

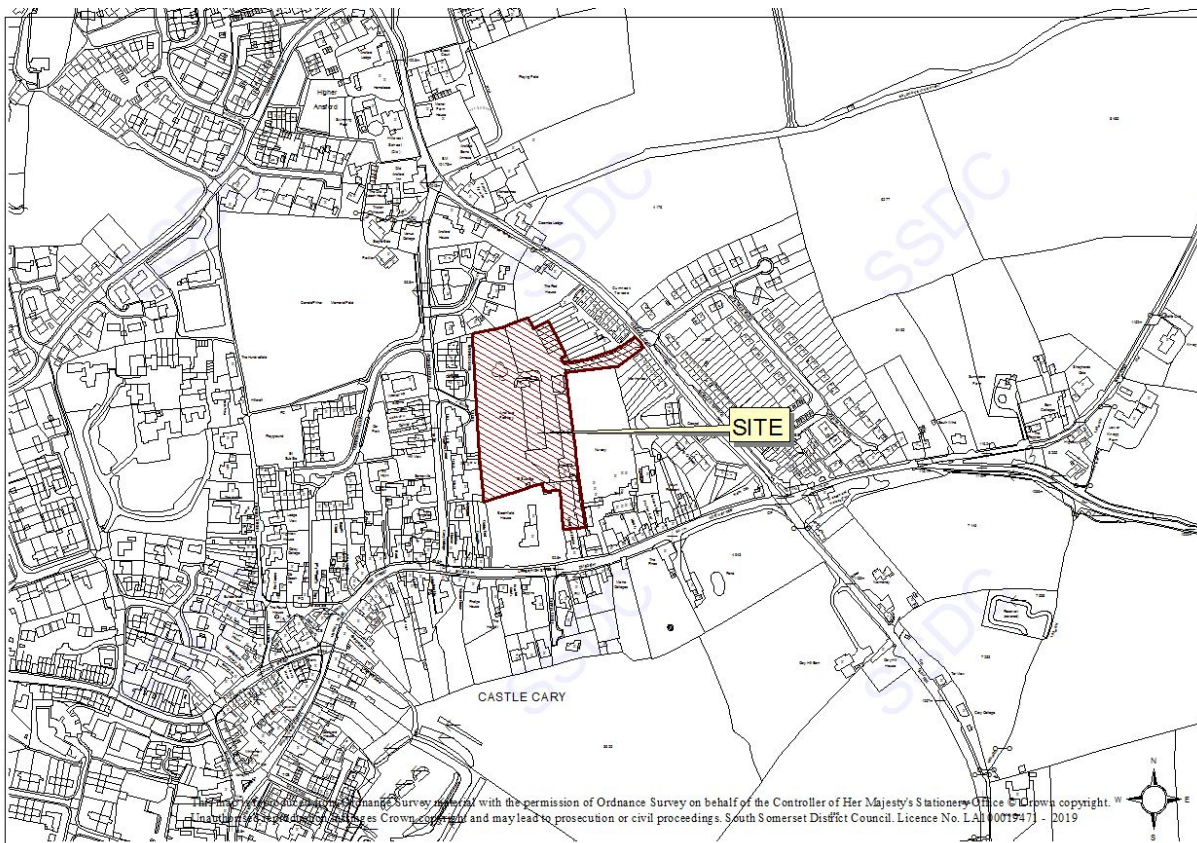
Officer Report On Planning Application: 18/01602/FUL

