

**ERECTION OF COMMUNITY CHURCH AND CAFE AT ROGERS WALK,  
COTFORD ST LUKE**

Grid Reference: 316851.127292

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

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:

(A1) DrNo P/01 rev A Site Plan  
(A1) DrNo P/02 rev B Proposed Floor Plans  
(A1) DrNo P/03 Proposed Roof Plan and Sections  
(A1) DrNo P/04 Proposed Elevations  
(A1) DrNo P/05 Proposed Steps Section

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

3. 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 in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. The western most (left hand) first floor window on the South West elevation

shall be obscured glazed and non-opening. The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

5. Prior to its installation, full details and a specification of the proposed 'plant for heat pump' together with a noise assessment detailing the impact on neighbouring property shall be submitted to and approved in writing by the Local Planning Authority. The approved details and any required mitigation detailed in the assessment or required as part of the approval of those details shall be implemented before the plant is brought into use and shall thereafter be maintained as such. The plant shall not be subsequently changed, upgraded or altered without the prior approval of the Local Planning Authority.

Reason: To protect the amenities of nearby residents in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6.
  - (i) Before any part of the development hereby permitted is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, together with measures to protect the existing trees off the north and northeastern site boundaries 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 (including the protected off-site trees) 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.

7. Before the development hereby permitted is brought into use, provision shall be made for covered and secure cycle parking facilities for at least 8 cycles, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with retained policy M4 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

8. Prior to the building hereby permitted being brought into use, full details of the proposed means of enclosure and gates to the northeast of the proposed 'Safe Play Space' and the southwest of the proposed 'Sanctuary Space' shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be implemented prior to the building being brought into use and shall thereafter be maintained as such.

Reason: In the interests of the visual amenities of the area and to improve security of the site in the interests of preventing disturbance to neighbouring residents in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. No external lighting shall be installed without the prior approval of the Local Planning Authority.

Reason: To protect the amenities of neighbouring residents in accordance with Policy DM1 of the Taunton Deane Core Strategy.

10. With the exception of the Sanctuary Space, the building shall not be occupied other than between the hours of 09.00 and 22.00 Monday to Saturday and 08.00 and 20.00 on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring residents in accordance with Policy DM1 of the Taunton Deane Core Strategy.

## Notes to Applicant

### **PROPOSAL**

This application is described as the erection of a 'community church and cafe'. Some comments have been received questioning how a community church differs from any other church and that this is to give the impression that the proposal is a more 'community based' project. However, it is considered that this distinction (if there is any) is not relevant to the consideration of the planning application, albeit that the application states that the building would be available for private hire in a similar way to a community hall and it is suggested that the cafe would provide a new public amenity at the heart of the village.

As submitted, the application proposes a building containing a large hall, store and vestry, with adjoining cafe. Kitchen and WC facilities would be provided alongside this at ground floor level. Above the cafe would be two meeting rooms and an office, together with a plant room for the heating system.

Outside, but accessible under cover would be a 'sanctuary space' – a small room where people can sit, intended for personal reflection. A wide canopy would provide covered access to the front of the building and connect the main hall with the

sanctuary.

The building would be a 1.5 storey building with a mono-pitched roof sloping away from the southeast. Photovoltaic panels would be installed on the roof. The building would be constructed from brick and would and presents a 21<sup>st</sup> century design approach with large areas of glazing in the front elevation (northeast) and simple fenestration for the remainder. The sanctuary space would be contained within a round tower off the eastern corner of the main building.

As originally submitted, the application proposed two disabled parking spaces accessed directly from Rogers Walk, crossing the pedestrian/cycleway. No on-site turning was proposed. The application has subsequently been amended to remove these parking spaces and, therefore, provide no on-site parking. It should be noted that at the time of writing a re-consultation on these amendments is underway, although the consultation period will have expired by the committee meeting. Members will be advised of any further representations received to the amendments at the meeting.

## **SITE DESCRIPTION AND HISTORY**

The site comprises a broadly rectangular area of land. It is fairly flat, although it does have a slight slope down to the southwest, away from the shared footpath/cycleway that borders the site to the north. A vehicular access point exists between Rogers Walk to the north up to the footpath/cycleway where it terminates. To the northwest, the land slopes up steeply to the co-op supermarket and car parking area that lies between the supermarket and the Chapel public house slightly further to the west.

