

06/2007/012

HESPERUS ASSOCIATES LTD

ERECTION OF TWO AND A HALF STOREY BUILDING TO PROVIDE ACCOMMODATION FOR COMMERCIAL / COMMUNITY USE ON GROUND FLOOR (A1, A3, A5, D1, ACCOMMODATION AGENCY, ACCOUNTANT & TAX ADVISOR, BANK, BUILDING SOCIETY, CITIZENS ADVICE BUREAU, CHARITABLE & VOLUNTARY ORGANISATION, EMPLOYMENT AGENCY, ESTATE AGENT, FINANCIAL ADVISOR, FITNESS CENTRE, GYMNASIUM, HEALTH CENTRE, LAUNDERETTE, SOCIAL SERVICES CENTRE, SOLICITOR, TAXI BUSINESS, TOURIST INFORMATION CENTRE, TRAVEL AGENT), BASEMENT MULTI-USE APARTMENT(RESIDENTIAL, SELF CONTAINED OFFICE (B1) USE, OR COMMERCIAL USE AS PART OF THE GROUND FLOOR USE) AND 12 SINGLE BEDROOM APARTMENTS ON FIRST AND SECOND FLOORS AND 1 SINGLE BEDROOM APARTMENT IN BASEMENT AT LAND ADJACENT TO ROGERS WALK, COTFORD ST LUKE

316840/127291

RESERVED MATTERS

PROPOSAL

The proposal provides for the erection of a 2½ storey building to provide for commercial/community use (a range of uses are specified in the description) on the ground floor consisting of flexible one or two units and 12 one bed apartments on the two floors above. A basement apartment is also incorporated to have multiuse as residential, office or commercial use as part of the ground floor commercial/community units. The total commercial floorspace proposed is 193 sq m. A similar application was submitted earlier this year but withdrawn prior to determination. 13 parking spaces are proposed, which will not be specifically allocated to any of the units. An internal bicycle store for the apartments and external cycle parking for the commercial/community units is also proposed. Materials are to be brick walls with a slate roof. The height of the building above ground level ranges from 10.9 m to 12.1 m. Features have been incorporated in the building design to minimize running costs and assist sustainable development, solar roof panels to provide electricity and high efficiency gas heating systems.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY raise a number of detailed points re possible need to relocate street lighting unit, currently site does not have direct access to a publicly maintained highway, section of crossing over cycleway should be of sufficient strength to take vehicles, delivery vehicles should not cross cycleway, query adequacy of car parking provision, surface water, soakaways and condition survey of cycleway. Would not wish to raise objection subject to conditions regarding parking no discharge of surface water onto highway.

LANDSCAPE OFFICER there is limited scope for significant landscaping or tree planting. There may be limited scope for small tree planting at the front of the units.

DRAINAGE OFFICER soakaways should be constructed in accordance with Building Research Digest 365. If ground conditions found not to favour the use of soakaways, then some form of on site surface water attenuation system will have to be installed with a limit to its discharge. Guidance notes provided in case of this option being necessary.

PARISH COUNCIL objects. The development is too high in relation to the original design statement for Cotford St Luke. Concerns over the safety of vehicle access, as vehicles are entering parking area over a cycle track and possible use by pedestrians of vehicle access tunnel. There is insufficient parking for both residential and commercial use. The viability of commercial businesses could be affected by lack of access for delivery vehicles. Overdevelopment of site.

8 LETTERS OF OBJECTION have been received raising the following issues:- does not meet the requirement to deliver community space, as it is functionally incompetent; last year's public inquiry confirmed that the site should be kept for community facilities; ground floor marked for the community is not viable due to difficulties with access and parking, having no provision for staff and their clients; servicing these areas would also be difficult; all vehicle access is across a foot/cycle path which is unsafe; residents will take all the available parking spaces and there is no separate provision for community use; flats dominate the whole plot; site is too small to accommodate so much and will neither function correctly nor safely; proposed uses will conflict with residents; the community space will be unattractive to potential occupants; proposal has too many failings to list; proposal does not provide community facilities, whereas a complete rethink could do so while still ensuring a return for the developer; this site is still the sole one reserved for the community as a result of changes to the original village plans that have collectively reduced the space for community facilities, while making more available for housing and increasing its density; the proper use of this site is critical to the village; approval of this plan or anything like it would be contrary to the agreed and extant plan for Cotford St Luke, the status of which was confirmed by the inspector at last year's public inquiry; proposal for residential units will dilute the community use of the site; the local plan and policy guidance in favour of community self sufficiency should ensure that this site remains for community use only; there are several unoccupied flats above the shop – do we want to see more empty properties in Cotford; the narrow access road is often blocked by delivery/refuse lorries visiting the shop – this would be extremely inconvenient to the proposed businesses and residents; there is enough traffic entering Rogers Walk without the added hazards of on-street parking as seen in several areas of the village; despite the initial good planning work done to create an innovative new village community, the more recent planning control has become nothing less than downright cynical attempts to produce more council tax income at the expense of the feelings and needs of the village residents; the site should have been a green landscaped central park area; the main access roads are effectively a car park, which will result in a serious accident before long; abject amazement and disgust that the application has been submitted – the cheek of the proposal beggars belief; once again being offered a sop for some so called village facility – the list of facilities is complete nonsense; would be better building a multi storey car park for the residents; proposal for a block of flats represents blatant greed on behalf of the developer and the Council's finance department; should provide a post office and a doctor's surgery first; will be a major eyesore to the

village; more noise – especially at night; real problem with rubbish lying around in the area; loss of privacy; loss of value of property; the promise of a self sufficient and socially cohesive village has not been fulfilled with very limited facilities being provided; any additional housing on this site would add considerable pressure on car parking, car usage, vehicular traffic and congestion to the area.

