

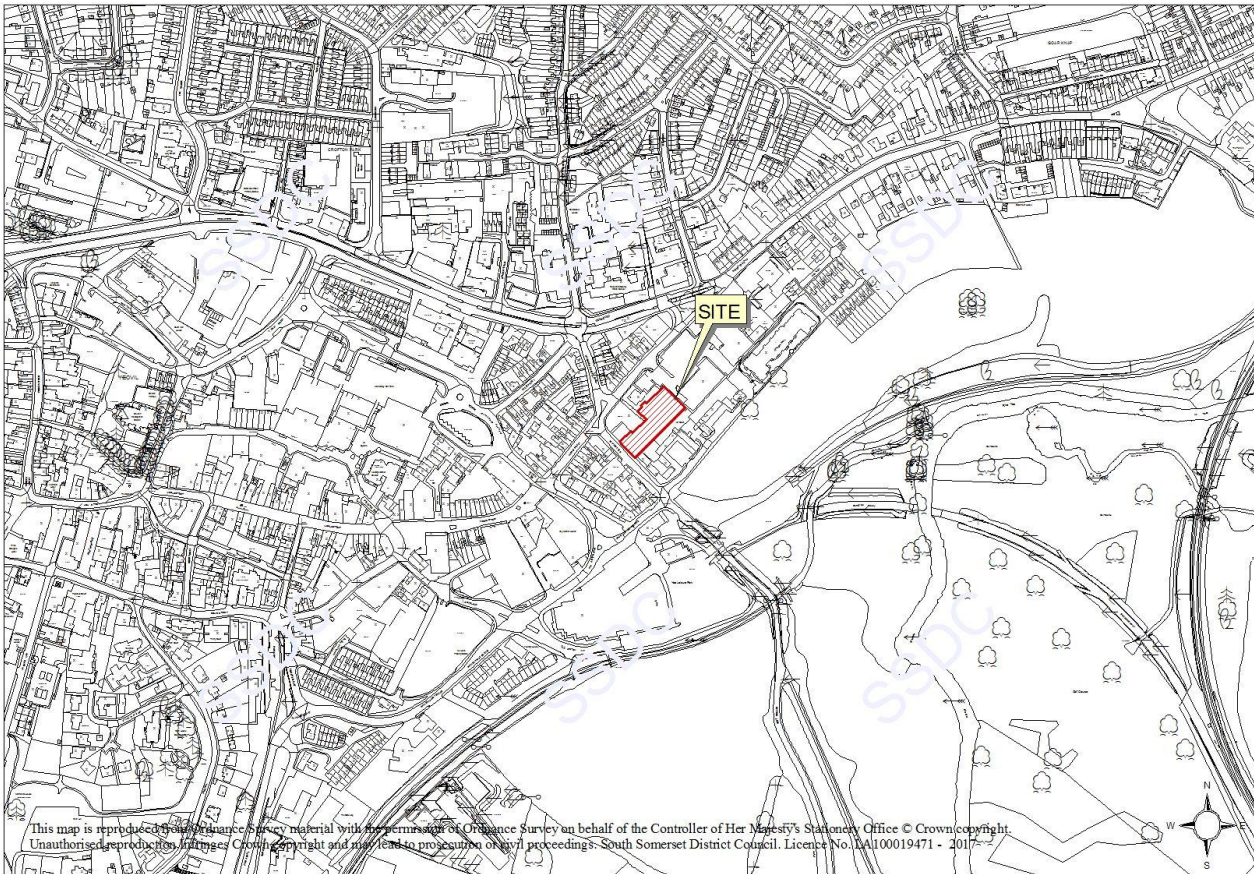
## Officer Report On Planning Application: 16/04661/FUL

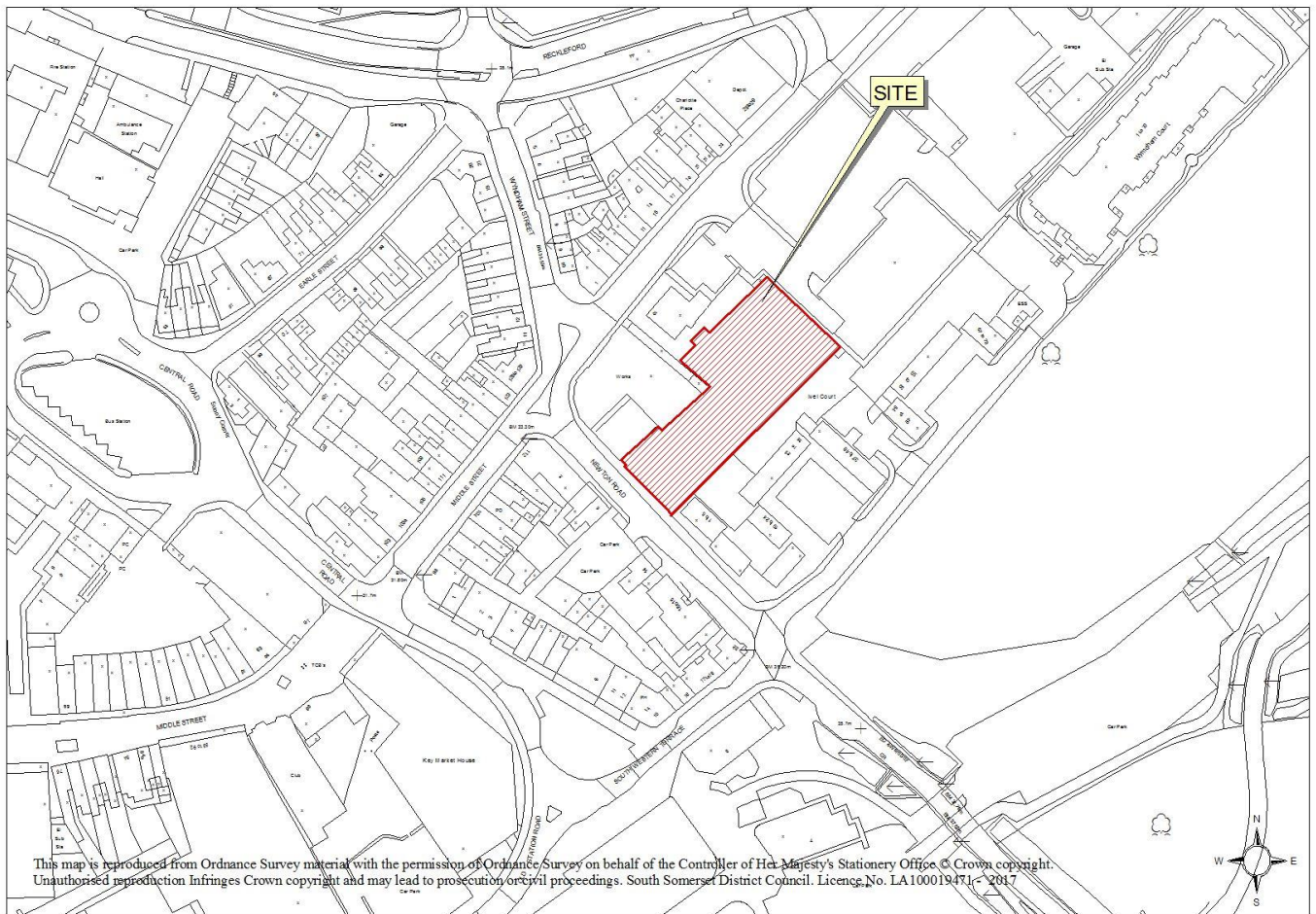
<b>Proposal :</b>	Change of use, conversion and extension of former creamery building to form 85 new flats, provision of parking and retention of 14 existing flats.
<b>Site Address:</b>	3 Newton Road Yeovil BA20 1NF
<b>Parish:</b>	Yeovil
<b>Yeovil (East) Ward (SSDC Member)</b>	Cllr D Recardo Cllr R Stickland Cllr T Lock
<b>Recommending Case Officer:</b>	Simon Fox – Area Lead Officer (South)
<b>Target date :</b>	25th January 2017
<b>Applicant :</b>	Acorn Developments SW Ltd
<b>Agent: (no agent if blank)</b>	Greenslade Taylor Hunt Winchester House Deane Gate Avenue Taunton TA1 2UH
<b>Application Type :</b>	Major Dwlg 10 or more or site 0.5ha+