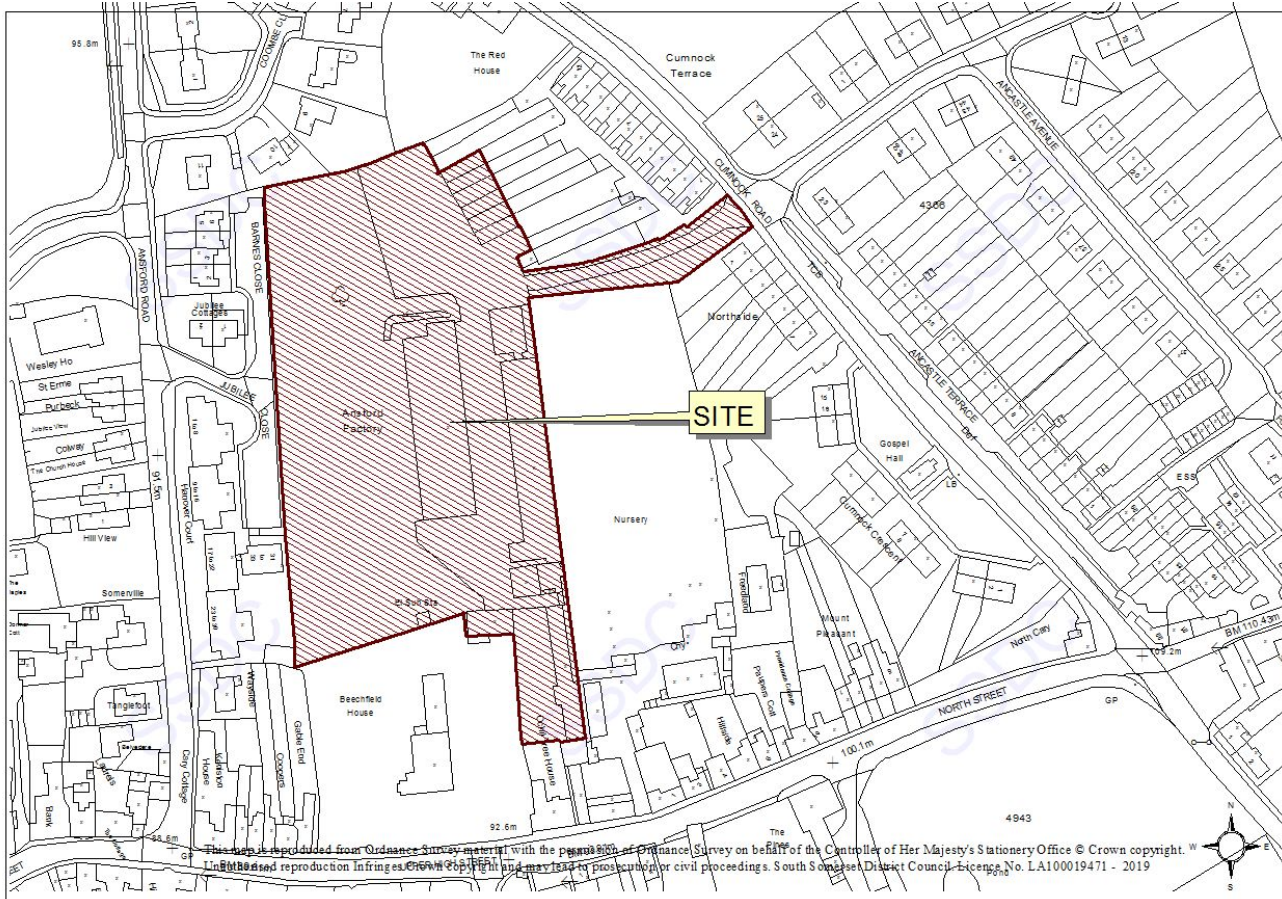
Proposal :	Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure
Site Address:	Former BMI Site Cumnock Road Ansford
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr Kevin Messenger Cllr Henry Hobhouse
Recommending Case Officer:	Stephen Baimbridge
Target date :	5th September 2018
Applicant :	Castle Cary (BMI) Ltd
Agent: (no agent if blank)	Mr Matt Frost Motivo Alvington Yeovil BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFFERAL

This application has been referred to Area East Committee at the request of the Ward Members and with the agreement of the Deputy Chair for the Area East Committee so that the pertinent issues can be further considered.

SITE DESCRIPTION AND PROPOSAL





The application site is the Former BMI Site in Castle Cary, a redundant employment site comprised of a number of listed and unlisted buildings all of which are in various stages of dilapidation. The site is accessed off Cumnock Road and is surrounded by residential properties on all boundaries but for the eastern boundary which is also shared by the nursery site.

The application seeks permission for the demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure.

The application is supported by:

- Planning Statement
- Design & Access Statement
- Statement of Community Involvement
- Transport Assessment
- Flood Risk Assessment/Drainage Strategy
- Heritage Statement
- Heritage Statement of Significance
- Ph 1 Ecology Survey
- Ecological Impact Assessment
- Tree Report
- Ground Investigation Report
- Structural Surveys of listed buildings (X3)
- Asbestos Report

- Viability Report
- CIL Information Form

HISTORY

Various historic permissions pertaining to the employment site. The decisions of most relevance to this application are:

01/02024/FUL: The carrying out of residential development, including the conversion of existing buildings. Application refused by Committee (14/03/2003). Allowed at appeal (20/05/2004).

01/02025/LBC: The conversion of former mill and two associated buildings to residential use. Application permitted with conditions (09/01/2002).

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

SS7 - Phasing of Previously Developed Land

EP3 - Safeguarding Employment Land

HG2 - The Use of Previously Developed Land (PDL) for New Housing Development

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA4 - Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework - March 2019

2. Achieving sustainable development

5. Delivering a sufficient supply of homes

8. Promoting healthy and safe communities

9. Promoting sustainable transport

11. Making effective use of land

- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Castle Cary Town Council: We welcome the input from Highways and the tree officer and absolutely support their comments. Below are the issues that still need to be addressed and until they have been we are unable to support this application

Decision - The Planning Committee voted unanimously against this planning application: Although the Council is very much in favour of brownfield development in the town in principle, it was felt that there are a number of key issues that this new brown field development has failed to address satisfactorily:

- The proposals rely on census information from 2011 which suggests that each dwelling will only require 1.6 car spaces.
- Highways advised in the application that the new roads on the development will be unadoptable, which means residents will have to maintain them in the future. This is unacceptable; other sites in Area East have had problems with similar proposals.
- Despite concerns raised by CCTC in 2018 about the numbers of visitor parking spaces, only 6 visitor parking places are proposed on a site with 81 dwellings, so it is likely that new residents' cars will spill out on to surrounding streets causing congestion.
- No regard has been given to our concerns about the demolition of the Listed former engine house
- Lack of renewable energy solutions including photovoltaics in the new house designs.
- The revised plans, with new three storey houses, compromise the curtilage of nearby Listed buildings, the amenity and privacy of neighbours and views from the Conservation Area of North Street.
- The site owner must rectify any outstanding breaches of law relating to the listed buildings and structures within their curtilage before any new building commences.
- Adequate provision for footpath access between the Red House development and the BMI site needs to be considered, to avoid future residents having to use the busy and dangerous A371 to visit each other.

