

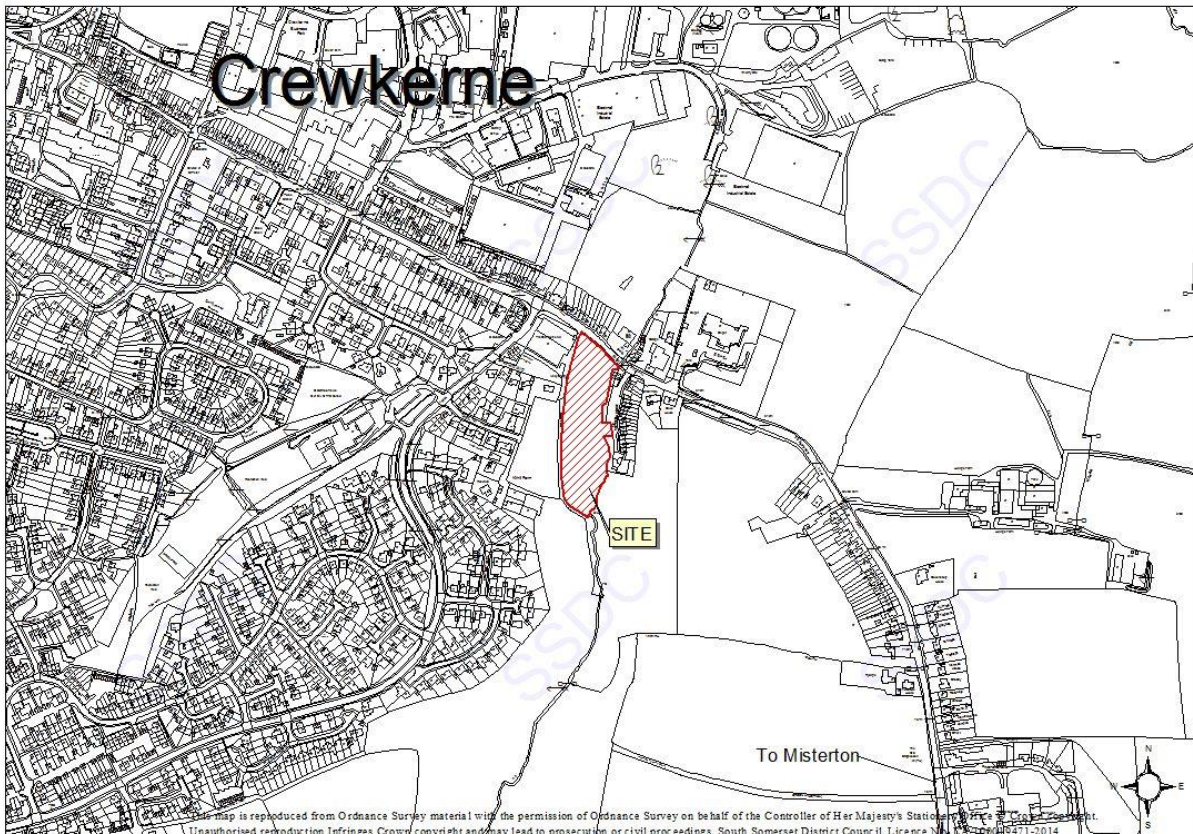
## Officer Report On Planning Application: 13/03278/FUL