To the southeast, the site borders existing dwellings in Roger's Walk, the gable end of the end terrace facing the site behind a close boarded fence. The end wall of the dwelling is blank and is approximately 1.5m off the site boundary.

To the southwest, a brick wall and timber fence separates the site from adjoining parking area. Between these parking areas the blank gable end of a coach-house dwelling sits right on the site boundary. Off the western corner of the site is a 2.5 storey block of flats and in the centre of the north western boundary is a garage, accessed from outside the site, so presenting blank elevations to the site.

The site was identified in the original Cotford St. Luke master plan as part of the commercial centre of the village. Subsequently, the central area was re-configured, the 'village street' being given over mainly to the Roger's Walk dwellings and the site re-identified as a site for a public house under application 06/02/0062. The pub was never forthcoming, and in 2004 (06/04/00390), permission was sought for the erection of 4 dwellings. This application was refused and subsequently dismissed at appeal following a public inquiry. In dismissing the appeal, the Inspector agreed that a pub use was unlikely to be forthcoming as the proposed pub site was no longer in a prominent location. However, he felt that it would be wrong at that early stage in the village's life to allow the only remaining central development site to be given over to residential use, favouring its retention for potential development for commercial or other uses in the community benefit.

In the following years, two broadly similar applications, 06/07/0012 and 06/08/0024 have been approved for a proposed mixed use building accommodating commercial or community uses at ground floor and 13 flats spread over 2.5 storeys. However, this scheme has not been developed and the site remains vacant. The adjoining chapel has been converted to a public house.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* – The proposal is located within an existing residential cul-de-sac known as Rogers Walk therefore the principle of development is considered acceptable.

The site is located on land adjacent to an existing Footway/Cycleway, which at present is unadopted. Rogers Walk the primary carriageway and residential cul-de-sac also at present is unadopted. A 30mph speed limit applies past the site location, however it is likely that vehicle speeds in this location are reduced due to sinuous nature of Rogers Walk. Additionally, it was noted from onsite observation that there were numerous vehicles parked along the Roger Walk adjacent to allocated off street vehicle parking.

Redline/Access to the Highway/Rogers Walk Adoption: It should be noted that from the submitted block plan drawing that the applicant's red line drawing does not meet the publicly maintained highway, so technically the proposal does not have a permitted means of access to the highway. Clarification will be needed with regards whether the applicant has a right of access over this land.

Rogers Walk is currently unadopted. However, it is to my understanding that Rogers Walk is proposed to be adopted providing it meets SCC's standards, this also relates to a section of Footway/Cycleway leading past the development site.

The proposal seeks access off of an existing hardsurfaced service access and over a pedestrian footway/cycleway. Using this existing service access as a formal access point for the Church gives me concerns. The Highway Authority would not wish to see any pedestrian or cyclist conflict with vehicles.

It is estimated that the access strip is approximately 12metres from the site boundary to the carriageway edge (Rogers Walk, Service access and footway/cycleway). Parking on Drawing No. P/01 is shown to be perpendicular without area allocated to vehicle turning. I have concerns that this arrangement as it may lead to vehicles manoeuvring on the pedestrian footway/cycleway instead of reversing back out onto Rogers Walk, which would be hazardous.

Whilst vehicle turning is not necessarily required (Rogers Walk is likely to be adopted as unclassified) onto an unclassified highway. Vehicles in this location will be reversing out into traffic which is likely to be in direct conflict with the food store service yard where deliveries take place.

Vehicle Parking Provision: The proposed development provides two vehicle parking spaces which are have been designated as disabled bays. This indicates the proposal provides no designated vehicle parking, which is not considered

acceptable. The Highway Authority would not wish to see the vehicles in connection with this development parking along Rogers Walk or any of the surrounding publicly maintained highway neither would it be considered acceptable for vehicles in connection with the proposed church parking within the private car park for the food store off of Graham Way.

As Cotford St Luke has been identified as a Zone B region within the Somerset County Council – Parking Strategy the following parking provision requirement should be applied to the proposed development. This would be 1 space per 25 square metres, requiring 14 spaces to be provided for this building.

Whilst I appreciate that the development is aimed at the local residents of Cotford St Luke and that there is an element of sustainability for the community, I have serious apprehensions over the allocated vehicle parking proposed with the development (2 disabled). I would not wish to see vehicles parked on the highway in this location albeit Roger Walk is yet to be adopted.

Cycle Parking Provision: Additionally, the Somerset County Council – Parking Strategy does not provide any specific standard on the provision for cycle parking for the proposed use. Taking a pragmatic approach in applying the appropriate level of cycle parking I would consider that the cycle parking provided as part of the scheme (8) is acceptable, albeit not detailed on the submitted drawings, this would need to be clarified.

As a result given the constraints of the site I do not consider that adequate parking provision can be made on the site which will lead to vehicles parking on the publicly adopted highway. Additionally, the Highway Authority considers that the access over the shared footway/cycleway is hazardous to pedestrians and cyclist. Therefore, I recommend refusal of this application to the Local Planning Authority for the following reasons:

1. On the information currently available, the Local Planning Authority is not convinced that a safe means of access to the site from Rogers Walk can be achieved. The proposal therefore does not meet the requirements of Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted Sep 12).
2. The proposed development would be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal is therefore contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted Sep 12).
3. Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner. The proposal is therefore contrary to Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted Sep 12).

*COTFORD ST LUKE PARISH COUNCIL -*

COMMENTS ON ORIGINAL APPLICATION:

*The Parish Council supports the Application but asks for details of the proposed development to be reconsidered and changed for the following reasons:*

Access/Egress to the Two Disabled Parking Bays: Access to the two disabled parking bays will be made from Rogers Walk by driving over the single width drive and over the public footpath/cycle path.

Egress from these bays will be made in one of two ways:

- By manoeuvring out of the disabled parking bays by reversing onto the public footpath/cycle path; stopping the vehicle and then driving forward to gain access to the single drive and onto Rogers Walk or
- By reversing out of the parking spaces over the public footpath/cycle path and the single drive into the vicinity of the Co-op shop delivery/service yard where deliveries take place and then reversing onto the highway (Rogers Walk) where there may be oncoming vehicles

The Centre is a public building and as such it must comply with the Health and Safety at Work Act 1974. In particular; Section 3 (1) of the Act (the general duty of employers to persons other than their employees) states '*it shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons who are not in his employment are not thereby exposed to risks to their health or safety*'. Section 3 (1) of the Act requires the Architect to take into account the vehicle egress hazard + its associated risks, and design this hazard out. Both means of egress are hazardous to pedestrians and cyclists using the public footpath/cycle path; to other drivers driving along Rogers Walk highway and to employees of the Co-op who may be making deliveries or working in the delivery/service yard.

There will also be times when an articulated lorry is stationary on the Rogers Walk highway; waiting to unload to the Co-op or actually being unloaded and the access/egress to the disabled parking bays will be obstructed.

Furthermore; the Road Traffic Act 1988 section 34 states that a driver must not drive on or over a pavement except to gain lawful access to property or in the case of an emergency.

The Parish Council is deeply concerned with the present vehicular egress arrangements which it considers to be extremely hazardous to people. People and vehicles should not be able to conflict with one another. An alternative site layout with onsite parking arrangements (including turning circle) should now be considered by the Applicant.

The BSI Standard '*Code of Practice for the Design of Buildings and Their Approaches to Meet the Needs of Disabled Person*' states that disabled parking should be 2400mm by 4800mm with a 1200mm wide marked access zone between spaces and a 1200mm wide safety zone for boot access. Two disabled parking bays are indicated on Plan P/02 with an access zone between the bays. There is no 1200mm wide safety zone for boot access marked on Plan P/02 and using a ruler; the layout of the bays + access zone between the bays do not seem to meet width and length guidance in the BSI Standard

The existing street lighting column and the unlit Give Way sign and column are adjacent to the public footpath/cycle path. There is also a second unlit Give Way sign and column on the corner of the single width drive with warning markings on

the tarmac. These three columns will impede the access to/egress from the two disabled parking bays even though the Design and Access Statement (P11) states that '*warning markings on the tarmac and illuminated Give Way signs onto and off the development site provide a safe access crossing*'. Also; one set of warning markings will be eradicated when the disabled parking bays and safety zone for boot access is laid

Highway and Parking Arrangements: Rogers Walk and Graham Way are already congested with resident on-street parking; especially in the evenings and at weekends. Graham Way is also on the bus route. Cotford St Luke is in Zone B region within SCC's Parking Strategy which requires for a Place of Worship, Church Hall or Public Hall; 1 car parking space per 25m<sup>2</sup> floor space. Other than the two disabled parking bays; there is no dedicated car parking at the actual Centre