Conservation officer:

Historic Building Conversion

The historic buildings have been on our Heritage at Risk Register for a long time. Despite lots of effort from Council Officers no meaningful repairs have been carried out, although some work has been carried out to improve the security of the site as unauthorised entry and vandalism has been a recurring problem. There is an historic consent to convert the building into dwellings. The introduction of a new use is welcome, as it will secure the full repair of the building and give it a good future.

We have had some discussion about how the building is best divided up. It is characterised by large open floor areas, where the length of the building can be easily appreciated, giving a sense of past industrial activity that has taken place within the building. The reasons for not dividing in this manner

are set out clearly in the submitted heritage statement. In summary the current floor levels are low. Horizontal subdivision will create the need to provide fire and acoustic separation between separate flats, which will reduce the ceiling levels further. Currently the underside of the floor boards and floor joists are revealed to the room below. It should be possible to retain this arrangement if the room above is within the same unit, however this detail will be hidden if divided into flats. I am satisfied that the proposed vertical division is the best solution for the building.

The application includes the replacement of the stair and associated boarding in the Mill. The heritage statement suggests this is original, yet no justification has been submitted for its removal. It should be feasible to retain the stair in Unit 20. If this isn't possible then further justification is needed regarding this. You should also consult Historic England and the amenity societies as the removal of the stair constitutes substantial internal demolition.

There is mention of a cellar under the offices. Information is needed regarding this - will it be associated with one of the flats, perhaps used for storage? Is work required?

The brick setts to the front of the main Mill building should be retained, and should be referenced on the proposed plans.

Plot 26 is badly lit with only two north facing windows. This should be re-considered. It is likely that this unit will be difficult to sell, or subject to high occupancy turn over, which won't be good for the building. The central windows on the east elevation of this building are shown in timber. A steel system should be used for these new openings, to match the adjacent windows. The little garden areas to the front aren't appropriate here. The industrial character of the building would be better retained by removing these and pushing the parking towards the building, or creating an area of 'shared' hardstanding.

Justification has been put forward in the submitted heritage statement relating to the demolition of the engine house. I am satisfied with the case that has been made.

New buildings

The rest of the site generally has quite a cramped appearance. I like the design of units 1-16. The strong linear form relates well to the industrial use of the site and the character of the listed factory building, as does the smaller range adjacent. It is a shame that this aesthetic cannot be adopted across the whole site. As well as giving the whole scheme some integrity the use of terrace forms will make better use of the space. With regard to units 1-16 specifically the south end of the building faces towards the listed building and will be readily viewed. It's fairly disappointing architecturally. This needs to be considered further. In addition the units seem to have one small rooflight over the top bathroom (which seems to straddle the ridge). Given that they are based on the design of a north light building why not introduce a big block of glazing over the central stairwell to flood the core of each unit with natural light?

I am not keen on arrangement resulting from Unit 75. It would be better to remove this one, improving gardens to 74 and 62. The Unit in front could be raised in height to offset this loss - it doesn't look great currently anyway next to a large three storey building.

The arrangement of plots 30 to 33 is awkward. Plot 31 belongs with plots 34 - 39. It will look a bit odd on its own. Plot 30 has a nice wide frontage, which would suit the position of 33 and 32 better. Sitting a unit back in the corner is awkward and wastes some space because of the extent of hardstanding required. In addition the gable end of 31 has the potential to harm the setting of the adjacent listed building. The view south alongside 70-73 should have a decent terminus building at this point. Currently it finishes with a parking area and garage.

The two pairs of hipped roofed dwellings are likely to look fairly odd. I appreciate that one of the retained historic buildings is hipped, but this is unusual for the area, and not something that will make much sense replicated in these two isolated locations.

There are some cases where large buildings are right next to shorter buildings - such as units 40/41 and 42/43. We should have more consistency in such areas.

Unit 28/29 seems over-scaled for its location. It is much bigger than the adjacent retained building and has the potential to be prominent from the environs of Cary Place to the rear.

“Officer comments: Seeks retention the staircase in plot 20 (or justification for its loss), retention of the brick setts in front of the main listed building and raises a number of comments on the new build houses in terms of their impact upon heritage assets and setting thereof. All comments addressed by amended plans submitted 03/01/19).”

Historic England: We have now received the revised floor plans for the grade II listed Mill and we are pleased to see the retention of the historic staircase as part of the redevelopment of the site.

South West Heritage Trust: I recommend that the developer be required to record elements of the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework. This should be secured by the use of the following conditions attached to any permission granted.