### Reason for Referral to Committee

This application is referred for Committee consideration at the request of the Development Manager in accordance with the scheme of delegation and with the agreement of the Chairman, due to the significance of the scheme, the comments of Yeovil Town Council and the non-compliance with policy HW1 of the South Somerset Local Plan.

### Site Description and Proposal





The application site comprises the former Western Counties Creamery operated by Aplin and Barrett Ltd where dairy products were manufactured under the St Ivel brand.

In 1960 the company was acquired by the Unigate Group who closed the Yeovil premises in 1976, transferring many of their staff to other branches, particularly Westbury, Wiltshire. Part of the site was demolished to make way for the Ivel Court residential development of flats constructed in the early 1980s.

The retained building, a three and four storey (plus basement) rectangular flat roofed structure of red brick and cut stone, was built in 1931 and 1932 as evidenced by these dates incorporated into the various cast iron rainwater hoppers around the building. The building is topped by a distinctive water tower and there is an inscribed nameplate on the front elevation to Newton Road. The rear part of the building has been partly demolished by a previous owner. Since its use as a creamery ceased portions of the building have been used for a number of uses including as a warehouse, gym, studio, hair & beauty salon, crèche and for laser tag. In 2001 14 flats were created in parts of the 3rd and 4th floors. In 2006 planning permission was granted for 83 flats, but the permission was not implemented.

On its western side the building adjoins to the former headquarters of the Western Gazette, now flats, and Osborne House on Sherborne Road, a Grade 2 listed former dwelling, now a dental surgery. To the east is Ivel Court, from where vehicular access is derived, and to the north are retail units off Sherborne Road. On the south side is Newton Road, where vehicular access into the front of the building can be achieved, it is a one way street, with a public car park and residential properties. The Toll House on the corner of Newton Road and South Western Terrace is also Grade 2 listed. To the south east is Wyndham Hill, part of Yeovil Country Park and the registered Park and Garden of Newton Surmaville.

This application seeks approval to retain the 14 existing flats (10 one-bed and 4 two-beds) approved in 2001 and convert and extend the building to create 85 additional flats. 80 flats would be one-bed and 5 two-beds. In total there would be 99 flats. The extensions include a 5-storey addition to the rear and roof-top extensions to the currently stepped roofline.

To serve the development there would be 35 car parking spaces, 99 cycle spaces, 20 motorcycle spaces, 1 disabled space and 1 electric vehicle charging point.

The application is supported by a:

- Design Statement
- Planning Statement
- Transport Statement
- Travel Plan
- Protected Species Survey

The application also proposes a financial contribution for public realm improvements in Newton Road. An indicative plan shows tree planting, kerb realignment and the creation of on street parking bays plus an on road cycle path from Sherborne Road to South Western Terrace as potential improvements.

## **HISTORY**

Only relevant residential scheme history stated; full details are available on the application file.

01/00245/FUL: The conversion of 3rd and 4th floors into 14 No. self-contained flats together with a new stair lift and lift enclosure: Application Permitted with Conditions: 16/05/2001

05/02492/FUL: Demolition of old Creamery buildings and the construction of 97 residential flats: Application Withdrawn: 06/01/2006

06/01510/FUL: The demolition of part of existing building, refurbishment of existing units and the construction of a new block of flats resulting in a total of 83 units of accommodation together with car parking, amenity space etc (revised application 05/02492/FUL): Application Permitted with Conditions: 15/01/2008

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 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.

On 5th March 2015 South Somerset District Council, as Local Planning Authority, adopted its Local Plan to cover the period 2006 to 2028.