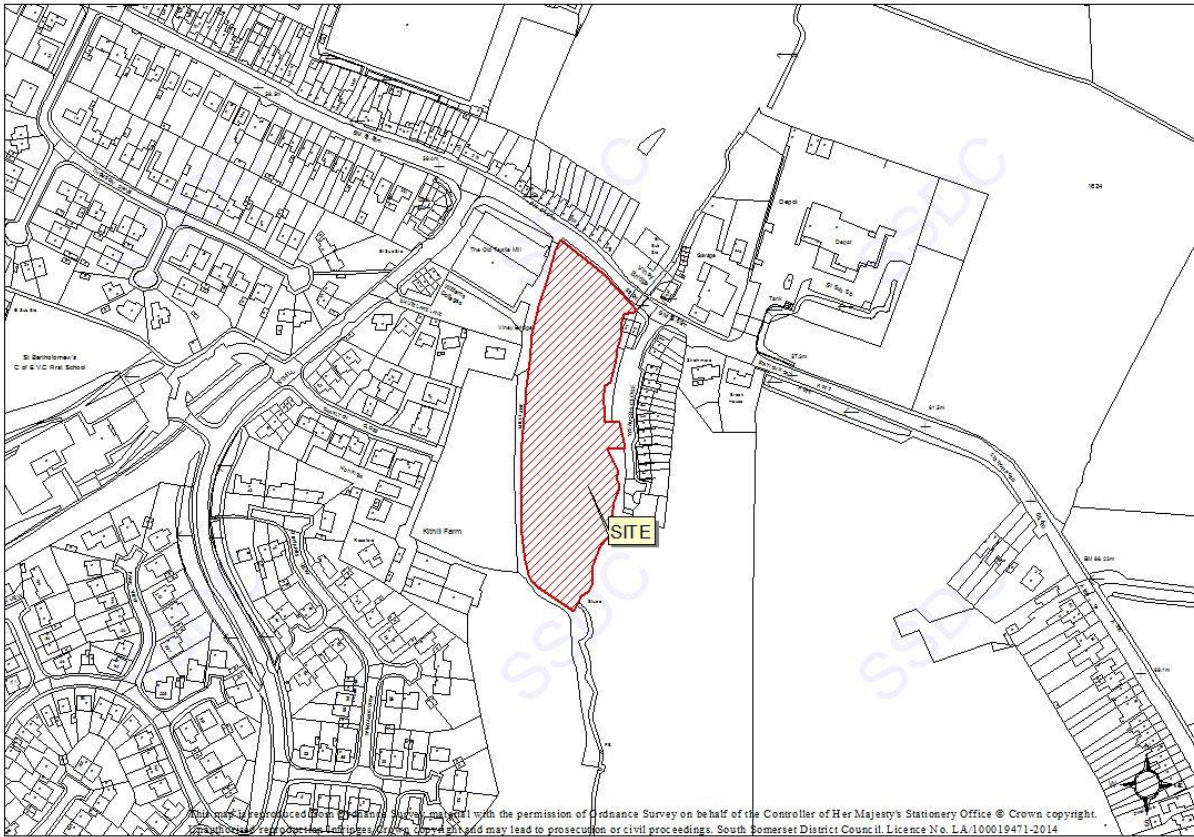
<b>Proposal :</b>	The carrying out of partial demolition, conversion and alteration of existing buildings to create commercial units and 45 No. dwellings and the erection of 13 No. new dwellings. (GR 344863/109186)
<b>Site Address:</b>	Viney Bridge Mills, South Street, Crewkerne.
<b>Parish:</b>	Crewkerne
<b>CREWKERNE TOWN Ward (SSDC Members)</b>	Cllr J Dyke, Cllr M Best, Cllr A M Singleton.
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	16th January 2014
<b>Applicant :</b>	Coxley Developments
<b>Agent: (no agent if blank)</b>	Pointcloud Consult, Unit 10, Rookery Farm, Roemead Road, Binegar, Somerset BA3 4UL
<b>Application Type :</b>	Major Dwlgs 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee with the agreement of the Ward members and Chair in order for the planning issues, in particular the highway issues, to be fully considered.

### SITE DESCRIPTION AND PROPOSAL





Viney Bridge Mills is located towards the south eastern edge of Crewkerne, on the southern side of South Street (A356). A number of historic and Grade 2 listed buildings comprise Viney Bridge Mills, which was established in 1767 producing textiles until its closure in 2005. There are a range of one, two and three storey buildings on site with the larger buildings located to the northern and older part of the site, and single storey more modern buildings to the southern end. Much of the site has largely remained vacant since 2005, other than occupation of a dwelling on site by a caretaker and limited letting for storage.