Highways Authority (Somerset CC): No objection to the principle of the development as the impact on the highway network is not considered to be severe. They explained that:

- A Travel Plan would be required as part of a Section 106 agreement;
- That the application would need to enter a suitable legal agreement with the Highway authority regarding the implementation of new traffic signals. Several design issues were identified which must be addressed as detailed design progresses;
- The footway onto Barnes Close requires a safe design;
- The estate roads are not suitable for adoption and would therefore remain private, as such the applicant should ensure long-term maintenance arrangements are in place in accordance with the Advance Payment Code regime.
- A number of issues were identified with regard to the estate road layout. On the basis that the roads are to remain private, no objection is raised by the Highway Authority but nonetheless it is recommended that the road layout be reviewed to ensure appropriate standards are met.

The Highway Authority recommended numerous conditions be imposed if planning permission were to granted.

SSDC Highways Consultant: Refer to SCC comments.

Natural England: No objection.

SSDC Ecologist: The Ecological Impact Assessment (ECOSA, March 2018) assessed the site and included surveys for some protected species. Roosts for four different species of bats were recorded in the old mill building. Although the bats were present in only low numbers, the inclusion of rarer species make the site of 'moderate' biodiversity value. The development proposals will result in the loss of these roosts (except the cellar).

In order to satisfy legislation and planning policies, mitigation (including compensation bat roosts) will be required.

Outline mitigation measures are indicated in section 5.5.2 of the report. This includes repair and creation of a dedicated loft space roost above plots 25-27 (the other historic building being retained and converted), and retention of the cellar below building 1 (plots 23-24). I'm satisfied the outline measures

are appropriate and feasible.

I recommend a condition requiring full mitigation details to be submitted for approval:

The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Bat Mitigation Plan detailing timing restrictions and protective measures to avoid, mitigate and compensate for harm to bats and their roosts. The works shall be implemented in accordance with the approved details and timing of the mitigation plan, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2017.

Please note that as the development will result in the destruction of a bat roost, the officer or committee report will need to include an assessment against the three Habitats Regulations tests:

Habitats Regulations reporting

An assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. Such assessment should be included in the relevant committee or officer report. The tests are:

1. the development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
2. 'there is no satisfactory alternative'
3. the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

In respect of test 3, I conclude that favourable conservation status is likely to be maintained due to the presence of only low numbers of bats, and the securing of appropriate mitigation and compensation by condition.

Other issues

The site has high potential to be used by nesting birds. I therefore recommend a condition: No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

Lead Local Flood Authority (LLFA): surface water, as discussed and agreed with the EA last year, will go to deep bore soakaways located beneath permeable paved shared spaces. These are indicated on the plans within the FRA, so the detail would need securing via a Grampian condition.

Environment Agency: I have had confirmation from our Groundwater Officer that they are now satisfied with the information that has been submitted to date, and therefore a condition controlling the detailed surface water drainage design as requested by the LLFA would be sufficient.

We will let you decide if an informative note to support the condition would be useful on the decision notice, to confirm the groundwater position statement that there must be no direct discharge to groundwater from the surface water soakaway.

SSDC Environmental Protection: Should the application be approved, a condition should be imposed to secure remedial measures for contaminated land.

Avon and Somerset Police Service: No objection subject to comments:

- Please reconsider the access out of Barnes Close. The access point should be widened to the full width of the path to remove any corners to allow traffic to prevail.
- Provide bollards a minimum of 1.2 metres apart to prevent vehicular access.

Officer comment: Both matters addressed through amended plans.

SSDC Housing Development Officer: Further to the DV report may I initially propose the following property mix for the 11 affordable units: 4 x 1 bed; 3 x 2 bed; 3 x 3 bed; and 1 x 4 bed. These will be split 80/20 - social rent/other intermediate tenures - however I would request the 4 bed be made available at a social rent. I am basing this on the current need on Homefinder Somerset and Help to Buy South West data.

These figures can be confirmed at a later date and subsequently included in the S106.

I would expect our space standards to be adhered to.

Sports, Arts, & Leisure: Financial contributions of £180,928 required as set out in their full response, towards:

- Offsite - contribution towards enhancing the existing play area at Donald Pither Memorial Ground, Ansford Road, or other youth facilities servicing Castle Cary and Ansford;
- Offsite - contribution towards enhancing the youth facilities at Fairfield; and
- Offsite contribution towards improved or new changing facilities at the Donald Pither Memorial Ground.

Somerset School & Education Authority: Based on 25 primary places and 4 early years places, and a cost per place of £14,175, the financial contribution sought is £411,075.

Somerset Waste Partnership: From a refuse/recycling collections perspective this development does not look particularly straightforward, the main concerns being:

The majority of the development is to be constructed as shared surface or private drives. We would need assurances, permission to access and liability waived from the developer that up to 32t vehicles used for refuse collection could safely travel on these surfaces without causing damage to the surface or underground pipes etc.