The Design and Access Statement (P8) states that '*parking on the car park adjacent to the shop that is within 35 metres of the entrance will provide parking spaces on the site with level access into the building*'. This car park is presently in the private ownership of Bovis Homes. Unless there is a legal agreement between the Applicant and Bovis Homes with regards to access/egress and use of its car park, this statement cannot be relied upon. In the future; another owner may prohibit access/egress and use of the car park. It is not known where cars belonging to the congregation and others visiting the Centre are going to park; if the car park is not available to them

There is no Traffic Impact Assessment submitted with the Application. Whilst the Applicant argues that its congregation and others will walk or cycle to the Centre; this argument is fundamentally flawed. The Design and Access Statement (P7) states '*that the Centre is to be a meeting place for the community (outside services, social services/family support, client meeting place for home workers, and low cost meeting rooms for community groups)*'. All of whom will have cars to transport equipment etc. Also; there is no indication where those attending christenings, weddings and funerals at the Centre will park their vehicles. There is no suitable parking available on Graham Way or Rogers Walk which will enable others from within or outside Cotford St Luke to park their vehicles

Noise: The Design and Access Statement P7 states that '*the dedicated Sanctuary Space will have 24 hour access*' and on P13 '*an accessible sanctuary for the community*'. The Application for Planning Permission Form states that the hours of opening for the Community Church and Café will be Monday to Saturday 9.00AM to 10.00PM; and on Sunday and Bank Holidays from 8.00AM to 8.00PM. There may be activities during these opening times that will create noise pollution.

Also; the dedicated Sanctuary Space and the rear of the Centre will be unsupervised outside of these opening times. Access to the rear of the Centre is not restricted from the front of the building (in the vicinity of the Sanctuary Space there is a low retaining wall and a footpath between the Sanctuary Space and Hall) and the wooden fence at the rear of the Centre is presently climbed over by youths. Noise pollution may arise from those who should not be at the Centre; outside of the stated opening times.

The Parish Council is concerned that noise pollution may arise which will affect residents in the locality of the Centre.



The Parish Council then makes various comments on civil matters for the information of the applicant, draws attention to discrepancies in the application and comments that some of the applicant's claims regarding their pre-application consultation exercise are misleading.

#### FURTHER COMMENTS ON AMENDED SCHEME:

The Parish Council still supports the Application and reiterates the comments that it previously made in its letter (19 July 2013). The Parish Council is now concerned that the amendment made to the site layout means that now there is no onsite parking at the Community Church and Café.

The Parish Council is also concerned that disabled persons who can only travel by car to the Community Church and Café may be precluded from accessing it, if the two disabled parking bays at the Co-op car park are in use. Also; it will be further distance from the Co-op car park to the front door of the Church or Café for wheelchair users or those with walking difficulties to travel. This new parking arrangement may preclude some disabled persons from accessing the new building which is not in accordance with the requirements of the Equality Act 2010.

*WESSEX WATER* – New water supply and waste water connections will be required from Wessex Water. Provides advice on connection.

*DRAINAGE ENGINEER* – No observations to make on this application.

*LANDSCAPE* – The main building is unlikely to damage or harm TPO tree roots but the proposed car parking and changes to ground levels could have a significant impact on tree roots. More details of ground level changes are required and proximity to root protection areas will be required for a full assessment to be undertaken.

*ENVIRONMENTAL HEALTH* – Verbally confirmed that the site is unlikely to be contaminated and no condition is required to this effect.

Also verbally confirmed that the requested opening hours are acceptable in a residential area and unlikely to cause disturbance. Likewise disturbance from any outside seating at the cafe is unlikely to lead to unacceptable disturbance.

Further details, together with a noise assessment, of any proposed plant should be submitted and required by condition.

#### **Representations**

14 letters of SUPPORT raising the following issues:

- Additional community space is required – the existing shared school hall and tiny community room are not sufficient to cater for the village's needs. The growing village needs another building which can be used for public hire.
- A cafe would be an excellent facility that would help mums to meet up during the day, teenagers somewhere to go after school and many other groups.
- The idea of a 24 hour sanctuary space is a lovely idea.
- The modern building is well designed, eye catching and attractive.
- There wouldn't be a problem with parking as most people would walk. The shop/chapel car parks are never full as the village is small enough for people to walk to events.
- A village the size of Cotford St. Luke needs a multi-functional purpose-built church building to meet the spiritual, social and community needs of those living in the village.
- The building will provide somewhere for people who are lonely, grieving, stressed, isolated, seriously ill, in need or fearful.
- As a new village, Cotford St Luke does not have the benefit of inherited buildings and organisations that encourage community and intergenerational interaction. They need to be built to develop a sustainable and flourishing community.
- As the building is specifically designed to serve the localised community, and environmentally sustainable principles are at its core, it is appropriate and reasonable that it is a pedestrian accessed facility.
- There is plenty of space in the car park beside the shop for those who do occasionally need to drive, which was intended for users of the two plots of land which now form the shop and this application.
- The proposals will enhance the village and provide a central focus, complementing the existing community hall, pub and shop which is already well used and sometimes over-subscribed.
- The local vicar has led the way in stating that the building should not be a church, but a community centre with a designated worship space.

9 letters of OBJECTION/CONCERN (inc. 2 identical) have been received in respect of this application, raising the following issues:

- There is a lack of on site parking. If the building is used much then parking will become a major issue in Roger's Walk, which is already full of cars. People will use the co-op car park and cause trouble there. It is unfair for the church to expect to use the shop car park. It is unreasonable to assume that everybody would walk. Existing traffic from the shop and pub cannot be used to justify more.
- There is already congestion in Rogers Walk and Graham Way.
- Traffic crossing the cycleway/footpath could be dangerous. The path is very busy.
- Deliveries to the co-op would block access to the site.
- The design will be a blot on the village. It is too large a building for the size of the site and will have an enormous visual impact. The roof line is too different to surrounding houses and should be changed.
- The mass, bulk and proximity of the rear elevation would be overbearing on neighbouring residents.
- A building that can hold 200 people will have an enormous impact whenever it is being used.
- It is rumoured that a business plan has only just been started, so the project

- may not be financially sustainable.
- There is no indication of the number of blue badge holders that may visit the site, if the spaces are full they may park anywhere on Rogers Walk.
- The church has been using the community hall which has good parking as required for a busy service.
- This is a proposal by a minority group that will not benefit the community as a whole. Only 3% of the local population are believed to attend the church.
- Do not understand why another facility like this is required as it will make the current village hall and pub less viable. It is unfair to expect a pub with paid staff to compete against a cafe run by volunteers. Query whether research has been done as to whether the building would be used.
- The fence backing onto the Grenville View flats is insubstantial. It will be further weakened by yet more 'vaulting' by youths.
- Reflection and glare from the roof panels may be a problem to nearby residents, especially the upper floor flats.
- There is already considerable noise from the shop and pub.
- Access would need to be maintained for repair of the garage wall on the site boundary.
- Youths would gather in the area in the covered areas provided around the building and this would cause trouble.
- The sanctuary will be used at night for drug dealing, as a toilet and other such activities. It should be locked at night. Query whether the local police have been consulted.
- Shrub planting along the neighbouring boundary previously caused structural problems with the wall.
- Query when the project would start, how long it would be a construction site and what restrictions would be placed on working hours. It should all be built in one phase.
- Query where materials and plant will be stored during construction.
- It will become difficult to sell neighbouring properties.
- There may be disturbance from late night disco type functions.
- Light will spill from the high amount of glass to the front elevation.
- There should be no live or recorded music after 8pm, except for Christmas Eve.
- The front steps will provide an attractive place for skateboarders to practice their skills.
- Query where excavated waste will be exported to.
- The surrounding ground may be contaminated.
- Chairs and tables must not be allowed to spill out to the front as this is a family area.
- Grey window frames should be changed to white which would be more in keeping with surrounding houses.
- No information has been provided to confirm that the building is energy self sufficient – the solar panels could be an unnecessary eyesore.
- The introduction of a place of worship could infringe Human Rights, specifically people's right not to believe in God, who may have purchased their property so as not to have a place of worship intruding on their lives.
- Query whether the Civil Aviation Authority have been consulted with regard to potential glare from the solar panels.
- It has recently been denied that the sanctuary space will be open for 24 hours, so this benefit should not be taken into account.
- There has been no assessment that the development complies with the required Code level for energy efficiency.

3 letters raising NO OBJECTION in principle but raising concerns over:

- Lack of parking.
- The need for the site to be secure – fences/walls must be of a sufficient height to stop them being scaled.
- Fences need to be erected to the south of the sanctuary space and children's play space so that the site cannot be used for antisocial purposes.
- First floor windows at the rear of the building could overlook 17 Grenville View. People congregating in the outside decked area to the rear, may cause disturbance to this property.
- Lighting within the rear hall area should be motion sensed to avoid light pollution to 17 Grenville View.
- Pot plants against the boundary could provide a springboard for those wishing to leap the fence to Grenville View.
- Noise from the plant room could disturb 17 Grenville View.
- Drainage from the toilets must be adequate.

## **PLANNING POLICIES**

CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,

## **LOCAL FINANCE CONSIDERATIONS**

None.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the consideration of this application are the principle of the development, the impact on the highway network, the design and impact on the visual amenities of the area, and the impact on neighbouring property.

### Principle

The site is centrally located in Cotford St. Luke, close to the shop and pub. It is in an area that was always identified for community based facilities or commercial units for the benefit of the community. Despite having permissions for a public house and a mixed commercial/residential scheme, no development has ever been forthcoming.

This is the last remaining development site in the village centre and, therefore, the last opportunity to provide any enhanced community facilities for the settlement. Indeed, this was the reason that the inspector dismissed the 2004 appeal for residential development of the site, reasoning that even though he accepted that a public house was unlikely to be viable, it would be wrong to release the site for

development at such an early stage in the village's life. 9 years later, and with the site having benefitted from planning permission for a commercial development for the last 6 years, there has still be no development on the site.

The submitted application is a full application and, therefore, not bound by the terms of the masterplan which identify the site for a pub or other community based use. Local Plan policies relating to the development of Cotford St. Luke have also now expired and no specific reference exists in the Core Strategy. However, in the interests of ensuring the best possible provision of facilities for Cotford St. Luke, it is still considered that the site should be developed for community uses. The proposed church is considered to be one such use, as it would provide a central meeting point for the community. In addition to the main hall, which would be used for worship and also let out for private hire, the application proposes a cafe on site.

Whilst some people may be put off using facilities associated with the church and so in terms of overall community benefit, secular facilities might be preferable, there is here a willing developer to take forward a proposal for a community based use on the site. Previous attempts to market and develop the site for commercial or community based uses have not come to fruition, despite planning permission's having been in place. In your officer's opinion, it seems that this application proposes a real opportunity for development of the site for a community facility and cafe use that the majority of village residents would be happy to use, even if they did not have a particular association with the church. The principle of the use has the support of the Parish Council and, this adds weight to the acceptability of the use in principle.

### Highways

As originally proposed, the application proposed two disabled parking spaces with no other on-site parking provision. Significant concerns have been raised by local residents and the Parish Council about these access arrangements and the low level of parking proposed.

The main concern over the vehicular access to the site was that in the absence of on-site turning, vehicles exiting the site would have to reverse over the public footpath/cycleway before arriving at a bend in Rogers Walk adjacent to the access to the co-op store's service yard. Alternatively, vehicles may seek to use the footpath/cycleway as a turning head so that they could arrive at Rogers Walk in a forward gear. The footpath/cycleway is said to be heavily used and indeed, on one occasion that your officer visited, a considerable number of school children were making their way along the path on foot, bike and scooter.

Given the site layout, and the length of private drive between Rogers Walk and the site it does seem likely that vehicles would have chosen to turn on the footpath/cycleway. Even if they didn't, they would have arrived at Rogers Walk at a location that is not only on a 90 degree corner but where vehicle movements are complicated by vehicles leaving an adjoining parking court and servicing the shop. The Highway Authority objected to the proposal on this basis, fearing a detriment to highway safety and for the reasons described above, the arrangement was considered to be unsuitable.

In light of the foregoing, the plan has been amended, removing all proposed on-site

parking provision from the scheme. The Highway Authority's objection regarding the safety concerns with the access has therefore fallen, but this still leaves the issue of parking provision.

The Highway Authority have confirmed that a building of this scale and use, in this location, should provide 14 car parking spaces. Retained Policy M2 of the Taunton Deane Local Plan sets a similar provision, albeit that this would be a 'maximum' standard.

In terms of parking provision, regard should be had to the planning history. The 2002 proposal for a public house on the site provided no vehicular parking provision. From the plans it would appear that the car park laid out for the shop was intended to be served by this facility. Subsequent to this, the adjoining chapel has been converted to a pub, and this has its own parking provision. Opinions differ between the supporters and objectors to this application as to how busy the car park at the shop is and whether it has capacity to accommodate the traffic from any further development. Your officers have never found any difficulty parking in the car park, however. All of this, of course, is anecdotal, and it is usually considered to be appropriate to require some form of on-site parking provision.

In terms of the shop car park, this car park provides 15 spaces. SCC's parking standard for retail only applies to floor spaces in excess of 1000 square metres. It is understood that this shop is around 245 square metres, serving more as a local top-up supermarket than a large shop where one may go for their weekly shop. Applying the standard for large shops of 1 space per 20m<sup>2</sup>, the shop would require 12 spaces. However, there is an argument that this requirement should be greatly reduced for small shops such as this – a good proportion of trade would be from those passing on foot and it would be primarily for 'top-up' shopping rather than a major shop. Therefore, there is likely to be more trade on foot and for those that do visit by car, the dwell time would be less than for a large foodstore and as such the parking requirement would reduce. It can be seen, then, that at a theoretical level, the shop car park has some additional capacity – at least 3 spaces if the standard for large supermarkets is applied, and in reality given the nature of the shop probably significantly more although it would probably not reach the 14 spaces required by the Highway Authority standard.

It has been shown, therefore, that there is potentially additional capacity in the shop car park that could take up some of the parking requirement for the church. This would also have been the case if the permitted pub were built out on the site – a pub having an only slightly lower parking standard than a D1 use. It has been noted by the Parish Council and some local residents that the church has no control over the car park – indeed, the applicant has been unable to ascertain who owns the car park – and therefore, it could become unavailable to them at any time. Despite the foregoing arguments, this clearly reduces the weight that should be applied to its ability to accommodate any of the parking requirement.

There is then the subsequent planning permissions for a mixed commercial/community use and residential building. These buildings proposed commercial/community use floor space at ground floor and 13 flats. 13 parking spaces were proposed and whilst it was suggested that these would be for all users of the site, it seems most likely that they would be mainly used by the residents, leaving the commercial/community uses without any parking provision.

The applicant argues that the building is intended for use by the local community and, therefore, most people will walk to the site. It is accepted that Cotford St. Luke is a relatively compact settlement and the site is located centrally. Given the type of development proposed, it is likely that most people would visit the site as a single trip, rather than it being linked to other trips and destinations. Such travel behaviour is likely to make walking and cycling more favourable options, especially as parking would be limited and there is uncertain prospect of being able to park near to the site. Your officers consider, therefore, that it is reasonable to accept that a reduced parking standard should be applied, given the particular characteristics of the site location and settlement.

It is true that there may be occasions such as christenings, weddings or other large events that may draw significant numbers of people from outside the village. However, this would be the case whether there was parking on site or not, and it is unlikely that the recommended 14 spaces would be able to accommodate everybody in these circumstances. On these occasions, there would likely be significant overspill onto the public highway, but this is unlikely to be an everyday occurrence.

It is also fair to say that there are churches and village halls up and down the country without any parking provision. True this is a historic situation, growing out of the fact that many churches are hundreds of years old, but all manage to function adequately. Whilst this should not be seen as a reason not to provide any parking, it adds weight in favour of accepting reduced provision.

Having reasoned that that it would be acceptable to proceed on the basis of no parking provision, your officers also consider that there is then an element of planning balance to add to the argument. This site has long been earmarked to provide community facilities. If this is to take the form of some kind of meeting venue and public hall then the footprint of the building will likely be similar to that currently proposed. This site is simply not big enough to accommodate a decent sized community building and associated parking provision. If the Council were to determine that parking should be provided on site, then there is a very real prospect that the site could not be developed for community facilities. The balance is considered to weigh in favour of delivery of the community use over the need to provide parking in the general interests of the community. Whether the building is a church, 'community' church or other secular public hall is, therefore, irrelevant to the parking argument.

Finally, paragraph 32 of the NPPF states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Given the location based arguments presented in favour of accepting a reduced parking provision and the likelihood that some parking will be available at the shop (albeit that this cannot be safeguarded), it is considered that the impact on the highway network arising from additional parking provision would not be severe. It is, therefore, recommended that the development is accepted with no on-site parking provision as submitted.

### Design and impact on Visual amenity

The application proposes a contemporary design for the building. As a principle, this is considered to be the correct architectural approach for a central community

building in a new settlement. It is intended as a church for the 21<sup>st</sup> Century and should be built to properly accommodate the needs of the church at the present time. Churches have always been landmark buildings, set aside as distinct from other buildings in the vicinity and there is no reason why this should not continue here.

In terms of the detailing, the building is well designed and proposes to use good quality materials. It also incorporates features to reduce its energy draw from the national grid, such as solar panels. Final details of the facing bricks and can be secured by condition.

The building itself sits fairly low on the site and is only 2 storey's high at its maximum. The mono-pitched roof slopes down from here, so it will appear low in the site and surrounding area, below the height of the adjoining dwellings on Rogers Walk and the 2.5 storey flats off the western corner. The trees on the opposite side of the footway are considered to be sufficiently distanced from the proposed works to avoid damage. It is not, therefore, considered to be detrimental to the visual amenities of the area.

### Neighbouring property

There are a number of dwellings in relatively close proximity to the building. In terms of the physical bulk of the building, as noted above it has been designed to sit relatively low in the site and is considered to have limited impact on the adjoining residents. The mono-pitched roof will slope away from the adjoining dwellings on Rogers Walk and consequently it is not considered that it would be overbearing on them. It is also sufficiently distanced from the flats off the western corner of the site.

17 Grenville View is a coach house that sits right on the south western site boundary. Although it presents a blank gable end to the site itself, it has windows facing towards the northwest. Given the close proximity of this dwelling to the proposed building your officers agree with the occupier of this property that the first floor meeting room window has potential to overlook the closest bedroom window. Given that this room would also be served by another window, it is considered reasonable to require the northeastern most one to be obscure glazed and fixed shut. This can be controlled by condition and would prevent any overlooking.

Concerns have also been raised about potential for noise disturbance from the outside play space. However, it is not considered that this would be any more disturbing to neighbouring residents than the permitted pub use, which may have had a beer garden attached. Likewise, it is not considered necessary to restrict outside seating to the front of the cafe. It seems likely that the external play space – outside the proposed cafe would most likely be used by children. They are unlikely to be present on the site in large numbers late into the evening. The application proposes opening hours for the building of 08.00 – 22.00 Monday to Saturday and 08.00 – 20.00 on Sundays and Bank Holidays. Your Environmental Health Officer has confirmed that such is earlier than that generally accepted in residential areas elsewhere. It is not clear whether a licence would be required for events in the building, which would normally be used to safeguard noise from events as there are some exemptions for places of worship. Therefore, it is recommended that a condition restricting opening to that applied for should be imposed in the interests of the neighbour's amenity.



A number of local residents have raised concerns about the prospect of anti-social behaviour. It seems that this has historically been one of a number of sites in Cotford St. Luke which has attracted such behaviour and the fence/walls between the site and Grenville View have frequently been 'vaulted'. In response to local concerns, security gates/fences have been added to the proposal to prevent access to this southwestern boundary from within the site and this is considered to overcome these concerns. It has been suggested that the covered canopy and sanctuary space (which is intended to be available 24 hours per day) may attract people to loiter late at night. However, this would be possible with any community-based building that was closed to general use at these times and it is considered to be mainly a matter for the police. The Police Architectural Liaison officer has been consulted to ascertain if he has any comments regarding the detailed design, but no comments have been forthcoming. If the sanctuary becomes damaged or misused late at night, it seems likely that the church would begin to lock it.

Finally, it is considered that there is limited prospect for significant disturbance from lights within the building, although a condition is recommended that any external lights should be subject to the Council's approval.

In light of the foregoing, the impact on neighbouring residents is considered to be acceptable.

### Conclusions

The site has long been earmarked for some form of community based use. The development now proposed is such a use and, despite being proposed by a religious rather than secular group, is considered to provide additional community facilities for the village. It has been shown that the design and impact on neighbouring residents is acceptable. The development does not propose any on-site parking and this is partly due to problems achieving a safe means of access to the site. However, in light of the detailed considerations, above, it is not considered that the impact on the highway network from any increased on-street parking would be severe and that the balance falls in favour of allowing the development to proceed.

In light of the above, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

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

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**