There are a number of listed buildings on site. These comprise the Terrace Cottage that faces South Street. Behind this building and running centrally from north to south are the Yarn Store, Weaving Shed, Engine House and Joiners and Carpenter's Workshop and Boiler House. Facing those buildings running on the eastern side of the site are the Principal Office, Spinning Mill and Original Office, Engine and Boiler House, Bucking House and attached dwellings, the Foreman's Cottage, Chlorine Gas house and finally the separate Tow, Bleach and Dyeing House. The more modern unlisted buildings are located at the rear (southern) end of the site.

Vehicular access to the site is currently gained at its northern end off South Street and from Shute Lake Lane to the west.

The site is set amongst a mix of residential and commercial premises along with agricultural fields. To the east is Weavers Close, a residential development comprising 19 dwellings. A stream also runs parallel with the site along the western boundary between the site and Weavers Close. To the immediate south are open fields and to the west a mix of commercial and residential properties. Further residential properties are located on the northern side of South Street.

The application seeks consent to repair and convert the range of historic and listed buildings largely for residential use, along with some commercial use. The modern buildings towards the

rear of the site will be demolished and replaced with new dwellings. In total, the scheme will provide 58 residential units, with 13 new build and 45 converted units. A range of 1, 2 and 3 bed properties will be created with a mix of 24 houses and 34 flats. In addition, 242sqm of commercial space will be provided.

The layout of the scheme will be largely influenced by the existing historic pattern of development on site, which comprises a strong linear north to south pattern. The new build housing at the rear of the site will largely follow this historic pattern.

The new build element at the rear of the site will comprise 3 separate terraced blocks and 2 pairs of semi-detached houses.

A new vehicular access is proposed off Weavers Close via a new bridge over the stream. The current access from Shute Lake Lane will also be used to serve the development. Formal pedestrian links will be via the current vehicular access off South Street - this access will be given pedestrian priority with the installation of bollards at the entrance to limit access to emergency vehicles and, when required, for delivery/removal vehicles only. Improved pedestrian access will also be provided to the public footpath section of Shute Lake Lane. As part of the overall repair and renovation works, and subject to gaining any necessary approvals, it is proposed to replace the surface to Shute Lake Lane.

## **HISTORY**

There have been a number of applications in respect of the commercial use of the site. The most relevant applications in respect of the current proposal is outlined below.

892807 - Demolition of industrial building, the erection of 24 apartments and conversion of mill buildings into 13 cottages and 32 apartments and provision of car parking facilities. Approved 1992.

892931 Demolition of industrial building, the erection of 24 apartments and conversion of mill buildings into 13 cottages and 32 apartments and provision of car parking facilities. Approved 1992. (Listed Building Consent).

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

South Somerset Local Plan (adopted April 2006) (Saved Policies)

ST3 - Development Areas.

ST5 - General Principles of Development

ST6 - The Quality of Development

ST10 - Planning Obligations.

EC8 - Protected Species

EH1 - Conservation Areas

EH2 - Demolition of Buildings in Conservation Areas.

EH3 - Change of use of Listed Buildings and Alterations to Listed Buildings.

EH4 - Demolition of Listed Buildings  
EH5 - Development Proposals affecting the setting of Listed Buildings.  
HG6 - Affordable Housing  
CR2 - Provision of Outdoor playing space and amenity space in new development.

NPPF:

Core Planning Principles  
Chapter 6 - Delivering a wide choice of high quality homes.  
Chapter 7 - Requiring good design  
Chapter 12 - Conserving and enhancing the historic environment.

## **CONSULTATIONS**

### **Crewkerne Town Council:**

Recommend Approval subject to: 1 clarification on the long term maintenance of the river bank in regard to concerns about flooding, and 2 there being adequate provision for parking for the commercial properties (or additional residential properties).

### **Crewkerne Town Council: Amended plans:**

Reinforced their support for the scheme but further expressed their concerns with regard to the first 2 points outlined above and a third point that access to the site via Weavers Close should be resolved to the satisfaction of Highways.

### **Highway Authority:**

Original Response:

The Highway Authority is in agreement that the existing access on to South Street is unsuitable for the proposed use. The visibility and geometry are poor and domestic traffic would not be able to gain safe access from this point. The lack of room to pass within the access would mean the potential for vehicles waiting on the highway which would cause an obstruction and could cause a hazard. While the applicant proposes to close off the end with removable bollards, it is only acceptable that this access is used by pedestrians and emergency vehicles. The use by removal and maintenance vehicles is not acceptable.

The car parking for the site is slightly below what the standards would dictate. Crewkerne is in Zone B and the standards would require 79 spaces. The applicant has offered 73 spaces and offered no justification for the reduction. Certainly in terms of car ownership levels in Crewkerne there is nothing to suggest that inhabitants are likely to own fewer cars than the Strategy requires. There is mention of the visual impact of car parking but failure to provide sufficient can result in cars parked poorly having a much greater impact on the appearance of the site.

Access is proposed from Kithill via Shute Lake Lane which is not adopted highway. It will not be possible to make this road adoptable since the gradient is too great and a lot of work would be required to bring this access up to an adoptable standard. It would be better to deny vehicular access by this route and allow only pedestrian movements on to Mill Lane, the public right away. The pedestrian access to Mill Lane at the north end of the site is thus acceptable.

It will be important to discover what rights the site owners have over Shute Lake Lane prior to the granting of any planning permission. It could also mean that the estate road cannot be adopted because there is no means of connection to the public highway. If the necessary rights do exist, Shute Lake Lane will have to be brought up to a suitable standard if the road is to be adopted.

Access from Weaver Close is also a problem. The red line doesn't extend to the public highway and this means that the development would not be connected in that direction either. It is important that the rights over this land are also established to see if a connection can be made. Our records show that, when the road was adopted, provision was included to create an access into this site. There is now no evidence of this link on the ground and local residents now park in this area. Forming this access may create problems with parking for access to the site.

The access from Weaver Close will be the only adoptable access to the site and will involve the construction of a bridge over the stream which has a history of flooding. The construction of the bridge to an appropriate standard will be crucial and no work should commence on site until Agreement In Principle (AIP) has been obtained. Should the bridge fail, residents will be without a means of vehicular access to their dwellings.

The Weaver Close access shows incorrectly drawn visibility splays which pass over third party land. The Highway Authority would seek to adopt the visibility splays with the road and the land over which the visibility passes must be within the control of the applicant for this purpose. Even if the road remains private, the status of these areas must be established to the protection of road safety for future residents.

A factor affecting the construction of the estate roads is the possible ground contamination that is mentioned in the supporting documents. The removal of this contamination and the resultant remedial works will have a bearing on how the estate road is constructed. In the absence of a ground investigation report, it is important that the necessary information is provided to the Highway Authority prior to any commencement on site. There is a risk for future residents that the estate road will fail as a result of this issue and those residents could insist that the road is adopted in that event.

The plans appear to show areas for adoption as being permeable paving. This type of surface is not suitable for adoption and this surface should be revised. The likelihood of uncontrolled water in the underpinnings of the road means that the road could fail. The Highway Authority seeks to protect future residents from this risk and will not adopt a highway in this material.

There are areas of shared surface proposed within the site and these should be in a different colour to alert drivers and other road users of the change in circumstance. The change of colour can only be achieved in a satisfactory manner by the use of block pavoids. A barrier feature such as flush kerbs should also be employed to denote the boundary.

Any turning heads within the site should be suitable for an 11.7 metre, 4 axle refuse vehicle. This is the standard refuse vehicle for Somerset. Some of the turning heads appear to be sub-standard and swept path analysis will be needed to test all proposed bends and turning heads.

Although a large proportion of the site is for conversion of existing buildings, the inclusion of new builds will mean that charge under the Advanced Payments Code (APC) will be applicable. This is how the Highway Authority insures itself against a request by future residents that the road be adopted. The charge can only be lifted by: entering into a Section 38 agreement to have the road adopted; or building the road to an acceptable standard and forming a management company to manage the future maintenance of the road. Both methods involve the paying of a supervision fee to the Highway Authority for the audit of the construction drawings and the supervision of the works on site. By this method the Highway Authority can ensure that the road is unlikely to fail in the foreseeable future.

In the absence of any way to secure the visibility, the Highway Authority has no option but to

recommend refusal for the following reason:-

The proposal is contrary to Policy TP5 of the South Somerset District Local Plan (adopted Apr 06) since the site has insufficient frontage to Weaver Close to enable an access to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety.

Officer comment:

Following submission of the Highway Authority comments, the agent agreed that the South Street access is totally unacceptable as a form of access and forms the basis of the design of the scheme. However, consider use by a banksman, removal and maintenance vehicles is acceptable. The access would be controlled by the management company and not allowed unless a specific need arose. Moreover, this access has historically provided much of the site access.

In terms of parking, the number of spaces being provided is 73 compared with the optimum number of 79 as per the adopted parking standards. All units have at least one space with larger units having 2 spaces. The applicant has stated that the scheme has been carefully designed to ensure that it not only respects the listed buildings but to ensure that the scheme is financially viable. As outlined in this report, the scheme has been assessed independently by the District Valuer and concludes that the scheme is only just viable. The viability of the scheme is dependent upon unit numbers. Moreover, the agent states that site is well located to the town centre and local services and facilities, therefore, a sustainable site.

In terms of the use of Shute Lake Lane, the agent has stated that this access is necessary to ameliorate impacts on Weavers Close. The site has historic rights over Shute Lake lane and the access will remain a private road as it currently stands. The road could be upgraded in agreement with other users of the lane. In terms of the Weaver Close access, the agent advises that this may not be adopted as the applicant prefers a private road with a management agreement run and operated by the property owners. A Flood Risk Assessment has been submitted to address any potential flooding risk. In addition, the bridge over the stream will be constructed to meet the appropriate standard and in consultation with a structural engineer.

In terms of Highway Authority concern about permeable paving, the agent states that if the road is adopted a permeable surface will not be used. In terms of providing sufficient turning heads within the site, the agent states that there are sufficient large turning heads to enable a refuse vehicle to access the site and turn to be either adjacent or within 25 metres of any refuse point. Site constraints prevent closer access by refuse vehicles.

In terms of concerns about access onto Weavers Close, the agent states that this is a short cul-de-sac with limited traffic movements that are slow meaning traffic collisions are unlikely.

In respect of the river bank, the agent has stated that his client has control over the river bank which includes access and right of visibility.

Further to the original exchange of correspondence between the agent and Highway Authority, further information was submitted by the agent in respect of the concern with regard to the splay and visibility onto Weaver's Close. The agent confirmed that his client owns the strip of land on which the access onto Weavers Close is located and has a legal right to view over for the visibility splays. A revised site ownership plan has been submitted and the Highway Authority's comments are awaited. An oral update will be given at committee.

**Conservation Officer (summary):**

The Conservation officer forwarded a very detailed response to the original application proposals. He advised that a number of the buildings are listed on the site and others by association. Moreover, these buildings are on the Council's 'at risk' register due to their condition. The Conservation officer has outlined the statutory requirement imposed on Local Authorities in terms of listed buildings is to 'have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. In addition, proposals that may affect a heritage asset must be justified.

In terms of considering a scheme for demolition, conversion and rebuild, there is a two stage approach. The first is to evaluate what is there, looking at individual elements and to consider the historic significance of the whole. Retention of as much of the fabric is an important factor that helps confirm whether the scheme is an acceptable form of conversion. The second stage is to assess, once any demolition is justified, if the replacement building works are appropriate to the building and its setting. This would be informed through a Heritage Statement.

The Conservation Officer's original advice raised concern that the Heritage Statement fails to consider the individual buildings and their internal fabric to a level of detail that would be expected. This information needs to be provided along with a statement of significance in relation to the whole of the historic structure. The Conservation Officer then gave an overview of each of the buildings in turn and outlines areas of concern. These include the loss of part of a listed building to provide vehicular access, further justification for subdivision of buildings, loss of fabric, removal and introduction of new staircases and ceilings; and the need to agree phasing of the development to ensure that the scenario is avoided whereby only the new buildings are provided extracting the value from the site with no works to the listed buildings. There were no real concerns in respect of the new build other than to ensure that the materials and any means of enclosing the front garden areas is appropriate.

Following the receipt of those comments, a number of site and office meetings were held with the relevant officers and applicant, agent and historic consultant. This resulted in further justification being submitted to support the proposals particularly in relation to the subdivision of the listed buildings, removal of stairs, loss of part of a listed building, layouts and additional information in respect of fabric.

The applicant also agreed that phasing is required and suggested 3 phases of development - this would involve a mix of conversion and new build in each phase.

The Conservation Officer has assessed the amendments to the proposals and confirmed that the applicant has addressed the issues satisfactorily. A list of conditions has also been forwarded which will be attached to any consent.

**Landscape Officer:**

I note that the prime objective of the proposal is the conservation and re-use of the traditional mill buildings, and this is supported by additional new build within the site, the footprint of which will in most be placed over the current spread of 20th century buildings, that are to be demolished.

From a landscape perspective, the site is characterised by rectilinear blocks of built form, with a tightly defined setting. The new build proposal lays within that setting, and appears to be of a scale and form that complements the existing mill complex, consequently I have no landscape issue to raise with the extent of the general building proposal, nor its potential impact upon its surrounds. Parking and circulation areas do not appear overly dominant, and the parking areas are in most part visually contained, so again there is no problematic issue with that element of the layout. Being building conservation lead, I will leave Greg and Adron to comment on the suitability of the materials chosen for the new build; surfacing, and bounding elements.

I note that a tree report is submitted, which states the contextual merits of the bounding vegetation, part of which is external to the site. Whilst this might lay outside the site, the need for root protection is noted, to ensure this external vegetation - particularly the tree species - is conserved, and I welcome that consideration, similarly the intent to manage the site's internal west boundary vegetation. No landscape scheme is yet submitted, though I note an indication of new and retained planting on the site proposal plans, and the statement within the tree report that the landscape plan will indicate routine management. I agree that a clear management proposal relating to the existing vegetation will be necessary, and that this should be combined with a planting proposal for the site, which utilises native species where relating to the existing boundary and stream corridors, yet can incorporate non-native specimens within the site and domestic areas.

Should you be minded to approve this application, then please condition the need for a landscape and vegetation management plan to be submitted for approval before any on-site works commence. If consent is gained, then it would be worthwhile my having a dialogue with the agent/applicant, to discuss suitable species, and placement, for whilst I appreciate that the proposed tree planting indicated on the site layout plan is in most part illustrative, it is a tree layout that can be enhanced to the benefit of the site design.

**County Education:**

The County Education Officer has been consulted but no response has been received. An email has been sent to clarify the County's position on this matter. An oral update will be given regarding any comments received.

**Environment Agency (Summary):**

The EA originally advised that the Flood Risk Assessment (FRA) submitted as part of the application is being assessed by their consultants. They are not able to offer a 'no objection' to the scheme until they are satisfied that the FRA is fit for purpose. A full response will be given once this process has been completed.

The case officer has been informed that there has been a number of discussions between the EA and the applicant's consultant. The case officer has sought an updated position with regard to the flood modelling works. It is expected that a satisfactory outcome will be reached. An oral update will be given to members.

**Ecologist:**

Original response (Nov 2013):

The Council's Ecologist noted the findings of the Protected Species Survey submitted with the application which made it clear that there is potential for legally protected species (particularly bats) to be detrimentally affected by the proposals. However, the Ecologist required further survey work in order for a more detailed assessment of the use by protected species, potential impacts and mitigation measures. This information must be submitted prior to the determination of the application. The Ecologist outlined the further work required in respect of bats, badgers, reptiles and amphibians.

Following the above advice, the applicant had to wait until May/June in order to undertake further site survey works. Updated surveys were undertaken in June 2014 and a Protected Species Report submitted. A further survey is to be undertaken in July to satisfy any future Natural England licence application.

The Ecologist now advises that sufficient information has been provided to inform the planning application. The surveys recorded slow worms on site and a condition is recommended in respect of mitigation measures to avoid or minimise harm. A badger sett is recorded on site



although not considered to be a main breeding sett. A condition is recommended to retain and protect the sett. A small number of bats were recorded and a condition will be imposed in respect of bat mitigation. The Ecologist also advises that as there would be loss of bat roosts, an assessment has to be made against the 3 Habitats Regulation tests. Permission should only be granted if all 3 tests are satisfied. The tests are as follows:

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'

Officer comment:

Following the submission of the update surveys and imposition of appropriate conditions, it is considered that all 3 tests can be satisfied. There is a clear social and economic benefit of the scheme, there is no satisfactory alternative and as per the advice of the Ecologist, favourable conservation status is likely to be maintained due to the presence of only low numbers of non-breeding bats and the securing of appropriate mitigation by condition.

**Somerset Wildlife Trust: (summary)**

Supports the original comments of the Council's Ecologist in respect of the need for further survey work to be undertaken. They support the provision of bat and bird boxes. They have advised that any external lighting should be carefully controlled to minimise light pollution.

**Natural England: (Summary)**

No objection. Advised that the development is not likely to result in significant impacts on statutory designated sites, landscapes or species. Moreover, standing advice applies on protected species. Also state that the development may provide opportunities for biodiversity enhancements such as bird and bat boxes.

**Community, Health and Leisure:**

A total level of £175,850.24 has been sought for local and strategic facilities.

The details and amount for each facility is as follows:

Local Facilities:

Equipped Play Space (contribution towards enhancing the existing equipped play area at Happy Valley, Crewkerne) - £12,903.27

Youth Facilities - (enhancing the existing youth facilities provision at Happy Valley) - £2,533.61

Playing Pitches (contribution towards enhancing the provision of playing pitches in Crewkerne) - £17,277.05

Changing Rooms (contribution towards enhancing the provision of changing rooms in Crewkerne) - £35,077.79

Community Halls Urban (contribution towards enhancing existing community hall in Crewkerne) - £22,635.81

Commuted sums for the above facilities totals £23,539.79.

**Strategic Facilities:**

Theatre and Art Centres (Octagon Theatre) - £13,629.89

Artificial Grass Pitches (contribution towards the provision of a new 3G AGP in Crewkerne) - £3,500.78

Swimming Pools (District Wide) (contribution towards the provision of a new centrally based district wide competition swimming pool) - £16,101.13

Indoor Tennis Centres (contribution towards the provision of a new centrally based district wide indoor tennis centre) - £10,319.88

Sports Halls (Community) (contribution towards the enhancement of sports hall provision in Crewkerne (SH7) or towards a centrally based 8 court district wide competition sports hall) - £16,590.14

**Housing Development Officer:**

Strategic Housing have requested 35% of the development to be affordable housing as stated in the Saved SSLP (2006) Policy HG7.

