issues and considerations

The main issues in consideration of this planning application are the Principle of Development, highways, parking and pedestrian accessibility, and the impact on the landscape.

Principle of Development

The proposed development for the creation of a car park and works to alter an existing children's play area would result in a net loss of space dedicated to recreation and children's play. The retained policy C3 'Protection of Recreational Open Space' of the Local Plan 2004 states that proposals involving the loss of children's play areas will not be permitted except C3(c) if "equivalent provisionis made to at least an equal standard and with equal community benefit". The proposed development would create a better play area whilst retaining the existing train-shaped climbing frame but setting it into a turntable play piece with gravel and mulch surround, and with additional facilities of a sandpit with mini basket swing, a net spinner, a basket swing, a mini zipline and a boat-shaped seasaw. It is considered that this qualitative improvement to the play area is a sufficient mitigation to the quantitative loss of land to carparking. Overall, it is considered that there would be a net benefit to play and recreation open space.

Policy CP6 Transport and Accessibility of the adopted Core Strategy, states that "new development" will support the "expansion of local and regional rail services, including the West Somerset Railway" which increased carparking provision adjacent to the Bishop's Lydeard station of the WSR would enable. Policy CP5 'Inclusive Communities' of the adopted Core Strategy, aims to provide play spaces and recreational opportunities serving the community, the proposal is therefore in conformity with this policy

Highways, Parking and Pedestrian Accessibility

The proposed development would provide 30 additional car parking spaces, and the proposed car park could be leased to the West Somerset Railway in the future however the proposal is from Taunton Deane Borough Council who are the landowners and developers. Currently the WSR has dedicated parking opposite the site on the northern side of Westridge Way. The site is located at the end of a

cul-de-sac with a highways spur leading into the site which can currently be accessed via five-bar field gate. The proposal would slightly shift the access over and remove the field gate.

A new pedestrian entrance to the play area would be created through the hedge, this would serve to provide access for wheelchair users and buggies, prams and push-chairs. The highways access meets safety requirements and the new pedestrian access is suitable for purpose.

The comments of the West Somerset Railway are noted with regard to the request for secure gates and barriers to the carpark. However, it is considered that this is a potential management issue rather than something that should be controlled by a planning permission. Should Taunton Deane or West Somerset Railway decide to proceed with the proposal for the car park, they would need to come to some form of agreement of how the land is managed and access controlled to the car park area.

Landscape

The proposal would represent a significant change in the existing landscaping and would make considerable alterations to the extant arrangement of soft landscaping within and on the boundaries of the site. The Landscape officer TDBC has commented that the design is "too rigid and formal" for the site and that it should be redesigned to retain the established landscape bank and potentially some of the trees on the site, however she has supported the proposed improvements to the children's play area. There is a public footpath running to the south-east of the site at approximately 150m distance however views to the site would be limited and the proposed development would retain some of the existing trees and landscaping and include new planting which would minimise visual impacts of the proposal.

Whilst it is acknowledged that there would be some negative visual impacts of the proposal due to the reduction in numbers of trees and removal of the existing landscape bank this has to be balanced out by recognising the benefits of improved visitor facilities to the area (increased parking capacity and significant improvements to the children's play area). In practical terms it would not be possible to provide a reasonable number of parking spaces and retain the existing landscape bank and some of the trees on the site, unless this was to be at the expense of taking more land away from the children's play area. Therefore on balance the benefits to tourism and for visitors in general outweigh the potential landscape impacts. To ensure that landscape impacts are minimised, a condition could be attached to any permission to ensure that a suitable landscape scheme is submitted and implemented. This would only relate to the implantation of the car parking element, which is the part of the proposal that would require the partial removal of the bank.

Conclusion

The proposed development whilst a departure from policy C3 is acceptable because of the improved facilities for visitors, although there would be some minor impacts on the landscape these are acceptable due to the balance of public benefits arising from the proposal.

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

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