I cannot see that any swept path analysis has been provided for this development; I am particularly concerned regarding the sharp corners on the main 'loop' of the development, and the potential for there, in practice, to be parked cars in front of the houses on the corner plots of the middle part of the loop (although I appreciate that they do have parking spaces in the courtyard), causing access issues for the collection vehicles. In addition the properties on the private roads on plots 17-24, 62-79 and 42 - 59 also need clarification with regards to access and collection points.

Plots 17-24:

There appears to be a bin store at the far end of this section near plot 24 for the 8no properties. This would need to house 8 (possibly more in the case of large families) wheeled bins, 8 sets of (at least 2no) recycling boxes and (1no) food waste bins. For this I would recommend wide shelves so that residents can tidily store their recycling containers without taking up too much floor space. Presumably this would be for storage purposes only as it doesn't appear that a collection vehicle could get to it as the access looks too narrow.

Plots 62 - 79 (centre of the loop)

This is clearly defined as a private courtyard but in practice is likely to be the collection point for the properties' waste and recycling vehicles, as none of the properties appear to have any kind of frontage, and most garden and parking access is at the rear. Assuming permission/liability waived as above, a swept path analysis would indicate if large-vehicle access was possible and a visibility splay coming out of the courtyard would be beneficial. Could the developer indicate an alternative collection point for these properties if access isn't possible?

Email dated 21/01/19 requests clarification on bin collection points and tracking of refuse vehicle (additional plans will be submitted in this regard imminently).

SSDC Tree Officer: Objection to the loss of trees and lack of detail regarding tree protection measures. A number of suggestions were made to improve the scheme.
Officer note: Amended plans were submitted to show the Tree Officer's suggestions.

Somerset Wildlife Trust: Agree with the findings of the Appraisal and the SSDC Ecologist. Support the Mitigation and Enhancement (section 6). In addition, it is requested that all site boundaries include a small gap to allow free passage of small mammals, to be secured by condition.

Open Space: Insufficient Public Open Space to meet the required amount for a development of this size.

District Valuer: The scheme is not viable at 35% affordable housing. The scheme becomes viable at 13.5% (11 units) affordable housing, and full financial contributions and CIL

REPRESENTATIONS

Contributions, 33 in total.

1 - Support

Support development of long derelict site

10 - Representations/ General Observations

Residential Amenity

Proposed three storey could potentially introduce overlooking
Increase height of wall to 2.5m to prevent negative impact from site

Highways

Increase in number of vehicles - worsen congestion
Introduction of new traffic lights will cause more congestion
Supports development on the site but, a development of fewer units

22 - Objections

Highways

Increase in number of vehicles - worsen congestion

Increase road traffic around entrance to site - not suitable for amount of traffic
Introduction of new traffic lights will cause more congestion
Moving of the bus stop between sets of traffic lights will cause congestion
Inadequate Parking for new development
Need more provided for non-vehicular traffic i.e. pedestrians and bicycles

Residential Amenity

Introduce overlooking into numerous existing dwellings
Creation of noise and light pollution from site

Visual/Setting

Yellow road covering is harmful to setting
Removal of protected trees will ruin the view
Concerns over the listed building on the site (Powdered Workshop & Engine Room)
Increased development will deteriorate character of Castle Cary

Ecology

Unused site now occupied by wildlife
Removal of trees means the removal of wildlife habitat

Other

Hanover Court Concerns

- Reopening of walkway between Barnes Close - causes distress to residents if reopened
- Concerns over car park being used
- Concerns over parting wall being effected by development - wish to be involved with site meetings when its being discussed if planning permission is granted

Lawson Cypress Hedge trees were planted as part of restrictive covenant - will not agree to remove if not replaced with higher wall.

CONSIDERATIONS

Principle of Development

The principle of re-developing the vacant and redundant employment site (as previously developed land (PDL)) is encouraged under policy SS7 and the NPPF. The site is contaminated, it has not been in active use for employment purposes for a long time, and listed buildings are falling into worse states of dilapidation. Providing a viable re-use of the land, whilst also providing dwellings towards the Council's under supply of housing, is positive.

The loss of the employment land is not considered to demonstrably harm the settlement's supply of employment land/premises and/or job opportunities given its current state and long history as a redundant site. The proposal is considered compliant with Policy EP3.

Castle Cary is a sustainable location for housing growth and is defined as a Local Market Town in policy SS1 of the Local Plan. The site is on the Council's Brownfield Register and is wholly within the development limits of the town.

The principle of development accords with the Local Plan but the Council's under supply and under delivery of housing must also be kept in mind in decision-making. Paragraph 11 of the NPPF explains that decision should apply a presumption in favour of sustainable development, and that for decision-taking that means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*

- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As the Council is currently only able to demonstrate a 4 year supply of deliverable housing land, the application must be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Design, Visual Amenity, and Historic Environment

The proposal involves the conversion of the Grade II listed 'Offices to Ansford Factory', and 'Mill Building to Ansford Factory', which are attached, and also the detached warehouse building to the west, not listed in its own right, to 11 dwellings. It also seeks to demolish the former engine house - which is not listed in its own right and is particularly ruinous. The Conservation Officer and Historic England are satisfied with the proposed method of conversion and with the demolition of the engine house. The benefit of providing the listed buildings with a viable use secures their restoration and ongoing maintenance as heritage assets, in accordance with Chapter 16 of the NPPF.

Through the imposition of a condition, the developer will be required to record elements of the heritage assets and provide a report on any discoveries made as indicated in the National Planning Policy Framework prior to their conversion or demolition.

The remaining 70 dwellings would be provided through new-build dwellings. The residential properties are set out in a mixture of forms, in accordance with policy HG5; terrace, semi-detached, and detached dwellings, comprising a mixture of dwelling types and materials. Photovoltaic panels are also proposed on some properties and are to be located to as to minimise their appearance whilst benefiting from direct sunlight, thereby generating green energy in accordance with the aims of EQ1.

Notwithstanding concerns about the colour of the shared surface proposed, which is commonplace in many residential developments, the scheme is considered to be of an acceptable density, layout, and design, and the dwellings are of an appropriate scale, design and materials.

Given that the site is carefully designed to ensure the relatively dense development appears and functions appropriately, it is necessary to withdraw permitted development rights to all units for any extensions or outbuildings. It is also necessary to withdraw permitted development rights for any external alterations for plots 1-19 given their industrial design which would be significantly harmed with alterations of a domestic appearance.

The Open Spaces consultation raised highlighted that the level of informal open spaces was below their standards. However, this must be weighed up against the need to secure a viable re-use of this site. Given that even with 81 dwellings, the District Valuer has found the site can only afford 13.5% affordable housing, increasing open space would either require a reduction in units, making the scheme unviable, or places greater pressure on the remaining space to provide units in a more dense form which would have impacts on local character, the historic environment, and may also impinge on value of the properties, and thus viability. Alongside this argument, it should also be recognised that Policy HW1 allows for such requirements to be commuted off-site in appropriate circumstances. The development is making a significant contribution of in excess of £180,000 towards improvements at the Donald Pither Memorial Ground, accessible from the site and with enhanced public footpath links thereto.

The Town Council has asked that further consideration be given to providing access between the Red House development and the BMI site. The agent sought to provide such an access but as there is no way of creating a right of way over private land, this is not a possibility. The site is considered to have

sufficient permeability by reason of access into the nursery site and Barnes Close.

The proposed development is not considered to harm the setting of the listed buildings or the Conservation Area, and the demolition of the engine house has been satisfactorily justified. Accordingly, and notwithstanding objection received from the Town Council and local people, the development would not result in demonstrable harm to local character or the historic environment, and would provide opportunities for micro-generation, in accordance with policies EQ1, EQ2 and EQ3.

Residential Amenity

By virtue of their siting, scale, orientation, and boundary treatments (the exact detail to be agreed and controlled by condition), it is not considered that any of the proposed dwellings would unduly overlook, have an overbearing relationship, or result in loss of light to any neighbouring properties.

Comments have been made proposing alterations to means of enclosures around the site, including raising the height of a wall to 2.5 metres, and providing fixed-shut gates. There are opportunities to enhance existing enclosures through improvements to their structural integrities, materials, and designs-including their heights - and this will be secured through the imposition of a condition as agreed with the agent.

The proposed dwellings are considered to provide acceptable levels of amenity for future occupants.

On the basis of the above, and notwithstanding the objections received, it is not considered that the window layout would result in demonstrable overlooking or loss of privacy.

Highway Safety

Subject to conditions and a S106 Agreement, the County Highway Authority raise no objections to the scheme on the basis of parking standards, highway safety, or impact on the highway network.

For smaller developments, not requiring a travel plan, a condition would be imposed to ensure that an e-charging point is provided for each dwelling adjacent to the relevant parking area. However, these points will be secured as part of the travel plan, amongst other measures to secure low carbon travel.

Notwithstanding the objections received, it is not considered that the proposal would prejudice highways safety, and it is considered to accord with policies TA1, TA4, TA5 and TA6 of the Local Plan.

Ecology

The Somerset Wildlife Trust did not object to the scheme on the basis of the mitigation and enhancements put forward by the Ecological Report submitted and a condition that all site boundaries include a small gap to allow free passage of small mammals.

The Ecological Impact Assessment found bat roosts in the Old Mill building to be converted. Though they would be destroyed, he was satisfied that this would be acceptable provided mitigation and compensation measures are implemented as per his suggested condition.

As bat roosts would be destroyed, permission can only be granted if all three derogation tests are satisfied:

1. the development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
2. 'there is no satisfactory alternative'
3. the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

With regard to the derogation tests no.'s 1-3 (Conservation of Habitats and Species Regulations 2010):

- Test 1 - It is considered that the proposal is required for social and economic reasons (to provide housing, re-use of the vacant and contaminated brownfield site, and to secure the repair and long-term maintenance of the listed buildings) and accords with both local and national planning advice/policies.
- Test 2 - It is considered that the need for housing, re-use and decontamination of the vacant brownfield site, and repair and long-term maintenance of the listed buildings is in the public interest, with no satisfactory alternative; this outweighs the harm that would be caused.
- Test 3 - The Ecologist concluded that favourable conservation status is likely to be maintained due to the presence of only low numbers of bats, and the securing of appropriate mitigation and compensation by condition.

