

06/16/0036

C/O AGENT

**Erection of 3No. dwellings with associated car parking, landscaping and drainage infrastructure at Station Farm, Station Road, Bishops Lydeard**

Location: STATION FARM, STATION ROAD, BISHOPS LYDEARD, TAUNTON  
TA4 4BU

Grid Reference: 316325.128886

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' SP1 'Sustainable Development Locations' and SP4 'Realising the vision for rural areas' together with Site Allocations and Development Management Policy MAJ5 'Land west of Bishops Lydeard Station' in that it would lead to the loss of a site allocated for recreational, tourism, commercial and other employment generating uses which would represent an unsustainable form of development in this Major Rural Centre. The proposal does not support Objective 3 (Employment: Enhance opportunities for employment in the Parishes by maintaining and increasing the range, extent and scale of commercial and light industrial premises) or Objective 4 (Tourism: Facilitate opportunities to capitalise on the presence of the Quantock Hills AONB and West Somerset Railway in the Parishes) of the adopted Bishops Lydeard and Cothelstone Neighbourhood Plan

### **Recommended Conditions (if applicable)**

#### Notes to Applicant

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

## **Proposal**

It is proposed to erect 3 detached dwellings on a tourism/employment allocated site at Station Farm, Bishops Lydeard. The application is submitted in full and the proposed dwellings would be 2-storey, with 4 or 5 bedrooms and 2 parking spaces in front of either a single or double garage. Access would be via the existing residential estate where a turning head is already in place.

The application is accompanied by a Planning Statement, Statement of Community Involvement, Flood Risk Assessment, Ground Investigation Report, Transport

Assessment, Design and Access Statement, Ecological Assessment as well as detailed plans and elevations.

Subsequently a marketing report was submitted from a local firm of estate agents who were instructed to market the site for commercial development from April 2013.

## **Site Description**

The application site is on the south eastern corner of the adjoining residential estate and has open fields to the south and east. Further to the east is the West Somerset Railway and Station House. Two-storey detached dwellings surround the northern and western sides of the site and there is a field access that runs along the western boundary.

The adjoining residential estate is the recently constructed Taylor Wimpey residential development for 39 dwellings, known as Station Green.

## **Relevant Planning History**

### **Original mixed use proposals**

The relevant site history dates back to 2007, when the developer GADD Homes secured a resolution to grant planning permission for the following applications:

06/07/0027 – Erection of mixed use development comprising tourist facilities, 29 open market houses, 8 affordable units and associated infrastructure works. The tourist element of the proposals provided for a café, micro-brewery, creative industry centre, cycle hire centre and an ice cream kiosk.

06/07/0028 – Erection of Public House with restaurant.

06/07/0042 – Erection of 2 detached dwellings plots 38 & 39.

06/07/0043 – Erection of single storey building to form museum and carriage shed.

06/07/0044 – Erection of two storey office building.

Those applications were then held in abeyance as the developer went into administration. The applications were formally consented in August 2011 once the technical information on ecological and flooding matters were finalised.

### **Subsequent change of house types**

In September 2011, Taylor Wimpey sought permission under application 06/11/0032 to change the consented house types for their own design and some minor alterations to the layout of the scheme, including the provision of SUDS.

The application carried forward the main enabling works to secure:

- Transfer of land to WSR for the provision of tourism facilities related to the functions of a Heritage Railway;
- Provision of a Tourist Information Facility

and through a Grampian Condition that required:

- No more than 50% of the open market housing to be occupied until the following highway works had been delivered:
  - a) Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches;
  - b) Provision of shuttle traffic signals at the approach to the bridge and footway works over the bridge;
  - c) Provision of a new roundabout at the junction of Station Road and the A358.

In addition there were planning obligations related to the development i.e. affordable housing provision.

The application was approved by the Planning Committee. The transfer of the land known as the 'tourism land' to the WSR has been executed.

### **Applications for housing on the public house and office sites:**

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

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

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

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

Both of these applications became the subject of a Planning Appeal. An Inquiry was opened and the Council's evidence was heard. The appellant then requested an adjournment and submitted two revised applications for 6 dwellings on the public house site and 3 dwellings on the office site (applications 06/12/0068 and 06/12/0067). These applications were accompanied by an offer of £106,311.74 plus

VAT to improvements to existing parking provision or facilitate new car parking provision at the West Somerset Railway. Both of these applications were recommended for approval by officers and refused by the planning committee for the same reasons as above.

The appeal was subsequently withdrawn.

In 2015 an application (06/15/0023) was submitted for the erection of 15 dwellings across both sites allocated for employment and/or tourism. This was refused in February 2016 for the following reason:

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

## **Consultation Responses**

*BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL* – The Parish Council objects to the granting of permission for the following reasons:

- This application follows previous similar applications (06/15/0023, 06/12/0007, 06/12/0036, 06/12/0067 and 06/12/0068) to erect dwellings on this piece and one other piece of land at Station Farm. The Parish Council has objected to the granting of permission previously and would like the comments previously made in relation to those applications considered again in relation to this application. Once again, it is hoped that the Case Officer will take due note of the decisions of the Planning Committee in respect of the previous applications and will recommend refusal. Nothing has changed since those decisions, although the Parish Council is concerned that if this application is granted it will lead to a further application for the second piece of land also included in the 06/15/0023 application.
- Once more, the Parish Council is surprised and dismayed that this application has been submitted in advance of the completion of all agreed infrastructure works outlined in the planning consent for the 39 houses already built at Station Green, in particular, the works to improve the highway (A358 roundabout) and improvements to footpath links (both on Station Green to Station Road and on the opposite side of the road at Greenway). No further consent should be granted or implemented until these works are completed. Furthermore the Parish Council notes that the land upon which planning permission is requested, was left in a mess following the construction of the 39 houses on Station Green and that Taylor Wimpey should put this land and the second piece of land back in the condition that it was in prior to the construction of those houses.

- The original application relating to the 39 houses already built at Station Green was granted as an exception to policy as it was to act as an enabling development to support the longterm strategic objective of boosting tourism and employment at the southern terminus of the West Somerset Railway. This goal will be further eroded if this application is permitted. The demand for commercial space in the village remains high, evidenced by the quick take up of any units in the Broadgauge Business Park if/when they become available. Indeed the comments from David Evans, the Economic Development Manager at TDBC confirm the Parish Councils view and state that 'I am aware that the Railway still has ambitions to grow, increasing its storage as well as the customer facilities it offers. I would therefore wish to ensure that all avenues have been explored and exhausted over the railway's use of this site before a decision is taken to reallocate its use.' David Evans continues to state that 'As things stand I see no significant changes to the availability of employment land in the Bishops Lydeard area to justify the change of use of this site.'
- The Parish Council considered the Statement of Community Involvement which was submitted with this application. The Parish Council considers the statement to be misleading. In particular:
  - Paragraph 3.6 states that 'Taylor Wimpey intend to write to the Parish Council to offer to answer any queries regarding the application during the determination period.' To date (14<sup>th</sup> September 2016), the Parish Council has not received any correspondence from Taylor Wimpey regarding the application.
  - Paragraph 4.1 states that 'The development proposal for the site has previously been discussed with both the planning officers of Taunton Deane Borough Council and local residents via the Parish Council. These discussions have proved productive in influencing the development proposals'. Taylor Wimpey has not recently discussed any proposals with the Parish Council as a method of engaging with local residents. Indeed, Taylor Wimpey acknowledges that there has been no public consultation at paragraph 3.0 headed "Involvement" in its Design and Access Statement!
- Finally, the application and supporting statements makes limited reference to the recently adopted Bishops Lydeard and Cothelstone Neighbourhood Plan. The Parish Council feels that the application does not support Objective 3 (Employment: Enhance opportunities for employment in the Parishes by maintaining and increasing the range, extent and scale of commercial and light industrial premises) or Objective 4 (Tourism: Facilitate opportunities to capitalise on the presence of the Quantock Hills AONB and West Somerset Railway in the Parishes). Furthermore the Neighbourhood Plan in paragraphs 5.2.14 to 5.2.19 supports the TDBC SADMP Policy MAJ5 which supports the retention of Policy EC22 of the Taunton Deane Local Plan (saved by the Core Strategy) which allocates this land for recreational and tourist development as a mechanism to achieving objectives 3 and 4 of the Neighbourhood Plan.

With regards to traffic impact the proposed development has the potential to generate 24 vehicle movements per day. It is noted that this development is located within the larger Station Farm development. Consequently in terms of traffic impact this proposal will result in an increase in vehicle movements but when weighed against the traffic associated with the existing Station Farm development it is unlikely to result in a significant increase in vehicle movements as a consequence it would be unreasonable to raise an objection to this proposal based on traffic impact grounds.

Having reviewed the submitted plan the applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Section 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). However the applicant will need to make sure that the layout is built to an appropriate standard. In terms of drainage the applicant will need to provide sufficient drainage to accommodate surface water runoff. Whilst permission would be required before any connections are made to the existing system.

Regarding the internal layout the applicant will need to make sure that the turning area is sufficient to be able to accommodate an 11.4m refuse vehicle. In regards to parking the applicant has made provision for 11 parking spaces. This is considered to be acceptable and in keeping with Somerset County Council's Parking Strategy.

Therefore in conclusion when taking into account the above information the Highway Authority raises no objection to this proposal and if permission were to be granted the following conditions will need to be attached.

- The proposed estate roads, tactile paving, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margin, visibility splays, accesses, drive gradients and car parking shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before site is occupied and thereafter maintained at all times.
- The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning vehicles in connection with the development hereby permitted.

*WESSEX WATER* – I refer to your letter of inviting comments on the above proposed development and advise the following on behalf of Wessex Water as sewerage and water supply undertaker for the area in question:

Water Supply and Waste Connections - New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the

Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Separate Sewer Systems - Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

*BIODIVERSITY* – I support the findings of EAD's letter dated 4<sup>th</sup> September 2016. The proposal will have limited ecological impact

*LANDSCAPE* – Comment:

As the adjoining area is already residential these additional houses would not look out of place.

However, I would like to see more landscaping than proposed.

The rear southern boundaries of the properties should be formed with native hedging.

I would like to see the access improved in some way as presently there is a very large area of hard surfacing proposed.

*HOUSING ENABLING* – no observations

*LEISURE DEVELOPMENT* – no observations

*SCC - FLOOD RISK MANAGER* - This application falls below the requirement for LLFA statutory consultation

*ECONOMIC DEVELOPMENT* – Initial comments (26<sup>th</sup> August 2016):

I should be grateful if you would record my observations as follows on the application submitted by Origin 3 for housing on land at Station Farm, Bishops Lydeard.

1. The Station Farm site in totality was originally proposed as a mixed use site, to include facilities to support the growth of the West Somerset Railway. I am aware that the Railway still has ambitions to grow, increasing its storage as well as the customer facilities it offers. I would therefore wish to ensure that all avenues have

been explored and exhausted over the railway's use of this site before a decision is taken to reallocate its use.

2. Previous applications on this piece of land have been supported by a marketing report completed by a local commercial property agent. I would wish to see such a report, which summarises the marketing activity carried out in recent years to demonstrate that there is no demand for an employment site in this location, before the Council determines this application.

3. As things stand I see no significant changes to the availability of employment land in the Bishops Lydeard area to justify the change of use of this site.

#### *Further comments (16<sup>th</sup> December 2016)*

Further to my observations below, I should be grateful if you would add my comment as follows on the application at Station Farm, Bishops Lydeard.

Since the submission of my observations on 26 August 2016 I note that the applicant has supplemented his application with a summary of the marketing carried out on the site to date. The Marketing Report was prepared by Duncan Brown of Greenslade Taylor Hunt, a reputable firm of local chartered surveyors. I have reviewed the Marketing Report and would acknowledge that Mr Brown has carried out an adequate marketing exercise.

I would reiterate points 1 and 3 in my representation of 26th August 2016.

*NATURAL ENGLAND* – no comments to make on this application

## **Representations Received**

1 person OBJECTS on the following grounds:

- There is no safe crossing point to walk into the village

2 people have written letters SUPPORTING the application on the following grounds:

- The site is not appropriate for an office building on safety grounds.
- Site is currently an eyesore
- Commercial traffic should not be routed through a cul-de-sac where children play in the road

## **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), the Taunton Site Allocations and Development Management Plan (2016), the Bishops Lydeard and Cothelstone Neighbourhood Plan(2016) , 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.

SP1 - Sustainable development locations,  
SP4 - Realising the vision for rural areas,  
CP2 - Economy,  
CP4 - Housing,  
CP6 - Transport and accessibility,  
CP8 - Environment,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
DM4 - Design,  
MAJ5 - Land West of Bishops Lydeard Station, Bishops Lydeard,  
A1 - Parking requirements,  
A3 - Cycle network,  
A5 - Accessibility of development,  
ENV2 - Tree planting within residential areas,  
D7 - Design quality,  
D8 - Safety,  
D9 - A Co-Ordinated Approach to Dev and Highway Plan,  
D10 - Dwelling sizes,  
D12 - Amenity space,

Objectives 3 and 4 of the Bishops Lydeard and Cothelstone Neighbourhood Plan 2016

## **Local finance considerations**

### **Community Infrastructure Levy**

Total floorspace of development is approx. 595m<sup>2</sup>.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £74,500.00. With index linking this increases to approximately £88,000.00.

### **New Homes Bonus**

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

#### *1 Year Payment*

Taunton Deane Borough	£3,237
Somerset County Council	£809

#### *6 Year Payment*

Taunton Deane Borough	£19,423
Somerset County Council	£4,856

## **Determining issues and considerations**

### **Planning Policy**

This is the key issue in the determination of this application as the site is allocated for recreational, tourism or other commercial employment generating uses by Policy MAJ5 of the newly adopted Site Allocations and Development Management Policies Plan (SADMP). The site was previously unallocated in the Taunton Deane Local Plan and was classed as being open countryside. Due to outline planning permission being granted for an office use in 2011 (as part of a larger mixed use development) the site was put forward as a specific allocation to allow for the mixed use to come forward and to complement the West Somerset Railway. The allocation is intended to provide additional employment generating activities in Bishops Lydeard, assisting in ensuring that an appropriate balance of housing and jobs are provided in this Major Rural Centre, in line with policy SP1 of the Core Strategy.

The SADMP allocates residential development at Bishops Lydeard on a site on the other side of the A358 on land off Taunton Road. This site is allocated for around 150 dwellings with further details being determined by the Neighbourhood Plan.

The Neighbourhood Plan does not have any specific policies on the application site as it was not necessary to repeat the allocation in the SADMP. However, the Neighbourhood Plan does state:

“Planning permission exists for a range of commercial and tourism-based uses such as a restaurant on land to the west of Bishops Lydeard Railway Station... These facilities were granted planning permission as part of a scheme to boost tourism associated with the WSR. In order to ‘enable’ these uses, the project was made viable by the construction of 39 homes on land adjacent to the railway station. The remaining undeveloped land west of the railway station should be reserved for the purposes permitted and any further attempts to gain planning permission for alternative uses will not be supported. This approach is in accordance with Policy EC22 of the Taunton Deane Local Plan (“saved” by the Core Strategy) which allocates this land for recreational and tourist development and as such provides important support for the future development of the heritage railway and associated tourism uses.”

It should be noted that Policy EC22 of the local plan has now been directly replaced by Policy MAJ5, but the intent of the policy remains the same.

Core Strategy Policy CP2 seeks to resist the loss of identified business land to other uses unless the overall benefit of the proposal outweighs the disadvantages of the loss of potential employment on the site. Policy CP2 of the Core Strategy states

that:

*CP2 - Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.*

It is clear that the policies in the Development Plan (Core Strategy, SADMP and Neighbourhood Plan) seek to retain this site for recreational, tourism, commercial and other employment generating uses. It is therefore considered that the loss of the site to residential development would be contrary to the above policies. It is therefore necessary to consider whether there are any material considerations that would outweigh the policies in the Development Plan. This is discussed in the sections below.

## **Marketing**

In support of the application, the developer has commissioned a local estate agent, Greenslade Taylor Hunt to market the site for both the previously approved uses and alternative employment uses. A marketing report accompanies the application and the agent considers that “due to a now proved lack of demand following over two years of proactive marketing (and the availability of the site on the internet since) rising construction costs and low returns, the building of any form of commercial property on this site would, in my view, be unviable. As referred to earlier, developers are not building speculatively and both developers and owner occupiers prioritise suitability of location before anything else. It is unlikely banks would fund commercial development on the site for similar reasons. We are confident that if the site was going to attract interest from developers, owner-occupiers or investors, our marketing campaign would have done so by now.” The report states that the site was actively marketed for the allocated uses between April 2013 and May 2015, following which details were available on the internet. It is known from consulting other websites that the site has been marketed for residential development since summer 2016.

Advice has been sought from the Councils Economic Development Manager who considers that an adequate marketing exercise has been undertaken, but he also states that he sees “no significant changes to the availability of employment land in the Bishops Lydeard area to justify the change of use of this site.”

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

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

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that

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

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

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

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

## **Design and Layout**

The design and layout of the development is similar in form and density to the existing housing estate. There is a large area of highway access to the front of two of the dwellings which the landscape officer would like to see improved but 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.

## **Other Issues**

Comments regarding the current appearance of the site and that the development of houses would ‘tidy-up’ or complete the residential are understood, however, it is considered that this is not a sufficient argument to allow development that would otherwise be unacceptable as it could be repeated too often. It is not considered that the current state of this greenfield land harms the character and appearance of the area to such a degree that it could not be left in this state.

## **Conclusions**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. It is clear that this application is not in

accordance with the policies in the Site Allocations and Development Management Policies Plan (SADMP) and Core Strategy, nor is it in accordance with the adopted Neighbourhood Plan. The marketing of the site for the previously permitted uses is a material consideration that should be given some weight in the determination of this application. A judgement has to be made whether there is a reasonable prospect of the site being used for the allocated purposes. As the allocation has recently been reviewed – as required by the NPPF – and accepted by the Examining Inspector, it is considered that the loss of this site to housing would not represent sustainable development and the application should be refused.

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

**Contact Officer: Mr B Kitching**