On this basis the following policies are considered relevant:-

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

- SD1 - Sustainable Development
- SS1 - Settlement Hierarchy
- SS4 - District-Wide Housing Provision
- SS5 - Delivering New Housing Growth
- SS6 - Infrastructure Delivery
- SS7 - Phasing Of Previously Developed Land
- YV1 - Urban Framework and Greenfield Housing For Yeovil

EP3 - Safeguarding Employment Land  
HG2 - The Use Of Previously Developed Land For New Housing Development  
HG3 - Provision Of Affordable Housing  
HG5 - Achieving A Mix Of Market Housing  
TA1 - Low Carbon Travel  
TA3 - Sustainable Travel At Chard and Yeovil  
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 - Design & General Development  
EQ3 - Historic Environment  
EQ4 - Biodiversity  
EQ5 - Green Infrastructure  
EQ7 - Pollution Control

National Guidance - National Planning Policy Framework:

Chapter 2 - Ensuring the Vitality of Town Centres  
Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 8 - Promoting Healthy Communities  
Chapter 10 - Meeting The Challenge Of Climate Change, Flooding And Coastal Change  
Chapter 11 - Conserving and Enhancing the Natural Environment  
Chapter 12 - Conserving and Enhancing the Historic Environment

Other

Somerset County Council Parking Strategy (March 2012)  
The Old Creamery, Newton Road, Yeovil - Development Brief 2004

## **CONSULTATIONS**

### **Yeovil Town Council:**

*"The proposed development was welcome in general terms, but recommended for refusal on the grounds that the proposed parking provision does not comply with the County's Parking Strategy".*

### **Highways Authority (Somerset CC):**

*"I refer to the above-mentioned planning application received on 7 November and after carrying out a site visit on 10 November 2016 as well as the further information that was provided on 15 December 2016 and have the following observations on the highway and transportation aspects of this proposal:- The application is to change the use, extend and convert the existing building into 83 new flats alongside the existing 14 flats.*

*The access onto Ivel Court is from an existing access that has sufficient visibility and this aspect would not raise an objection from the Highway Authority.*

*The Travel Plan that has been submitted is broadly acceptable with a few minor amendments that would need to be considered.*

*The Travel Plan would need to show that the additional trips generated by the development will be offset by a reduction in single owned vehicle use and an increase in sustainable modes and the measures proposed in the Travel Plan must be robust enough to achieve this. Showing five year targets in absolute numbers as well as modal split will aid demonstration of this.*

*A good set of measures have been included within the travel plan. However, there is no mention of a travel plan management fund for promotional events.*

The Travel Plan would need to be amended to include mention of:

- The monitoring period will be between the first occupation of the development plus the five years following the 80% occupation of the development.
- Annual surveys will be undertaken using SCC's standard survey templates that are available on the Moving Somerset Forward website. All questionnaires will achieve a minimum 40% response rate. The survey results will be uploaded on the SCC iOnTRAVEL site within three months of the surveys taking place.
- The iOnTRAVEL system will be used throughout the monitoring period, with evidence of measures uploaded on the system in addition to survey results and annual target results. The iOnTRAVEL system is used for the duration of the Travel Plan from registration until the end of the monitoring period and potentially beyond.

Provided that the Travel Plan is amended to include these items the Travel Plan will be acceptable.

A safeguarding sum of £11,125 would be appropriate for a development of this size. However, given the development's car provision is under-allocated and its location to nearby facilities and provisions, the developers should produce robust safeguarding measures within the Travel Plan and allocated sufficient funds in order to implement.

The proposed level of parking is dramatically below the level that is set out in the Somerset Parking Strategy (SPS) by 51 spaces. However, the sustainable nature of the location should be taken into consideration as it is close to Yeovil town centre, the bus station in Yeovil, the railway station and cycle links. The adjacent building at the former Western Gazette building has recently been granted planning consent by the Local Planning Authority. This application at the Western Gazette building had a similar per cent level of parking to this current application and as such it would be unreasonable for the Highway Authority to recommend refusal on the parking levels. However, the LPA should be aware that the reduction of the parking levels would likely increase the parking on Ivel Court as the current parking restrictions do not apply between 6.00pm - 8.00am or on Sundays. However, although Ivel Court is public highway, parking along here will not be likely to cause highway safety concerns or obstruct the free flow of traffic along Newtown Road.

The application is unlikely to cause an increase to the level of vehicle movements that will place the local highway network beyond capacity.

The Highway Authority also has concerns with the current proposed highway works as shown in drawing number 2300-PL-20/A and the applicant should be aware that in the current layout of the proposed highway works are not acceptable. Although the plans are indicative, the principal of the LPA securing a contribution for a wider scheme in this area is acceptable.

Taking the above into account the Highway Authority does not wish to raise an objection and in the event of permission being granted, I would recommend that the Travel Plan is secured via a Section 106 agreement and the following conditions are imposed:- [conditions relating to parking and turning areas and surface water disposal]."

[NB: The highway officer refers to 83 flats being created when in fact the total is 85 as per the amended plans sent to the HA 21 days prior to this response].

#### **SSDC Conservation Officer:**

"I have no objection to the scheme. I note that the setting of the adjacent listed building (10 Sherborne Road) is much better respected with this scheme. The previous scheme included a large extension right up to the back of the listed building, which would have had quite an impact on its setting. The new extension to the rear is now set a good distance back. I suggest that the boundary treatment between the two sites here warrant careful thought.

I note reference to upvc windows. This building will have most likely had thin crittall type windows when it was originally built. Thin profile metal windows would really suit the style of the building now. The current mix of upvc windows looks poor. I suggest giving this further thought at this stage.

Other external changes to the building where it fronts Newton Road should be detailed. This may include stripping the building of redundant services and repairs such as stone cleaning. External changes to these principle elevations should be detailed; this may cover flues, vents, external plumbing, gas feeds, signage etc".

**SDDC Strategic Housing Officer:**

*"The query regarding the 14 units - I can confirm that the former Signpost units are no longer encumbered by SDDC grant.*

*May I also support the proposal that on this specific site (supporting the consultation response on the 2006 application and the other circumstances raised) I would accept an off-site contribution in lieu of onsite provision.*

*This is determined to be £170,000 (to be increased /decreased pro-rata should the site size change).*

*I would like this money to be ring-fenced to promote additional affordable housing within Yeovil as discussed".*

**SDDC Environmental Protection Officer:**

*"The site is associated with historic industrial use and is potentially contaminated. Should the application be approved I would recommend that it be subject to the following conditions. It should be noted that the degree of remediation required will reflect the end use and that if no pathway exists between any identified contamination and receptors (residents) the level of remediation required will be less. Having said that it must be recognised that the building itself is a receptor". "I have no concerns regarding the air quality impacts of this development other than the potential for dust during the demolition and construction phases".* Conditions proposed concerning contaminated land and construction management plan.

**SDDC Community, Health and Leisure:**

The plan does not show any on-site provision and therefore to mitigate the impact of the development financial sums for various categories of off-site provision have been sought:

- equipped play space contribution of £4,244 towards enhancing the equipped play facilities at Ninesprings play area or towards another play area suitably located to serve the development with a commuted sum of £2,451; Trigger Point for contribution = Occupation of 21 dwellings,
- youth facilities contribution of £833 towards provision of youth facilities at the Ninesprings play area with a commuted sum of £308; Trigger Point for contribution = Occupation of 21 dwellings,
- playing pitches contribution of £27,070 with a commuted sum of £16,431 (dedicated to the enhancement of existing pitches in Yeovil or the towards developing a new recreation ground in Yeovil); Trigger Point for contribution = Occupation of 43 dwellings,
- changing room contribution of £43,753 with a commuted sum of £3,761 (dedicated to the enhancement of existing facilities in Yeovil or the towards developing changing rooms at a new recreation ground in Yeovil); Trigger Point for contribution = Occupation of 43 dwellings.
- community hall contribution of £30,170 (dedicated to enhancing Monmouth Community Hall); Trigger Point for contribution = Occupation of 43 dwellings.
- theatre and art centre contribution of £18,166 towards a new studio theatre at the Octagon or towards the stage refit at the Westlands Entertainment complex; Trigger Point for contribution = Occupation of 64 dwellings.
- sport hall contribution of £22,112 towards the enhancement of sports hall provision at Westfield Academy School; Trigger Point for contribution = Occupation of 64 dwellings.

Commuted sums relate to a 10-yr maintenance period for the facility.

Should the corresponding infrastructure not be provided within:

- a 5 year period (equipped play space, youth facilities and community halls provision); or
- a 10 year period (playing pitch/changing room provision, theatre and art centre and sports halls),

the individual contribution may be reclaimed.

The overall contribution sought is £174,022 (or £2,047 per dwelling). This would be index linked. The contribution sought also includes a 1% Community, Health and Leisure Service Administration fee (£1,723). An additional Legal Services fee may also be applicable.

**SDDC Open Spaces:**

*"For the above development of 83 dwellings, we would look to seek an off-site contribution, which would be paid to Countryside to improve the existing country park at Wyndham Hill.*

*We are currently working on our off-site calculator, and whilst it is not complete we are in a position to identify a potential S106 contribution.*

*Based on 83 properties with a potential population increase of 128 people, we would look to secure a contribution of £14,305.45.*

*This is a 'one-off' contribution that should be used to only improve Open Space accessible from the new development within the town and should not be used for any other purpose.*

*Countryside have identified a project on which this contribution would be spent; Wyndham Hill Gateway Project, which aims to improve the entrance to this part of the country park by enhancing the entrance with the introduction of a new footpath, a new branded gateway sign, a new rubbish and dog waste bin and the replacement of the damaged field gate; additionally, the planting of 4 Oaks along the north-west site boundary, immediately adjacent to the gateway.*

*With the approximate cost of the above project at £4,000, the remaining contribution would go towards on-site street tree planting for the Public Realm Improvements".*

**Archaeology (Somerset Heritage Centre):**

No archaeological implications.

**SSDC Ecologist:**

*"I've noted the further bat survey (Country Contracts, 3/1/17). This concludes the property has been used as a transient bat roost. I have no objection to the proposed development but recommend bat mitigation and compensation is provided".*

**Somerset Wildlife Trust:**

*"We have noted the above mentioned Planning Application as well as the supporting Protected Species survey provided by Country Contracts. In general we would support the findings of that survey. We would request that the proposals included in the Survey report regarding the bat mitigation and compensation are included in the Planning Conditions if it should be decided to grant Planning Permission".*

**Climate Change Officer:**

*"This is a very sustainable reuse of this building in the heart of Yeovil, which will add vitality to the town centre and reduce the need to travel. The design detail is well suited to its setting and historical context.*

*The large low pitched roof areas are an excellent opportunity to install photovoltaic PV arrays; either the usual panels on top of the proposed roof covering or as a flexible weather proof membrane. The latter probably being the more cost effective as it would replace the décor profile on the single ply membrane and act as the weather barrier.*

*If the dwellings are to be rented, electricity could be included, providing an additional long term income stream to the developer".*

**Crime Prevention Officer:**

The CPO has offered detailed comments and has raised questions regarding security within the scheme.

**Somerset Waste Partnership:**

*"Having had discussions with the developer, we are satisfied that the waste and recycling generated from the building can be collected in a practical and safe manner, from both Newton Road and Ivel Court. We would need assurances however, that waste/recycling collection and other associated service vehicles can continue to access over the private car park area of Ivel Court to reach the receptacles at the far end of the building".*

**Wessex Water:**

*"The applicant states that it is proposed to dispose of surface water to the main sewer. Separate drainage should be provided for foul and surface water. No surface water connections will be*

*permitted to the foul sewer. There is a culverted watercourse to the west of the site. No gravity connections will be permitted from basement levels".*

No responses have been received from SSC Education, Access For All and NHS.

## **REPRESENTATIONS**

91 neighbouring properties/premises to the site have been notified. A site notice has also been displayed and a press advert placed. (Major Development and Affecting Setting of Listed Building). At the time of writing this report no comments had been received.

## **CONSIDERATIONS**

The application raises several matters of consideration that will be discussed in turn.

### **Principle of Development**

The subject land lies on brownfield land within the Urban Framework of the Strategically Significant Town of Yeovil where the principle of residential development is accepted and is the prime focus for development in South Somerset in accordance Local Plan policies SD1, SS1, SS4, SS5, SS7, HG2 and YV1.

Policy SD1 states the Council when considering development proposals will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework and will seek development that improves the economic, social and environmental conditions within the District. Policy SD1 also compels the Council to work with applicants to improve proposals so that they are capable of being approved and to grant permission, without delay, unless material considerations dictate otherwise.

Policies SS4, SS5 and YV1 set out that 15,950 dwellings are required in the plan period (2006-2028) and 5,876, so one third of the district wide requirement, will be located within the Urban Framework (existing built area) of Yeovil. To facilitate this Policies SS7 and HG2 support the use of Brownfield or Previously Development Land.

The site is currently a mixed use inclusive of residential and commercial uses and has had historic permission for total use as residential via application 06/01510/FUL. As such it is not considered reasonable or appropriate to withhold planning permission on the basis of any perceived loss of employment land via Policy EP3.

The Old Creamery Development Brief was published in 2004 and has little weight in the decision making process and has largely been overtaken in relevance by the 2006 application and the new Local Plan. However it has been reviewed and elements inform the final scheme and the officer's recommendation.

The use of the site for residential purposes is there acceptable and as such it is a matter of assessing the material considerations.

### **Design, Layout, Residential Amenity and Accommodation Type**

Policy EQ2 of the Local Plan lays down very clear guidelines for development, in particular that it should be of a high quality, compatible with the setting and local character, and the residential amenity of neighbouring properties should not be harmed.

First and foremost this proposal seeks to retain and reuse the existing building. This is an important



material consideration because the building relates to an important historical industry in the town and the building itself whilst built to fulfil a particular function is full of character and is already an imposing landmark within the locality. The applicant has already purchased and converted the adjacent former headquarters of the Western Gazette to a high standard. He has also retained the building and rents the units to local key workers. Neither building is listed nor within a Conservation Area and so could have been threatened with demolition had this applicant not taken ownership and sought to retain the 'historic' fabric through sensitive conversions. In a town where many historic buildings have been lost and others remain in a derelict or vacant state the ability to retain and use one such as this must be given due weight in the decision making balance.

The main building is to be topped with single storey lid type extensions with overhanging shallow pitches. The contrasting materials of natural timber or man-made timber effect cladding will provide a more modern intervention and provide a visual contrast and interest. Importantly these extensions do not disrupt detrimentally the existing stepped roof arrangement or the prominence of the water tower.

The rear addition is significant and is five-storeys high but sympathetically extends the building again in a modern way and respecting the proportions of the original building so the old and the new will be legible. The combination of red brick with natural timber/man-made timber effect cladding and render panels plus the inclusion of glass balconies provides visual interest.

Significant pre-application advice was given regarding the design and the final proposal is supported subject to detailed conditions regarding specific walling and roofing materials and the design/materials and composition of windows.

It is not considered the building would cause any neighbouring amenity concerns through overlooking, or by creating an overly dominant relationship when compared to the consented 2006 scheme and given the nature of higher density town centre development.

There is an evident deficiency of private or communal amenity space although some flats are afforded balconies. This is not uncommon within a development of flats within a town centre and there are no prescribed local plan standards for such. It is acknowledged that the site is within 70m of Wyndham Hill, and the Yeovil Country Park.

Green Infrastructure proposed via the Public Realm Improvements should also be afforded weight and this scheme is discussed within the Highways section of this report. Greenery has been added to the Ivel Court elevation to soften what is otherwise a harsh environment. In addition a project to improve and signpost the entrance to Wyndham Hill, part of Yeovil Country Park has been put forward by the Streetscene/Countryside teams. Improving year round access will ensure proposed residents can enjoy the open space which is important given the lack on on-site amenity space. Monies will be secured via the s106 to facilities this local project.

Policy HG5 seeks to achieve a mix of market housing. The indications within this application are that the flats will be wholly retained by the applicant and rented on the open market. The 2006 application achieved planning permission for 85 flats in total. The accommodation mix was 53% 2-beds and 47% 1-beds. Had the development actually been built other than the on-site affordable housing units it is assumed the remainder would be made available for sale on the open market. This would have attracted owner-occupiers but also a number of buy-to-let investors.

Although the accommodation mix is very narrow in terms of the vast majority of proposed units are 1-beds it is noted that they will all be under the ownership and active control of one developer; the same as the former Western Gazette HQ. This critical mass of units creates an on-site presence that allows focused management, with tenancy agreements closely monitored, maintenance enacted quicker and any issues remedied more swiftly. Whilst it may be preferable in some ways to have a more diversified accommodation mix and tenure split it is not felt these modest concerns outweigh the clear and

obvious benefits that the scheme otherwise brings as detailed throughout this report.

It is considered this proposal complies with Policy EQ2 and HG5 of the Local Plan and provides/maintains a good standard of amenity as required by the NPPF.

### **Impact on the Setting of Listed Buildings**

The site is adjacent to a Grade 2 listed building on Sherborne Rd (Osborne House). In assessing the potential impact of the proposal regard is paid to the previously existing section of the building which was demolished and the consented 2001 residential scheme.

As acknowledged by the Conservation Officer the existing proposal is more sympathetic to the setting of the Listed Building than the previously consented scheme. In that case the three-storey form extended right up to the boundary with a recessed fourth storey.

The footprint and height of the proposed extension also follows the extent and height of the demolished section and so whilst different in terms of elevation treatment and overall numbers of storeys (due to the high floor to ceiling heights of the original building) there is very little difference in terms of proximity and dominance. It is clear however that a restored and occupied development will enhance the setting of the listed building over the current situation and indeed the historic situation. A condition will be required to detail the boundary treatment but the prospect of a wall over the current metal palisade security fencing is only likely to further enhance the setting.

Other heritage assets in the vicinity include The Toll House and Newton Surmaville. Given the relative distance and presence of intervening development it is not considered any perceived harm would constitute detrimental harm warranting refusal.

It is considered this proposal complies with Policy EQ3 of the Local Plan and the protection of heritage assets as required by the NPPF.

### **Highways**

The topic of Highways encompasses impact on the network, means of access, car parking, sustainable travel and the travel plan.

#### **Impact on the network -**

The Highway Authority has not raised any issues in this regard. The historical use of the site and the associated movements is a consideration as would the associated movements should the building be reused for commercial purposes.

#### **Means of Access -**

Policy TA5 requires a safe access for vehicles and those on foot and cycles to be established. The junction off Newton Road and Ivel Court provide good visibility and have catered with higher traffic demands than at present and can provide a safe means of access for the proposed development without modification. With the public realm/highway improvements proposed cycle access from the site and to the town centre will be enhanced, encouraging cycling.

The route refuse vehicles would take is off Ivel Court to the communal stores at the rear of the building as it is to serve Ivel Court itself. No issues have been raised and the applicant has had pre-application discussions with SWP.

#### **Car Parking and Travel Planning -**

It is acknowledged that the proposed level of car parking is below the optimum one space per dwelling ratio for Zone A set out in the Somerset Parking Strategy and replicated in Local Plan Policy TA6, but reference is made to this paragraph which sits alongside the Zone A ratio:

*"The car parking standards set out here are optimum standards; the level of parking they specify should be provided unless specific local circumstances can justify deviating from them. Developments in more sustainable locations that are well served by public transport or have good walking and cycling links may be considered appropriate for lower levels of car parking provision. Proposals for provision above or below this standard must be supported by evidence detailing the local circumstances that justify the deviation and must be included in the developer's Travel Plan".*

As the Highway Authority accepts the site is in a very sustainable location, near to shops and services and public transport links. It is very close to the well-used and convenient east-west cycle path that links Pen Mill Station to Lysander Road and the Lynx Trading Estates. The public realm/highway improvements seek to improve this cycling connectivity further.

The applicant also owns and manages the flats at the former headquarters of the Western Gazette. The conversion of the building to flats was undertaken via the then newly Government introduced Permitted Development right where parking was not allowed to be considered. A later planning permission sought additional units. There is no parking associated with these flats. A survey of the 32 flats in that building shows currently car ownership at 27%. This is without any of the travel planning measures proposed under this scheme to reduce car dependency further. Evidence suggests a large proportion of occupants are key workers who walk or cycle to the hospital and this is a group the applicant is seeking to occupy these proposed units also.

So, after establishing the site is highly sustainable one then has to judge the proposed travel planning measures. The aim of this is to ensure car ownership stays low by incentivising green travel, either by walking, cycling or via public transport. The low number of parking spaces in itself is a constraint. The submitted travel plan indicates green travel vouchers will be offered to occupants to redeem. Each voucher can be reclaimed from the developer to the value of £100 for a 1-bed flat and £150 per 2-bed flat for the purchase of cycle equipment or a public transport season ticket (bus pass). Should the occupation of the flat change within the period of the travel plan (5 years) then vouchers of the same value will be provided to the second and third occupiers of that unit. The total cost of a implementable Travel Plan could be circa £70,000.

Allied to this ample quality secured and covered cycle storage is proposed. With the public realm/highway improvements proposed cycle access from the site and to the town centre will be enhanced, encouraging cycling not only for occupant of this scheme but also other people in the area who may now choose to change their travel habits given the dedicated cycle infrastructure.

In terms of car parking comparison is inevitable with the previously consented 2001 and 2006 schemes. The first, for 14 flats, secured one disabled car parking space only and no cycle parking. The 2006 scheme for 83 flats secured 25 car parking spaces and 34 cycle parking spaces, but no motorcycle parking spaces. That scheme was also 53% 2-beds. So by comparison to that 2006 scheme this proposed scheme seeks 2 more flats but the vast majority are 1-beds, it provides 10 more parking spaces, 65 more cycle parking spaces, 20 more motorcycle parking spaces and 1 more electric vehicle charging space. The ratio of flats to parking spaces in the 2006 scheme was 30% whilst it is now proposed to be 41%.

In looking at the proposal roundly one has to consider the parking demand of historic uses or new uses if the building was fully utilised. The building when wholly standing had little dedicated parking.

The proposed under-croft parking area has been reviewed to ensure it can receive a supermarket delivery van that would enable goods to be deposited at one of the two lifts in that vicinity for straightforward transit direct to upper floors. The ease at which goods and deliveries can be made to the flats will impact on an occupiers' choice whether to own a car.

In conclusion the proposal will benefit from more car, cycle and motorcycle parking than the original

scheme and be located in a sustainable location that allows a reduction on the optimum level set out in the parking strategy. The scheme also seeks improvements to the public realm with associated highway works that could also improve cycling in Sherborne Road and Newton Road. As such a proposal has been put forward that realistically allows somebody to make a conscious choice to live here without the need for a car. The Highway Authority has made detailed comments regarding the submitted travel plan. These are not insurmountable. It has also been requested that the Travel Plan be secured by a legal agreement but this is not deemed to be absolutely necessary and a condition is proposed.

#### Public Realm/Highway Improvements -

One of the significant aspects of this proposal is the willingness to undertake public realm improvements in Newton Road. The scheme cuts across several policy aims including green infrastructure, sustainable/low carbon travel and transport impacts. The Highway Authority has some concerns regarding aspects of the design but as it acknowledges the scheme has been proposed **indicatively only** but has been costed. That cost has been translated into a financial contribution of circa £144,000 which the applicant will pay the District Council. The Council will amalgamate this contribution with monies already held and dedicated to improvements at Lower Middle Street and Wyndham Street for a comprehensive and financial efficient scheme to improve the wider area. The main aspects of improvement suggested includes tree planting, to draw the green infrastructure into this area of Newton Road from the Country Park and to enhance the street visually; an on-road cycle link between Sherborne Road (Olds Garage) to the Yeo Leisure Park which then connects to the east west town cycle link through the Country Park; and carriageway narrowing which could allow the inclusion of 6 on-street public parking bays and a service bay. The parking bays would be subject to Somerset County Council parking restrictions but could help serve local businesses and act as set down spaces for the proposed development and other residences. Overall it is considered that a scheme such as this when planned comprehensively with the other works in the area would be a significant improvement to the streetscene, create a clear linkage to the Country Park, and the feel and reputation of the locality.

It is considered the proposal complies with policies TA1, TA3, TA4, TA5 and TA6 of the Local Plan.

#### Environmental Protection

The Environmental Protection Officer has sought a precautionary condition be imposed regarding land contamination given the historic use of the site.

Locally issues during the construction period are likely to dominate. As such a standard working hours condition is suggested.

It is considered this proposal complies with Policy EQ7 of the Local Plan.

#### Drainage

The site does not fall within a Flood Risk area. The comments of Wessex Water are acknowledged and the applicant is consulting with them. Any verbal update will be given, but a standard condition will suffice and ensure matters such as surface water management are considered.

#### Domestic Refuse and Recycling

The submitted plans reflect discussions with the Somerset Waste Partnership. There are two specifically designed areas in the rear extension. The applicant has also clarified that full vehicular access rights exist for the refuse collection vehicles to pass over the private Ivel Court, in order to serve the development. The route off the public highway element of Ivel Court to the site has also been tracked on plan and is shown to be acceptable.

## **Affordable Housing and Community, Health Service and Leisure Contributions**

Policy HG3 of the adopted South Somerset Local Plan requires affordable housing on schemes of 6 or more units.

The provision is normally required on the development site itself but historically issues have been raised in this area concerning the amount of social housing and the nature of the proposed development and the difficulties in severing a number of units to be managed by a Housing Association has led to an agreement with the SSDC Strategic Housing team that a financial sum to facilitate off-site provision would be acceptable. The applicant has also instigated the Government's Vacant Building Credit to lower the overall contribution (this applies on-site or off-site). As a result the applicant has put forward a contribution of £170,000 towards an affordable housing project in Yeovil Town, Brympton or Yeovil Without. This has been agreed by the Strategic Housing Team.

It is considered the proposal complies with policy HG3 of the Local Plan.

The Community Health and Leisure Team have requested a contribution in line with policies SS6 and HW1 for local and strategic facilities. The detail of the contribution is set out in the consultation section.

The applicant, acknowledging all contributions sought, has submitted a unilateral undertaking. This is because there is a prioritisation of the public realm scheme and an acknowledgement that this is actually more important to the scheme and the area than contributions to strategic facilities. The applicant is also keen to receive planning permission prior to the introduction of CIL as he fears it will impact on the viability of the scheme and result in benefits like the public realm improvements and the open spaces contribution being withdrawn and the affordable housing contribution being reduced further.

The Unilateral Undertaking proposes what is requested save for these amendments:

- Theatre and Arts (capital) £10,818 rather than £18,166
- Sports Hall (capital) £12,112 rather than £22,112
- No commuted sums for equipped play youth facilities, changing rooms, playing pitches (£22,951)
- No administration fee and triggers for payments altered.

The contribution would still total £132,000.

In this situation the applicant's choice to submit a Unilateral Undertaking means it forms part of the application and it is for the LPA to determine whether the overall application is compliant with planning policy or whether there are material considerations for taking a different stance.

Although the proposal is contrary to policy HW1 in that the proposed contribution is less than that requested there are good reasons for the applicant taking a different approach. One also needs to reflect on where the reductions are sought and what is still provided. Given the significant wider benefits of the scheme it is recommended not to withhold permission for this reason.

## **Ecology**

An ecology survey has concluded that bats used the building. Mitigation in the form of using the retained water tower as a dedicated roost has been proposed and accepted by the Council's Ecologist. Somerset Wildlife Trust raises no objections. A condition requiring this mitigation is suggested.

It is considered the proposal complies with Policy EQ4 of the Local Plan.

## **Other Matters**

The Crime Prevention Officer has offered detailed comments and has raised questions regarding the security of the scheme. These are matters concerning access to certain doors, post boxes, tradesman's button, etc that a planning application would not normally provide scrutiny off. The applicant is aware of the advice and an informative note to seek the further input of the CPO to achieve 'Secured by Design' in tandem with Building Control will be added to any decision notice.

The comments of the Climate Change are noted and the applicant is proposing to install photovoltaic panels which will aid the supply of communal lighting throughout the development, in accordance with policy EQ1.

With regards to Education contributions Somerset County Council was consulted at pre-application stage when it was confirmed no contribution would be sought from what was then a potential development. Upon submission of the application and formal consultation no request has been made from SCC.

## **SECTION 106 PLANNING OBLIGATION**

Policy SS6 requires the Council to secure the provision of (or financial contributions towards) affordable housing, social, physical and environmental infrastructure and community benefits which the council considers necessary to enable the development to proceed.

The applicant has submitted a unilateral undertaking under Section 106 of the Town and Country Planning Act to secure:

**£170,000** towards affordable housing, to be used off-site in the parishes of Yeovil Town, Yeovil Without and/or Brympton;

**£132,000** towards sport, art and leisure;

**£4,000** as a contribution towards the Wyndham Hill, Yeovil Country Park project;

**£144,000** as a contribution towards public realm improvements, incorporating related highways works and the creation of an on-road cycle link, in Newton Road, Sherborne Road and South Western Terrace.

In addition a travel plan will be secure by planning condition rather than s106 and the estimated cost of this is £70,000.

## **CONCLUSION**

Although contrary to policy HW1 the merits of this scheme significantly outweigh any perceived harm from that non-compliance.

The substantial benefits of the scheme include:

- the retention and restoration of a historic building within the town;
- the provision of much needed housing (the site is a windfall in terms of adding positively to the Council's five year land supply);
- meeting a need for key worker accommodation;
- the remediation of a problem site that has an adverse impact upon the amenity of the area and town as a whole. The developer is seeking a sensitive, sustainable and viable development on a site others have shied away from;
- improvements to the public realm in Newton Road through green infrastructure which will benefit the immediate area and will contribute to regeneration of this high profile area;
- circa £450,000 in planning obligations;
- a robust travel plan; and
- Council Tax and Town Council precepts.

## **RECOMMENDATION:**

### **Grant planning permission for the following reason:**

The proposal by reason of its design, layout and location represents an appropriate development which is carefully designed to respect the character of the area and causes no demonstrable harm to residential amenity. The proposal includes the retention of a characterful building and seeks to enhance the public realm in accordance with the aims and objectives of the National Planning Policy Framework; the SCC Parking Strategy and policies SD1, SS1, SS4, SS5, SS6, SS7, YV1, EP3, HG2, HG3, HG5, TA1, TA3, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (adopted March 2015).

### **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 in accordance with the following approved plans and documents:

- a) Location Plan, Drawing No. 2300-PL-01 RevA
- b) Site Plan, Drawing No. 2300-PL-02 RevA
- c) Proposed Level 0, Drawing No. 2300-PL-03
- d) Proposed Level 1, Drawing No. 2300-PL-04 RevB
- e) Proposed Level 2, Drawing No. 2300-PL-05 RevA
- f) Proposed Level 2.5, Drawing No. 2300-PL-06
- g) Proposed Level 3, Drawing No. 2300-PL-07
- h) Proposed Level 4, Drawing No. 2300-PL-08
- i) Proposed Level 5, Drawing No. 2300-PL-09
- j) Proposed Elevations, Drawing No. 2300-PL-10
- k) Sections, Drawing No. 2300-PL-11 RevA

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

03. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

- a) specific materials (including the provision of samples) to be used for all new external walls (render panels, brickwork, cladding) and roofs;
- b) design details, materials and colour finish (including the provision of samples) for all new and replacement windows and doors;
- c) details of the recess for all new/replacement windows and doors;
- d) details and design of all balconies;
- e) design and location of all external vents, flues, external plumbing and meter boxes;
- f) the design and materials of eaves/verge details plus rainwater goods; and
- g) details of all hardsurfaces.

Reason: To maintain the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (Adopted March 2015).

04. A scheme of landscaping to soften the south-western elevation of the new extension bordering Ivel Court shall be submitted to and approved by the Local Planning Authority. Prior to 75% of

approved units coming into use the agreed scheme shall be carried out and maintained thereafter unless any variation is first agreed with the Local Planning Authority.

Reason: In the interests of visual amenity to accord with policy EQ2 of the South Somerset Local Plan (Adopted March 2015).

05. A scheme detailing the external boundary treatment adjoining the adjacent Listed Building (Osborne House, Sherborne Road) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of materials, heights and coping. The boundary treatment shall thereafter be fully installed in accordance with the approved scheme prior to the first occupation of any flat hereby approved and shall thereafter be maintained subsequently in accordance with the details so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain the character and appearance of the area and to enhance the setting of the adjacent heritage asset to accord with policy EQ3 of the South Somerset Local Plan (Adopted March 2015).

06. Prior to the first occupation of any unit a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and residential amenity to accord with policy EQ2 of the South Somerset Local Plan (Adopted March 2015).

07. Bat mitigation, compensation and enhancement measures shall be implemented in accordance with the recommendations of Section 5 of the bat survey report (Country Contracts, 3rd January 2017). In the case of the bat roost provision within the water tower this shall be fully implemented prior to the first occupation of any flat hereby approved.

Reason: For the conservation and protection of species of biodiversity importance, and for the enhancement of biodiversity, in accordance with NPPF and policy EQ4 of the South Somerset Local Plan, to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

08. No works shall be undertaken on site unless details of the foul and surface water drainage details to serve the development (flats and car parking/hardsurfaced areas) have been submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure the site is adequately drained.

09. Construction works (including the operation of any machinery) and the delivery or dispatching of any construction materials, shall not take place outside 0800 hours to 1800 hours Mondays to Fridays, and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan (Adopted March 2015).

10. The access, parking area, and turning area shall be properly consolidated and surfaced in porous materials (not loose stone or gravel) or properly drained hard standing prior to the occupation of 75% of the permitted flats. 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 75% of flats are occupied and thereafter maintained at all times.

Reason: To ensure the development is served by an appropriate access arrangement to accord with policy TA5 of the South Somerset Local Plan (Adopted March 2015).

11. To safeguard orderly parking on the site it should be ensured that prior to 50% of the flats hereby approved coming into use 50% of the permitted car and motorcycle parking area shown on the submitted plan shall be properly delineated as shown on the approved plan, Drawing No. 2300-PL-04 RevB and made fully available for use. The remainder of the permitted car and motorcycle parking shall be properly delineated as shown on the approved plan, Drawing No. 2300-PL-04 RevB and made available for use prior to the 75% of the flats hereby approved coming into use. Thereon areas allocated for access on the approved plan shall be kept clear of obstruction at all times and shall not be used other than for access, in connection with the development hereby permitted. The car and motorcycle parking spaces shall only be used by those flats permitted within the development.

Reason: To ensure the development is served by appropriate ordered parking provision to accord with policy TA6 of the South Somerset Local Plan (Adopted March 2015) and the SCC Parking Strategy.

12. Prior to occupation of 75% of the permitted flats the communal cycle store shall have been fully provided with suitable access. Thereon the sheltered cycle store shall be maintained and retained in perpetuity for the purposes of storing cycles. Until the permanent provision can be made temporary arrangements for the storage of cycles shall be made for initial occupants, details of which shall be agreed with the Local Planning Authority prior to the first occupation.

Reason: In order to promote alternative means of travel to ensure the site is accessible by a choice of means of transport and discourage the use of the private car, in the interests of sustainable development to accord with the National Planning Policy Framework.

13. Prior to occupation of 75% of the permitted flats the communal bin stores shall have been fully provided with suitable access. Thereon the bin stores shall be maintained and retained in perpetuity for the purposes of storing bins and recycling receptacles. Until the permanent provision can be made temporary arrangements for the refuse storage and collection shall be made for initial occupants, details of which shall be agreed with the Local Planning Authority prior to the first occupation.

Reason: To ensure the development is adequately provided for in terms of domestic refuse storage and collection.

14. Six months prior to the first occupation within the development hereby approved, a mechanism for the production and enforcement of a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To promote and encourage sustainable modes of travel to accord with policies TA1, TA3, TA4, TA5 and TA6 of the South Somerset Local Plan (Adopted March 2015).

15. Before any of the apartments hereby permitted are first occupied provision shall be made for combined radio, TV aerial and satellite facilities to serve the apartments, details of which shall be submitted to the Local Planning Authority for approval.

Reason: In the interests of visual amenity to accord with policy EQ2 of the South Somerset Local Plan (Adopted March 2015).

**Informatives:**

01. The applicant is reminded that this application is accompanied by a Unilateral Undertaking submitted under Section 106 of the Town and Country Planning Act.
02. The applicant is advised to consider the comments from the Crime Prevention Officer received 7th November 2016. The applicant is advised to visit the "Secured by Design" web site for national CPDA contact details, design guides, licence holders & application forms: [www.securedbydesign.com](http://www.securedbydesign.com)