In summary, the Ecologist has thoroughly considered the potential ecological impacts of the development and has no objection to the proposal subject to the imposition of appropriate conditions.

Trees

The Tree Officer has raised concerns over the loss of protected trees, suggesting instead that the density be re-visited. As aforementioned, there is a balance to be played between securing a viable re-use of the land and retaining trees. Though the majority of protected trees would be lost, it is unlikely that the density of the scheme could be reduced without sacrificing the viability of the scheme, thereby losing the benefit of the site's re-use.

Additionally, the landscaping scheme has been amended to reflect the suggestions of the Tree Officer and as a result would provide an acceptable level of compensation through the provision of an appropriate planting scheme; replacement is taking place at a rate of almost 2 to 1 (58 trees proposed whilst 30 would be lost).

On that basis, given the constraints of the site and benefits of the scheme, the proposal is not considered to result in an undue level of harm to bio-diversity or green infrastructure. The proposal is considered to accord with policies EQ4 and EQ5.

Drainage

The site is in Flood Zone 1 but it involves the re-development of a large brownfield site. The application was submitted with a Flood Risk Assessment which the LLFA and Environment Agency found to be acceptable.

In accordance with the LLFA and Environment Agency, and subject to the Grampian condition suggested by the LLFA, the proposed development will be able to appropriately manage surface water within the site. The proposal therefore accords with EQ1.

Land Contamination

As part of the re-development of the site, the contamination of the land will be addressed. This will be ensured through the imposition of a condition suggested by the Council's Environmental Protection Officer. The proposal is therefore compliant with policy EQ7.

Waste Collection

In response to the comments of the Somerset Waste Partnership, tracking drawings were provided which show appropriate manoeuvrability through the scheme by a bin lorry. The plans are also to the acceptance of the Highway Authority.

Additional bin collection areas were added to serve plots 62 - 64 & 42-59 adjacent to the main estate road.

Regarding the listed courtyard, it should be noted that the bin store only needs to serve plots 21 - 24 as plots 17 -20 have rear yards. To safeguard the setting of the listed buildings, it was deemed inappropriate to provide a bin store/collection point at the entrance to the listed courtyard. The proposed bin store as shown on the plans is considered to be appropriately sited and designed to avoid harm to the setting of the listed buildings and sufficient to accommodate bin storage for the properties without rear access.

There is no reason to believe that the shared surface could not support the refuse vehicle. This is clearly a matter for a subsequent S.38 application rather than a planning application. Should the roads have to remain private the assurances sought by Somerset Waste Partnership in their first paragraph would be granted.

Affordable Housing and Contributions

Policy HG3 requires 35% affordable housing. However, the District Valuer has stated that the scheme is only viable for 13.5% affordable housing, which equates to 11 of the 81 units. Those units are not highlighted on any plan but the agent has agreed that the units to be affordable rented and intermediate can be agreed through the S106 Agreement to accord with the units sought by the Housing Officer, and ultimately to the satisfaction of the Council's Lead Specialist - Development Management.

With 13.5% affordable housing, the District Valuer was satisfied that the scheme would be viable with full contributions being paid. The contributions to be paid, to be secured through the S106 are:

- Sports, Arts, & Leisure: £180,928
- Education: £411,075

Accordingly, the proposal would be compliant with policy SS7.

The development is liable to pay the Community Infrastructure Levy (CIL).

Other

Any covenants, which may or may not be on the land, are not material planning considerations. If matters arise which affect the developer's right to build, this must be addressed through the appropriate legal process.

Conclusion

The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in a significant and adverse impact upon the historic environment, visual amenity, residential amenity, highway safety, or ecology/biodiversity. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing 81 dwellings in this sustainable location, in addition to securing the ongoing maintenance of the listed buildings and the decontamination and an effective re-use of the land vacant land. The proposal is considered to be in accordance with policies SD1, SS1, SS4, SS5, SS7, EP3, HG2, HG3, HG5, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5, and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

RECOMMENDATION

Permission be granted subject to -

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:

- i. a Travel Plan to the satisfaction of the Highway Authority;
- ii. financial contributions of £411,075 to be paid to the Somerset County Council as Education Authority;
- iii. financial contributions of £180,928 to be paid to South Somerset District Council Sports, Arts, and Leisure;
- iv. 11 units of affordable housing, the exact details (bedrooms, tenure, and locations) shall be to the satisfaction of the Lead Specialist Planning in consultation with the Council's Housing Development Officer; and
- v. details of the management company to maintain the informal open space and, should the road not be adopted by the highway Authority prior to first occupation of any unit hereby permitted, maintenance also of the unadopted road.

b) planning conditions

Reason for recommendation

01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in a significant and adverse impact upon the historic environment, visual amenity, residential amenity, highway safety, or ecology/biodiversity. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing 81 dwellings in this sustainable location, in addition to securing the ongoing maintenance of the listed buildings and the decontamination and an effective re-use of the land vacant land. The proposal is considered to be in accordance with policies SD1, SS1, SS4, SS5, SS7, EP3, HG2, HG3, HG5, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5, and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out strictly in accordance with the approved plans as listed on the separate planning drawing issue sheet and landscape drawing issue sheet both dated 28.03.19.

Reason: In the interests of proper planning and for the avoidance of doubt.
03. Excluding demolition, no development hereby permitted shall take place above ground level until details of all external materials (to be accompanied with samples and/or sample panels where deemed necessary by the Local Planning Authority) for all buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

Reason: To safeguard local character and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.
04. No windows, doors, or other openings shall be installed in any of the buildings hereby permitted prior to details of their designs, materials, finishes, recessing, and levels of obscuring where relevant have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

05. Before any of the buildings hereby permitted are constructed above ground level, details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

06. Before development commences for any of the buildings hereby permitted, details of the internal ground floor levels of those building(s), relative to the datum point, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

07. All dwellings shown on the approved plans as hosting PV panels shall not be first occupied prior to the proper installation of the PV panels for micro-generation in accordance with the approved plans as shown on the Plans Drawing Issue Sheet (indexed 02/04/2019).

Reason: To secure renewable energies/sustainable construction, in accordance with policy EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) there shall be no extensions to any of the buildings hereby permitted without the prior written approval of the local planning authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) there shall be no outbuildings erected or sited for any of the dwellings hereby without the prior written approval of the local planning authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) there shall be no external alterations made to the buildings in plots 1-19 (drawing no. 3728/001 rev Q) erected or sited for any of the dwellings hereby without the prior written approval of the local planning authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

11. No development hereby permitted shall be carried out prior to the submission to and agreement by the Local Planning Authority of a scheme of phasing for the works (full repair, conversion, and, for the engine house, demolition) of the listed buildings. The development shall then be carried out strict accordance with that phasing scheme.

Reason: To ensure that the listed buildings are appropriately repaired and converted as a benefit of this development, in accordance with policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

12. Prior to any works being undertaken on the listed buildings, a detailed method statement and specification of all works to the listed buildings shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out strictly in accordance with the agreed details.

Reason: To ensure that the listed buildings are appropriately repaired and converted as a benefit of this development, in accordance with policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

13. Prior to occupation of any dwelling hereby permitted, details of all boundary treatment and means of enclosures shall be submitted to and agreed in writing by the Local Planning Authority. This shall include small gaps to allow free passage of small mammals on each site boundary. The boundary treatments and means of enclosures shall be fully erected strictly in accordance with the agreed details.

Reason: To safeguard local character, amenity, the historic environment, and biodiversity, in accordance with policies EQ2, EQ3, and EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

14. No work shall commence on the development site (other than site clearance) until a signalised junction generally in accordance with that shown in Appendix 5 of the Peter Evans Partnership Transport Assessment (March 2018) has been provided in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

15. None of the dwellings hereby permitted shall be occupied until the pedestrian links to Barnes Close and to the site boundary with the Nurseries have been constructed in accordance with details shown on Dwg nos. 3728/001 Rev Q, 3728 BBA SP 00 DR L 001 D and 3728 BBA SP 00 DR L 002 E.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

16. 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 the occupation of any dwelling hereby approved and thereafter maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

17. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture 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.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

18. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

19. 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.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

20. The areas allocated for parking and turning on the submitted plans shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

21. Prior to first occupation of any dwelling secure cycle parking at the rate of one space per bedroom shall be provided for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

22. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;

- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network
- Measures to 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

Reason: In the interests of highways safety and residential amenity, in accordance with policies EQ2 and TA5 of the South Somerset Local Plan (2008-2028) and the provisions of the NPPF.

23. Prior to the commencement of the development hereby permitted (excluding demolition), the development hereby permitted, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority.

As the development proposes to discharge surface water via permeable paving to deep bore soakaways, these shall include the following:

- details of falling head or infiltration tests (if not already undertaken) in accordance with BRE guidance
- final drainage design and layout, including any revised calculations
- methods employed to prevent direct discharge to groundwater
- ongoing management and maintenance arrangements specific to the scheme

The approved drainage scheme shall be implemented prior to the first occupation 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 throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

24. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboriculture consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing by the Council, the scheme of tree and hedgerow protection measures (specifically any required ground-protection, fencing and signage) shall be installed and made ready for inspection. Prior to commencement of the development, the suitability of the tree and hedgerow protection measures shall be confirmed in-writing by a representative of the Council (to arrange, please contact us at planning@southsomerset.gov.uk or call 01935 462670). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

25. All planting and associated ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching comprised in the approved scheme (As shown on the

Landscape Drawing Issue Sheet, indexed 02/04/2019) shall be carried out in accordance with those details and within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

26. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Bat Mitigation Plan detailing timing restrictions and protective measures to avoid, mitigate and compensate for harm to bats and their roosts. The works shall be implemented in accordance with the approved details and timing of the mitigation plan, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2017.

27. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

28. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of building recording work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure a record is made of the heritage asset in accordance with the provisions of the NPPF.

29. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.
4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

Informatives:

01. 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.
02. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk
