

06/18/0017

TAYLOR WIMPEY EXETER

Erection of 10 No. dwellings with associated landscaping, open space and drainage infrastructure, to the west of the site, at Station Farm, Station Road, Bishops Lydeard

Location: STATION FARM, STATION ROAD, BISHOPS LYDEARD, TAUNTON

Grid Reference: 316275.128986

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval subject to an appropriate legal agreement to secure two 2-bedroom dwellings as discounted open market dwellings at 75% open market value (in perpetuity) and the provision and maintenance of public open space that includes suitable mitigation measures to provide a safe environment for children's play.

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 4832-LW-05 Rev F Landscape Proposals Soft works Plan
- (A1) DrNo 4832-LW-06 Rev C Landscape Proposals Hard works Plan
- (A1) DrNo 1127-120-1-S104 Rev G Section 104 Plan 1 of 2
- (A1) DrNo 1127-120-1-S104 Rev F Section 104 Plan 2 of 2
- (A3) DrNo 8915 PL101 Site Location Plan
- (A3) DrNo 8915 PL102 Existing Site Plan
- (A3) DrNo 8915 PL103 Proposed Site Plan
- (A3) DrNo 8915 PL104 Rev A Proposed Boundaries Plan
- (A3) DrNo 8915 PL105 Rev A Proposed Materials Plan
- (A3) DrNo 8915 PL107 Proposed Heights Plan
- (A3) DrNo 8915 PL115 Rev C Proposed Street Elevations
- (A2) DrNo 8915 PL120 Housetype NA20 Plans & Elevations
- (A2) DrNo 8915 PL121 Housetype NA32 Plans & Elevations
- (A2) DrNo 8915 PL122 Housetype NA45 Plans & Elevations
- (A2) DrNo 8915 PL123 Housetype NT41 Plans & Elevations

(A2) DrNo 8915 PL124 Housetype NT40 Plans & Elevations

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 agreed in writing by the local planning authority.

Reason: To safeguard the character and appearance of the area.

4. The applicant shall undertake all the recommendations made in EAD's letter report dated June 2018. 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 and accommodate wildlife.

5. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles, in accordance with the principles of the submitted FRA (Vectos – FRA Scheme 2 – June 2018), together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority.

The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than QBar runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Information regarding the implementation and maintenance of drainage systems and pollution control measures during construction of the proposed development.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution. This should include details of the proposed point of connection to the watercourse. It should be noted that Land Drainage Consent may be required.
- Surface water drainage calculations to demonstrate that no part of the site will be allowed to flood during any storm up to and including the 1 in 30 event, and flooding during storm events in excess of the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A plan showing flood water exceedance routes both on and off site.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by

an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway, in the interests of highway safety.

7. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the development, 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 other 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.

Notes to Applicant

- . In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Proposal

This application seeks planning permission for the erection of 10 dwellings with associated landscaping, open space and drainage infrastructure to the west of the site, at Station Farm, Station Road, Bishops Lydeard. This would include 3 x 2 bed properties, 4 x 3 bed properties and 3 x 4 bed properties. Each dwelling would have two car parking spaces, with the parking for plots 1-4 being accessed directly from the existing estate road, whilst the remaining plots would be served by a new road within the development. The dwellings would be a mix of render and brickwork with slate or tiles. The public open space is proposed to the south-west corner of the site.

The application is accompanied by a Flood Risk Assessment, Tree Impact Assessment, Ecology Assessment, Geotechnical Report, Marketing and Viability Report, Statement of Community Involvement, Transport Statement, Construction and Environmental Management Plan and Design and Access Statement.

An application for 9 dwellings with associated landscaping, open space and drainage infrastructure has also been submitted on the same site under application number 06/18/0018. An appeal has been submitted against this application due to non-determination.

Site Description

This site comprises an area of unused, vacant land, adjacent to a recent residential development, known as Station Green, to the west of Bishops Lydeard. The site falls within the defined settlement limit of Bishops Lydeard, which is identified as a Major Rural Centre.

To the south and west is a recently constructed development of 39 dwellings, with Station Farm to the east and the West Somerset Railway to the east of that. Just outside of the application site to the south-east is the Sewage Pumping Station, with the Electric Sub Station further to the south-east. The Station Road industrial park also lies in close proximity. To the north is Greenway Road and on the opposite side of the road lies the residential area known as Greenway. The site falls within the area of the adopted Bishops Lydeard and Cothelstone Neighbourhood Plan (adopted February 2016).

Relevant Planning History

The Site Allocations and Development Management Plan (SADMP) was adopted in December 2016.

Policy MAJ5: Land west of Bishops Lydeard Station identifies the site for tourism/recreation in connection with the West Somerset Railway expansion, or employment.

The site has not come forward for employment or tourism development and has been marketed with planning permission for a public house for many years.

06/16/0036 – ERECTION OF 3 DWELLINGS WITH ASSOCIATED CAR PARKING, LANDSCAPING AND DRAINAGE INFRASTRUCTURE, LOCATED ADJACENT TO

THE PROPOSAL SITE. Refused 6 APRIL 2017. Subsequently allowed at appeal.

06/11/0032 – ERECTION OF 39 DWELLINGS AND ASSOCIATED PARKING, ACCESS AND LANDSCAPING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD

Conditional approval 24 November 2011.

06/07/0027 - ERECTION OF MIXED USE DEVELOPMENT COMPRISING, TOURIST FACILITIES (A3 PLANNING USE CLASS), 29 OPEN MARKET HOUSES, 8 AFFORDABLE HOUSING UNITS AND ASSOCIATED HIGHWAY INFRASTRUCTURE AT STATION FARM, STATION ROAD, BISHOPS LYDEARD AS AMENDED BY LETTERS DATED 16 AND 22 AUGUST 2007 WITH ACCOMPANYING REPTILE SURVEY (JULY 2007), PROTECTED SPECIES SURVEY REPORT (JULY 2007) AND EXTENDED PHASE 1 HABITAT SURVEY (JULY 2007) AS FURTHER AMENDED BY LETTER DATED 31 AUGUST 2007 WITH ACCOMPANYING DRAWING NOS A2001 18/303B AND 304A AS AMPLIFIED BY LETTER DATED 4 DECEMBER 2007 WITH ACCOMPANYING DRAWING NO SPP/1363/1 AS AMENDED BY LETTER DATED 18 MARCH 2008 WITH ACCOMPANYING DRAWING NUMBERS A2001/18/PL303 REV C AND PL304 REV C AS AMENDED BY LETTER DATED 25 JUNE 2009 WITH ACCOMPANYING DRAWING NOS A2001 18 HT001 REV C, 002 REV D, 005 REV C, 006, 010 REV D AND 012 REV B, PL302 REV E, AND ECOLOGICAL REPORT AND DRAWING NO A2001 18 HT006 RECEIVED ON 5 AUGUST 2009 & INFORMED BY UPDATED ECOLOGICAL SURVEY & ASSESSMENT RECEIVED 26 JULY & 04 AUGUST 2011 & FLOOD RISK ASSESSMENT RECEIVED 21 JULY 2011. Conditional Approval 15 August 2011.

06/07/0028 - ERECTION OF INN WITH RESTAURANT (A4 PLANNING USE CLASS) AND ASSOCIATED HIGHWAY INFRASTRUCTURE, AS PART OF PROPOSED MIXED USE DEVELOPMENT COMPRISING TOURIST FACILITY AND HOUSING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD AS AMENDED BY LETTERS DATED 16 AND 22 AUGUST 2007 WITH ACCOMPANYING REPTILE SURVEY (JULY 2007), PROTECTED SPECIES SURVEY REPORT (JULY 2007) AND EXTENDED PHASE 1 HABITAT SURVEY (JULY 2007) AS AMPLIFIED BY LETTER DATED 4 DECEMBER 2007 WITH ACCOMPANYING DRAWING NO SPP/1363/1 AS AMENDED BY LETTER DATED 25 JUNE 2009 WITH ACCOMPANYING DRAWING NOS A2001 18 HT001 REV C, 002 REV D, 005 REV C, 006, 010 REV D AND 012 REV B, PL302 REV E, AND ECOLOGICAL REPORT AND DRAWING NO A2001 18 HT006 RECEIVED ON 5 AUGUST 2009 & INFORMED BY UPDATED ECOLOGICAL SURVEY & ASSESSMENT RECEIVED 26 JULY & 04 AUGUST 2011 & FLOOD RISK ASSESSMENT RECEIVED 21 JULY 2011. Conditional Approval 15 August 2011.

06/07/0042 - ERECTION OF 2 NO. DETACHED DWELLINGS ON PLOTS 38 AND 39 (LINKED TO PROPOSED MIXED USE DEVELOPMENT COMPRISING TOURIST FACILITIES, INN WITH RESTAURANT, HOUSING, OFFICES, WSR MUSEUM AND CARRIAGE SHED AND ASSOCIATED HIGHWAY INFRASTRUCTURE THE SUBJECT OF PLANNING APPLICATIONS 06/2007/027, 028, 043 AND 044), LAND AT STATION FARM, STATION ROAD, BISHOPS LYDEARD AS AMENDED BY LETTER DATED 22 AUGUST 2007 WITH ACCOMPANYING REPTILE SURVEY (JULY 2007) AS AMPLIFIED BY LETTER DATED 4 DECEMBER 2007 WITH ACCOMPANYING DRAWING NO SPP/1363/1

AS AMENDED BY LETTER DATED 25 JUNE 2009 WITH ACCOMPANYING DRAWING NOS A2001 18 HT001 REV C, 002 REV D, 005 REV C, 006, 010 REV D AND 012 REV B, PL302 REV E, AND ECOLOGICAL REPORT AND DRAWING NO A2001 18 HT006 RECEIVED ON 5 AUGUST 2009 & INFORMED BY UPDATED ECOLOGICAL SURVEY & ASSESSMENT RECEIVED 26 JULY & 04 AUGUST 2011 & FLOOD RISK ASSESSMENT RECEIVED 21 JULY 2011. Conditional Approval 15 August 2011.

Consultation Responses

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL –

It was noted that both applications are for residential development and, as such, are clearly in breach of the Council's Neighbourhood Plan with particular reference to Tourism. However, the Council is aware that a separate and smaller site formerly owned by Taylor Wimpey was the subject of a successful appeal for the grant of residential development at the end of last year. It was considered that the Inspector's reasons for granting that appeal might essentially be repeated in any appeal from a refusal on the subject applications, particularly as this parcel of land has been vacant for very many years. It was further noted that 06/18/0017 met with the approval of local residents.

In the circumstances, and very reluctantly, the Council resolved to support application no. 06/18/0017 but conditionally upon Taylor Wimpey withdrawing 06/18/0018.

Subsequent comments (NB Comments made in relation to other application for 9 dwellings 06/18/0018 but also makes reference to this application) - The Parish Council objects to the granting of permission for 06/18/0018 and has the following comments to make:

The Parish Council was surprised to note this amended application in the light of its previous comments made in July of this year both in relation to the original application and also in relation to 06/18/0017. The Parish Council's attention has been drawn to the fact that no advertising appears to have been undertaken by Greenslade Taylor Hunt since 2015 and, furthermore, an enquiry was made earlier this year as to the availability of this land to which there is no reference in the GTH marketing report.

In the circumstances, the Parish Council hopes that an early decision will now be made on 06/18/0017, which it supports, and which will then lead to the withdrawal of this application (06/18/0018).

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal is for the erection of 10 dwellings at the above address. The proposal site sits off Station Green, currently a private road. This serves Station Road to the north which goes on to serve the A358 approximately 350m to the east. With regards to traffic impact the proposed development has the potential to generate 80 vehicle movements per day. In terms of traffic impact this proposal will result in an increase in vehicle

movements but in this instance it would be unreasonable to raise an objection to this proposal based on traffic impact grounds.

The applicant has proposed 20 vehicle parking spaces for the proposal. The optimum parking standard in the Somerset Parking Strategy (SPS) in this instance is 27. It is technically possible and recommended by the Highway Authority to increase the number of proposed parking spaces to an acceptable number, with visitor parking to also be considered. Sheltered and secure cycle and motor cycle parking should be provided in line with the SPS. Electric Car charging points would also be welcomed.

The following highway related comments are in relation to submitted drawing number 8915/PL103/.

In regards to the locations of the proposed driveways/parking court, should the widths of the drives/parking courts interfere with existing highway lighting columns then the developer will be required to contact the SCC Highway Lighting Team prior to any works taking place to relocate the column(s).

Any existing carriageway gullies that will be located within the lengths of drop kerbs required to serve the proposed drives/parking court, will need to be provided with pedestrian friendly frames.

Due to the fact the parking bays serving plots 3 and 4 will immediately but up against a boundary hedge, to prevent any possible overhanging of the footway by parked vehicles, the parking bays should be constructed to a minimum length of 5.5m as measured from the back edge of the footway. Surface water from all private areas including drives and parking bays will not be permitted to discharge onto the public highway. Private interceptor drains shall be provided to prevent this from happening.

Drives serving garages should be constructed to a minimum length of 6.0m as measured from the back edge of the prospective public highway boundary. Tandem parking bays should be constructed to a minimum length of 10.5m. The applicant/developer will be held responsible for any damage caused to public highways by construction traffic to/from the site. Construction traffic will be classed as 'extra-ordinary traffic' on public highways. Photographs shall be taken by the applicants/developers representative in the presence of the SCC Highway Supervisor showing the condition of the existing public highways adjacent to the site and a schedule of defects agreed prior to works commencing on site. The applicant will need to clarify if they intend to extend the existing footway at the western edge of the site along part of the site frontage which is implied on the submitted drawing.

It is advised by the Highway Authority that where possible, this is extended around the site frontage adjacent to Station Road to meet the existing private track to the north with details to be agreed at design stage. Any extension to the existing footway in this instance will require a suitable legal agreement/licence. Any development at the north western area of the site cannot compromise existing visibility splays to the east from Station Green onto Station Road.

These following comments are with reference to drawing 183795-PDL-001 Rev D appended to the submitted Flood Risk Assessment.

There is no objection to the surface water management strategy proposed in the report as it relates to both existing and prospective highway areas but the Highway Authority have the following observations that need addressing. The driveways to plots 1-2, the grouped parking serving plots 3-4 and the access road serving plots 5-10 should be designed to fall away from the estate road formed by Station Green such that any failure of these permeable paved areas doesn't simply result in surface water discharging onto the road. Some of the existing road gullies in Station Green will need to be relocated to accommodate the proposed plot driveways and the entrance to the access road serving plots 5-10.

The access road serving plots 5-10 will not be adoptable due to the construction specification proposed and will have to remain in private ownership. The applicant should note that an Advance Payments Code may apply and the design, construction and future maintenance arrangements of this permeable paved road may need to be approved by the Highway Authority. As this road will incorporate 'tanked' storage within the sub-base then careful consideration will need to be given to the routing of the service supply to the fronting plots.

With the above in mind there is no objection from Highway Authority. However please note the applicant will need to clarify the arrangement of the footway to the north-west of the site. In the event of planning permission being granted the following conditions are recommended.

1. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement and thereafter maintained until the use of the site discontinues.
2. 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 works commence onsite and thereafter maintained at all times.
3. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
4. The dwelling hereby permitted shall not be occupied until an agreed number of vehicle parking spaces for the development have been provided and approved in conjunction with the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.
5. Prior to first occupation of the development hereby permitted, access to covered cycle and motor cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

7. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Note

The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

TREE OFFICER - No comments received

LANDSCAPE - This site was originally scheduled for tourism. The species proposed in the landscape scheme are fine but full details are required.

BIODIVERSITY - At the time of the original survey in 2011, the site was dominated by improved grassland (Sub-Parish value) with a species-rich hedgerow (Parish value) to the immediate north. An updated Extended Phase 1 survey of the site was carried out by EAD in January 2018. The majority of the site comprised bare ground, tall ruderal and amenity grassland, all of which were of Sub-Parish or negligible ecological importance. The species-rich hedgerow to the immediate north of the site was still present in 2018. There has been no significant change in habitat type or extent. EAD has submitted a letter to confirm that the ecological impacts of the development site are low level. I would agree with this assessment.

I support the report's recommendations for the erection of bird and bat boxes.

Condition for protected species:

The applicant shall undertake all the recommendations made in EAD's letter report dated June 2018. 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 and accommodate wildlife.

Informative Note

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.

ENVIRONMENT AGENCY - No comments received

HOUSING ENABLING - 25% of the new housing should be in the form of affordable homes, which would equate to 2.5 dwellings. Paragraph 4.2.16 of the submitted Planning Statement refers to the Ministerial Statement for Affordable Housing (HCWS50), which states that any development of 10 units or less does not have to provide for Affordable Housing. The agent states that this supersedes the Council's Affordable Housing SPD adopted in 2014.

However the statement also went on to say:

For designated rural areas under Section 157 of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions. Within these designated areas, if the 5-unit threshold is implemented then payment of affordable housing and tariff style contributions on developments of between 6 to 10 units should also be sought as a cash payment only and be commuted until after completion of units within the development.

TDBC made an executive decision in June 2016 to agree with this Government Guidance.

The Parish of Bishops Lydeard, in which the application site lies, is a designated rural area, as described in section 157 (1) of the Housing Act 1985 and therefore a tariff style contribution would be sought as a commuted sum.

Based on the proposed scheme, this commuted sum would be £211,106.

Subsequent comments – Under the circumstances, Housing Enabling would be prepared to accept the 2 x 2 bed dwellings to be sold at 75% of the open market value. This has been based on the unusual circumstances in this instance and should not set any future precedent.

LEISURE DEVELOPMENT - In accordance with TDBC Adopted Site Allocations and Development Plan Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings.

An off-site children's contribution of £3,263.00 per each 2 bed + dwelling should be made. The contribution to be index linked and spent on additional play equipment at the Westridge Way Play Area, Bishops Lydeard.

The proposed location of the public open space on the west side of the development would be subject to a greater traffic flow than the option for it to be located on the east side as in planning application 06/18/0018. Children chasing

balls, etc could run out onto the road. Should it be decided that application 06/18/0017 is the preferred option, then a trip rail should be installed on the road side of the public open space.

TDBC Open Spaces should be asked to comment on any landscaping proposals.

BUSINESS DEVELOPMENT - I would be happy to reinforce David Evans' observation that an adequate marketing exercise has been carried out for this application.

LOCAL LEAD FLOOD AUTHORITY - We have no objections to the proposed development. The applicant has demonstrated that the surface water will be dealt with by means of storage under permeable parking areas and driveways, utilising an existing connection to the watercourse along the northern boundary of the site.

However, we would wish to apply the following condition to secure the ongoing maintenance of the drainage scheme and to ensure the safety of the development and third parties during exceedance events.

Condition: No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles, in accordance with the principles of the submitted FRA (Vectos – FRA Scheme 2 – June 2018), together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority.

The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than QBar runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Information regarding the implementation and maintenance of drainage systems and pollution control measures during construction of the proposed development.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution. This should include details of the proposed point of connection to the watercourse. It should be noted that Land Drainage Consent may be required.
- Surface water drainage calculations to demonstrate that no part of the site will be allowed to flood during any storm up to and including the 1 in 30 event, and flooding during storm events in excess of the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A plan showing flood water exceedance routes both on and off site.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other

arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

NETWORK RAIL - No comments received

WEST SOMERSET RAILWAY - No comments received

Representations Received

10 letters received raising the following comments:

- Provision of open space welcomed due to the lack of off-road leisure.
- Prefer application 06/18/0017 as location of public space will be safer, more accessible, more visible and enhance setting of area.
- Will be good to see site finished.
- Leaving land vacant or returning to farmland could result in occupation by travellers.
- Time has shown there is no demand for employment, commercial and leisure use.
- Land has been an eyesore for many years.
- Residential development scheme should now proceed.
- Existing roads narrow, roads should be wider if development goes ahead to enable access of larger vehicles.
- Additional off road parking and traffic calming should be provided.
- Welcome provision of 2 car parking spaces per dwelling and request this is enforced to prevent parking strain on rest of estate.
- Concerns regarding conflict of driveway in close proximity to the main road junction.
- Regrettable that there is no provision of affordable housing.
- Land is meant for commercial benefit to the village.
- Concerns regarding level of dwellings proposed and resulting highways and parking implications.
- Preference for the 10 dwelling scheme rather than the 9 dwelling scheme.
- Request fence to surround open space for safety purposes.

1 letter received from Somerset Wildlife Trust supporting the retention of the hedgerow and the proposal to provide Bat and Bird Boxes. Request external lighting should be designed to minimise light pollution.

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 Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

The site is also covered by the Bishops Lydeard and Cothelstone Neighbourhood Plan which there for forms part of the Development Plan in this area.

Relevant policies of the development plan are listed below.

A1 - Parking Requirements,
A3 - Cycle network,
C2 - Provision of recreational open space,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,
D7 - Design quality,
D8 - Safety,
D9 - A Co-Ordinated Approach to Dev and Highway Plan,
D10 - Dwelling Sizes,
D12 - Amenity space,
MAJ5 - Land West of Bishops Lydeard Station, Bishops Lydeard,
SD1 - Presumption in favour of sustainable development,
CP1 - Climate change,
DM1 - General requirements,
DM4 - Design,
DM5 - Use of resources and sustainable design,
CP2 - Economy,
CP4 - Housing,
CP5 - Inclusive communities,
SP1 - Sustainable development locations,
SP4 - Realising the vision for rural areas,
A5 - Accessibility of development,
(BL) H1 - Housing for Older People,
(BL) H2 - Housing for Families,
(BL) TR2 - Foot and Cycle Paths,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.
Proposed development measures approx. 950sqm.