ONE LETTER OF REPRESENTATION has been received raising the following issues:- a doctor's surgery would be a good idea.

COTFORD ST LUKE COMMUNITY ASSOCIATION objects in the strongest terms; difficult to see how this proposal can be justified as it does not, despite appearances, provide any viable community facilities for the village; each of the 13 flats requires a parking space plus several visitor spaces, which leaves no space for commercial/community parking and delivery vehicles, which will mean that the ground floor space will either not be taken up or if it is, problems will arise for the building's users, the shop and nearby residents; the site can support a smaller building with fewer, say no more than 4 flats, which would provide a truly viable opportunity for the community facilities; the current application contrasts starkly with the adjacent shop development which the Association lent its support to – it provides a functional balance of facilities that are in scale with the site with segregated customer parking, separate space for delivery vehicles and another area for residents parking; objects to vehicle access to site, being across existing cycle path; no segregation of vehicles and pedestrians in the access to the site; clarification of survey carried out by the Association on behalf of the Rural Deane; it is a matter of opinion whether or not the site is suitable for a pub, but so long as the chapel conversion to a restaurant/bar goes ahead, the Association has no wish to propose using the final piece of development land for this purpose; the Association's interest remains as always to get some more community facilities – the present application is incompatible with this; any proposal should meet the requirements of last year's public inquiry.

WARD MEMBER two previous applications refused and an appeal dismissed at public inquiry; perturbed to see that despite this history, officers still persisting in going not only against previous decisions but also against the wishes of the residents, when responsible for the welfare of the people of Cotford St Luke from a planning viewpoint – appear to have no interest in the inhabitants of Cotford whatsoever; at least three breweries interested in building a public house on this specific site.

POLICY CONTEXT

Policy STR1 of Somerset and Exmoor National Park Joint Structure Plan Review contains policies related to sustainable development.

Policy S1 of the Taunton Deane Local Plan sets out general requirements for new developments. Policy S2 of the same plan provides guidelines for the design of new developments. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. It is considered that these criteria are met with the current proposal. Policy EC15 indicates that the range

of shopping and service facilities serving the associated settlements, rural centres and villages will be maintained and enhanced.

ASSESSMENT

The proposed design and materials of the building is in keeping with the character of the other buildings in the area. The applicants consider that the number of residential units proposed is required in order to enable the commercial/community space to be achieved, thus ensuring the viability of the whole scheme.

The site has an outstanding planning permission for the erection of a public house. In 2004, a planning application for the erection of 4 dwellings was refused and a subsequent appeal dismissed. The appellants had extensively marketed the site for public house use, including discussions with pub operators. The appeal inspector considered that there was little likelihood of a public house development on the site because it was unlikely to be viable on the site. The appellant was of the opinion that a mixed use on the site would probably not be viable and be unlikely to be achieved. However the appeal inspector gave this opinion limited weight. He concluded that the site should be retained for commercial facilities which would be in the interests of the residents of Cotford St Luke and that the residential development should not proceed.

Planning permission has recently been granted for a public house and restaurant at the former chapel building nearby. While there is no guarantee that the scheme at the chapel will proceed (although there is every expectation that it will), the chapel site is better suited to that use than the site that is the subject of the current application, owing to the former's size and superior location. The applicants have submitted a confidential commercial feasibility report which demonstrates the proposed development to be viable, sufficiently attractive both to the developer and the community, that offers a realistic chance of being brought to fruition. The report analysed several development options to show their effect on viability. In all options other than the proposed scheme, the costs of development exceeded the value of the completed scheme, making them unviable. The applicant's consultants consider that in their experience pub operators generally require a minimum of 4,000 sq ft of area for a viable business (twice what is available on the application site). They also require an area for a beer garden, suitable car parking facilities for the elderly, those with disabilities and those customers traveling from further afield, and if possible a play area for children. In order to provide these facilities, pub operators seek sites in excess of 0.75 acres. The application site is significantly less at 0.2 acres.

It is considered that because of the nature of the residential accommodation, the proposed parking provision is adequate to serve both the apartments and the commercial use (the latter being the predominant use during the day). The applicants confirm that delivery vehicles would not be allowed to enter the site. Deliveries would take place from the highway, in the area where deliveries for the shop already take place.

RECOMMENDATION

Details be APPROVED subject to conditions of parking, restriction to uses applied for, no surface water discharge onto highway and any alterations to doors and window arrangement on ground and basement floors doors and windows to be agreed. Notes re disabled access, outline conditions, energy/water conservation, meter boxes, secure by design, soakaways, relocating street lighting column, connection to highway, deliveries to commercial units and CDM regulations.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to have a detrimental impact upon visual or residential amenity and provides for commercial use of the site in the interests of the local community and is therefore considered acceptable. Accordingly, the proposal complies with Taunton Deane Local Plan Policies S1, S2, H1 and EC15 of the Taunton Deane Local Plan.

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

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NOTES: