

42/16/0040

TAUNTON VALE GOSPEL HALL TRUST

Erection of gospel hall & associated external works at land at Killams Lane, Trull

Location: LAND AT KILLAMS LANE, KILLAMS LANE, TAUNTON TA1 3YQ

Grid Reference: 323503.122257 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (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 A-02 Rev E Site Plan
(A2) DrNo 03 Rev A Plan, Section & Elevations
(A3) DrNo A-04 A Block Plan
(A3) DrNo A-05 Location Plan
(A4) Dr No SK04B Site Plan with visibility
(A4) Dr No SK03B Footway extension

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

3. The hall shall not be brought into use until the footway link to Killams Avenue has been provided.

Reason: In the interest of highway safety.

4. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of First Ecology's submitted report, dated November 2016 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;

2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Details of any lighting
- Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect wildlife.

5.
 - (i) Before the hall is first brought into use, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. The hall hereby permitted shall not be brought into use until the car parking area has been laid out within the site as agreed and details of the bicycle parking on the site has been submitted to and agreed in writing by the Local Planning Authority and thereafter carried out as agreed.

Reason: In the interests of highway safety.

7. The premises shall be used as a place of worship only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To prevent changes to unacceptable uses that may result in an increase in use and traffic.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the

applicant and entered into pre-application discussions to enable the grant of planning permission.

2. The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats and birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for bats and birds that are affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Proposal

The proposal is to erect a gospel hall for Plymouth Brethren with associated parking. The hall would be approximately 13m x 21m and finished in brick and timber cladding with a metal roof. 50 parking spaces are shown with the access amended so it utilises the existing access rather than forming a new one. A footway link to the existing footway along the lane to the north west is also proposed.

A Design & Access Statement, Transport Statement, Ecological Appraisal and Arboricultural report have all been submitted with the application.

Site Description

The site consists of a grass paddock with a Wessex Water pumping station to the north west and the M5 motorway to the south. The nearest dwelling in Killams Green lies around 50m to the north west.

Relevant Planning History

None

Consultation Responses

TRULL PARISH COUNCIL - Object on the grounds that the proposal is contrary to policies DM1, DM2 and CP8 of the adopted Core Strategy. The application is outside of the settlement boundary and inside the Vivary Green Wedge. The Parish Council is opposed to further development on the Vivary Green Wedge.

BIODIVERSITY - The site consists of broadleaved scattered trees, dense scrub,

improved grassland and a post and rail fence.

First Ecology carried out an Ecological Appraisal of the site in November 2016. Findings were as follows:

Badgers

The surveyor found no evidence of badgers using the site but the improved grassland on the site constitutes suitable foraging habitat for badgers.

Dormice

There was no evidence of dormice activity on site in the form of nests or gnawed nuts. However dormice are known to be present within the area and vegetation on site is sufficiently species rich and structurally complex to provide suitable habitat for dormice. This habitat (with the exception of a stand and dense scrub and a stand of elm trees in the NW corner of the site) will however be retained.

There is a small risk that clearance of vegetation may disturb or injure dormice if not carefully controlled.

Bats

There were no suitable roost features for bats identified within the site. However the site provides foraging and commuting opportunities for bats.

A transect survey was undertaken on three evenings. In addition an automated detector survey was undertaken for five consecutive nights on three occasions. These surveys identified the presence of 11 species of bats using the site.

The proposal includes the installation of five external lights within the car park. This lighting should be carefully designed to minimise any impacts on bats.

Reptiles

A reptile survey was undertaken in September. This survey confirmed the likely absence of reptiles within the site.

Birds

Several birds were observed on site and the vegetation on site is likely to provide potential nest sites. Therefore vegetation should only be removed outside of the bird nesting season.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of First Ecology's submitted report, dated November 2016 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Details of any lighting

Once approved the works shall be implemented in accordance with the

approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority

Reason: To protect wildlife

Informative Note

The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats and birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for bats and birds that are affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

WESSEX WATER - 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.

Non domestic supplies required for firefighting or commercial use will require assessment with networks modelling subject to design requirements. We will normally recommend the use of storage tanks where network capacity is not available or where off site reinforcement is necessary to provide the stated demand

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal is for a Gospel meeting place, in a location that is remote and served by a narrow, poorly aligned carriageway from Killams Avenue. It is a matter for the Planning Authority to determine if the location is acceptable, however there are highway concerns with the proposal.

The current layout provides for an entrance to the south of the site and an exit to the north. This could lead to conflict in movements, especially for those unfamiliar with the layout. No signing schedule has been proposed to indicate how this arrangement will be controlled. The Highway Authority would usually prefer that a single point of access is considered to minimise the potential for conflict and provide safe access in terms of width, alignment, visibility splays, etc.

With regard to parking provision there is an over provision of spaces, with no reasonable justification for this. It is acknowledged that the applicant has a specific use in mind for this facility, but unless this is a personal consent and there are conditions restricting the times of operation, the Highway Authority is concerned that the anticipated levels of traffic could be significantly higher than anticipated, especially if more parking than necessary is available.

The proposed site exit indicates that visibility splays of 2.4m x 59m is achievable to the north; however this is across third party land (albeit within the red line). To the south, the plan shows 2.4m x 137m, however this has not been measured to the nearside carriageway edge which is required. If this were to be provided in accordance with highway requirements, the tree/hedge boundary would need to be removed (in part) to provide appropriate visibility splays. In this location, outside the

posted 30mph speed limit, there is a need for splays of 2.4m x 56m to the nearside carriageway edge, in both directions, at both points of access, based on the observed speed of passing traffic.

Having looked at the permission for the adjacent Wessex Water development (42/13/0041) the visibility associated with this is to the near side carriageway edge only, and does not run parallel to the highway. Therefore, there is limited mutual benefit from this provision. The visibility which is available within the application site (not using Wessex Water land) is therefore woefully inadequate and presents a severe highway safety concern.

This exit is also proposed on the narrowest part of the lane, where there is no record of an adopted highway verge. The adopted Road Record shows that there is a highway verge, for only a short distance, from the junction of Killams Green to the northern boundary of the Wessex Water site. This therefore calls into question, the ability of the developer to provide the footway, which is suggested in the Transport Statement. Without this footway, it is likely that all movements to the development will be by private car, causing additional conflicting movements on the narrow highway.

Given the above, the Highway Authority is concerned at the lack of visibility from the site exit, the conflict of an in/out arrangement for the site, the nature of the approach roads and the inability of the developer to provide the footway that is proposed. It is therefore necessary to recommend the refusal of this application for the following reasons:

- The approach roads by reason of their restricted width and poor alignment and lack of footway provision are considered unsuitable to serve as a means of access for the type and volume of traffic likely to be generated by the proposed development. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy CP6 of the Taunton Deane District Local Plan/Core Strategy (adopted 2011-2028).
- The proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane District Local Plan/Core Strategy adopted 2011-2028) since the proposed exit point to the north of the site does not incorporate the necessary visibility splays which are essential in the interests of highway safety.

COMMENTS AWAITED ON AMENDED PLAN

DIVERSIONS ORDER OFFICER - Mr Edwards - The Public Footpath T21/9 is not affected by the proposal per se, but subject to planning / development consents being granted it will be necessary for the applicant to apply to Somerset County Council Rights of Way Section for consent to change the surface of part of the footpath.

LANDSCAPE - The site is located outside the development boundary and also located in the Green wedge. However having said the above, the single storey gospel hall will not be prominent within the locality. Does the car park need to be as extensive as shown? There is very little space left for landscaping.

Representations Received

6 letters of **objection** on grounds of:

- lane is too narrow
- parking will overflow to residential estate
- will increase accident risk,
- loss of green space,
- should be built on development site
- traffic congestion
- increase traffic and no footway
- insufficient parking
- inappropriate site, it should be built in town,
- bus stop is 0.9km away
- loss of trees and bushes with new footway
- impact on green wedge
- noise and disturbance
- pollution
- impact on wildlife
- impact on dormice
- loss of view

South Road & Area Residents Association - object for the following reasons:

- Part of green wedge and would set precedent,
- should be built in town,
- not for local use and will increase traffic,
- poor visibility, no footpath and no street lighting,
- highway safety hazard,
- will cause rat running,
- no bus service,
- noise and disruption.

4 letters of support as site has safe access with adequate parking for use 2-4 times a week and been searching for 13 years

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

NPPF - National Planning Policy Framework,
CP1 - Climate change,
CP5 - Inclusive communities,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,
A1 - Parking requirements,
C5 - Provision of community facilities,
ENV1 - Protection of trees, woodland, orchards, and hedgerow,
ENV2 - Tree planting within residential areas,

Local finance considerations

Community Infrastructure Levy

N/A

New Homes Bonus

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

Determining issues and considerations

The main issues here are compliance with policy and impact on the area in terms of landscape, highway and amenity impacts.

Policy

The site is just beyond the existing identified settlement limits and so policy DM2 applies to any development. This states outside defined settlement limits the following uses will be supported:

1. Community uses

a. within existing buildings or new build where there is an identified local need that cannot be met within the nearest defined centre.

The provision of a gospel hall is a community use and it is one that the current applicant has been seeking locally within Taunton for the last 13 years without success. This is due to their existing accommodation off Corkscrew Lane being inadequate in size with a lack of parking. An assessment has been made in terms of alternative sites and there is nowhere that will give the necessary accommodation space at the present time in the identified urban areas. The site here is available now, although it is located in the Green wedge where policy CP8 applies. The land concerned is a sliver of land between the M5 and Killams Lane and is currently screened by trees and hedging and does not form part of the open nature of the

green wedge. Its development would not in my view and that of the Landscape Officer harm the open character of the area and subject to landscape planting will be suitably screened.

Highways

The access to the site is proposed through an existing field gate and the visibility in both directions onto the lane is considered satisfactory. The exit initially was via a new access point with similar visibility but this has since been deleted following the Highway Authority objection and access will now be via the existing field access which has suitable visibility in both directions. Parking is provided for over 50 spaces and this is considered more than adequate to serve the intended use, given the parking space requirements under policy A1 of the Local Plan of 1 space per 20sqm. The site can also accommodate cycle parking and the scheme also proposes a footway link from the site to the existing footway along the lane. The Transport Statement clarifies that this can be provided on land in the applicant's control and not on third party land. Subject to conditions to address these issues the main highway concerns are overcome and the highway impacts of the development are considered acceptable.

Drainage

The site is located in an area of low flood risk and the intention is that foul drainage will link to existing Wessex Water systems while the surface water will drain to soakaways and the parking areas will be permeable. This drainage strategy is considered acceptable and will prevent the risk of flooding elsewhere.

Other Matters

There are no immediate neighbours that would be disturbed by the use of the building and there is more than adequate on site parking. A wildlife appraisal has been submitted with the application and the development is not recognised as having any significant adverse impact over any protected species. Mitigation measures for the construction works will be required and a condition to control any external lighting on the site to protect bats and other wildlife is considered necessary.

Conclusion

In summary the use here is considered to comply with policy DM2 and would not give rise to harm in terms of landscape impact, highway safety, wildlife or drainage and is therefore recommended for approval.

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

Contact Officer: Mr G Clifford