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 £118,750.00. With index linking this increases to approximately £158,000.00.

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	£10,790
Somerset County Council	£2,700

6 Year Payment

Taunton Deane Borough	£64,740
Somerset County Council	£16,190

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 Site Allocations and Development Management Policies Plan (SADMP) 2016.

The site was previously allocated in the Taunton Deane Local Plan for recreation and tourist development and in 2011, planning permission was granted for the erection of a an inn with restaurant as part of a larger development proposal of employment, tourism and residential uses at Station Farm.

Due to this previous allocation and planning permission being granted, the site was put forward as a specific allocation in the Site Allocations and Development Management Policies Plan (SADMP) 2016

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 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 dated February 2018 accompanies the application and documents the marketing history of the site. It was first placed on the market in 2013 with planning permission for a public house and a guide price of £250,000. A full marketing campaign continued for 25 months and since May 2015, the site has been marketed by an on-site board and internet listings. The guide price was removed and despite an offer being received in late 2016 and agreed in 2017, the potential purchasers withdrew from the deal on the basis that increased build costs made it no longer viable.

The report considers the recent market for public houses has not been good and notes that more are closing than opening. It also considers the viability for light employment uses but concludes that due to increased building costs, such a development would be unviable and not provide a return to any developer – as seen by the withdrawer of the previously agreed offer.

Advice has been sought from the Councils Business Development Service who consider that an adequate marketing exercise has been undertaken by Greenslade Taylor Hunt.

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 plan policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local

business needs and wider opportunities for development.

However, the NNPF also require the regular review of allocated employment sites and paragraph 120 states:

“Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.”

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

However, since the adoption of the plan in late 2016, no further proposals have been put forward for the land remains empty. When the Planning Inspector considered the appeal on the smaller site to the south, he concluded that a marketing period of over 4 years was sufficient to conclude that there is no realistic interest in the site being developed for commercial use. It has now been almost 6 years of marketing of the application site and although interest was shown by one potential commercial developer (which subsequently fell through), it is considered that the site should be released for alternative uses that contribute to the housing stock of the area (including affordable housing)

Affordable Housing.

The scale of development proposed requires the provision of affordable housing, but the written ministerial statement of 28 November 2014 states that in rural areas, developments of between 6 and 10 units, affordable housing should be sought in the form of cash payments. This is to be paid after the development is completed and the affordable housing contribution would be £211,106.

However, the on-site delivery of affordable housing is the preference of the Housing Enabling officer and she has negotiated the onsite provision of two 2-bedroomed dwellings to be sold at 75% of the open market value to address a particular need in the local area. The 75% discount would apply in perpetuity so that the dwellings would remain at an affordable level for future owners.

Design and Layout

The design and layout of the development is similar in form and density to the existing housing estate. Parking levels are proposed at 2 off-road spaces per dwelling which is greater than the parking ratios for the rest of the estate and

considered to be appropriate for a development in this location.

In terms of the planning layout and design of the proposed dwellings, the scheme would integrate with the existing development. It is considered that there would be no unreasonable adverse impact on the amenity of nearby residents.

Open space

The application includes an area of public open space as part of the proposal. This is unequipped but would allow for informal play to take place and is well overlooked by dwellings. It is next to the road and therefore, physical measures would need to take place to ensure that children do not run out into the road when chasing balls etc. It is considered that the onsite provision of an area of informal open space is (in this case) preferable to the off-site provision of additional play equipment to be provided at the recently upgraded Westridge Way play area on the other side of the railway station. The space would be available for existing residents as well as resident of the development proposed in this planning application.

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.

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 as the site is allocated for alternative uses.

The long term marketing of the site for the previously permitted and allocated uses is a material consideration that should be given significant 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 and in this case, it is considered that there is no reasonable prospect of the site coming forward for employment or tourism uses. The provision of housing (including on-site affordable housing) and onsite public open space is considered to contribute to meeting the needs of the local area that would justify allowing the development in accordance with paragraph 120 of the NPPF.

On that basis, the application is recommended for permission.

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

Contact Officer: Bryn Kitching