The Strategic Housing Market Assessment, 2009 (SHMA) says two thirds of this 35% should be (67%) social rented and one third (33%) other intermediate solutions including shared ownership.

We would expect 20 affordable dwellings on this site - 13 - social rent and 7 other intermediate solutions. There needs to be some dialogue as to the required affordable housing property mix based on the current need for Chard. I would expect the affordable units to be pepper potted throughout the site. I would suggest that the units are developed to blend in with the proposed house styles and would prefer the 1 beds to either be houses or to have the appearance of houses.

**Wessex Water:**

Confirmed that the local water supply network has adequate capacity to serve the proposed development. Points of connection onto the system will need to be agreed with Wessex Water and advised a condition to ensure a suitable surface and foul water strategy is implemented.

**County Archaeologist:**

Viney Bridge Mills is a virtually complete Victorian mill complex intrinsically associated with the Crewkerne textile industry and the industrialisation of the South West. Many of the buildings are of architectural and historical significance, with several retaining a number of important architectural features, elements of which will be lost or fragmented as a result of the proposed development.

In order to fully understand the relationship between the various buildings and ensure that the heritage significance of the complex is fully understood, I recommend that the applicant be required to carry out a programme of archaeological investigations, to include detailed building recording and intrusive investigations, and produce a report on the results in accordance with the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

**Somerset Industrial Archaeological Society (summary)**

Supportive of the application but would wish to see a condition that requires detailed building recording of all of the buildings on site along with archaeological investigation. The proposals provide a sympathetic conversion of an important set of industrial buildings.

**Police Architectural Liaison Officer:**

I am really concerned with the rear access to parking and living accommodation accessed from Shute lake lane! This area has little in the way of any lighting allowing easy escape routes back into the Kit Hill area or south along Mill Lane. The access to the properties at this point are of a narrow corridor type with numerous stairs and corners offering hiding places. Considering that the majority of Domestic Dwelling burglaries are committed through the rear of properties this design allows for this type of crime to flourish. I would object to this part of the development design.

**Environmental Health:**

The historical reports made fascinating reading. The application rightly suspects pollution may be present from the various former uses. Any residential use is classed as sensitive. The various uses that are of particular uses include dye and bleach areas, gas retort (where the oil store is located), power generation and engineering /maintenance including the smithy. The North Light factory has an asbestos roof, and there is scope for asbestos products in various parts of the building from any retrofitting of plant over the years.

Conditions are recommended to deal with site investigation, any relevant remediation, and a scheme to report any signs of pollution during construction. In addition, a condition to appropriately deal with asbestos.

**County Rights of Way:**

No objection to the application. Advised about the health and safety of users of the footpath that abuts the site during construction works.

**REPRESENTATIONS**

4 letters/emails have been received raising the following objections:

- Highway safety and increase in traffic along South Street
- Number of accidents along South Street
- Safety concerns regarding new access from Weavers Close
- Increase in use of Weavers Close junction with South Street
- Will need to be at least 100 car parking spaces
- Concern about more parking along South Street
- Cars will be parked on the pavements causing pedestrian safety issues.
- 2m high boundary fencing adjacent to our bank - need access for maintenance.
- This part of South Street have been flooded and impassable in recent years.
- Any restrictions on the commercial units.
- Social housing requirements
- Privacy for Weavers Close residents, particularly No's 1+2 given close proximity to buildings.

The owner of the adjacent Old Textile Mill has written in to support the scheme. Acknowledge the access problems and ask that the construction of the bridge to be a required condition prior to the commencement of the development. This would ensure that development traffic does not conflict with existing traffic/parking at the adjacent business.

**Amended plans:**

2 letters/emails have been received in response to the amended plans retaining concern about the access into Weavers Close and will use of Shute Lake Lane make it a through road.

Will the management company maintain the river bank as residents have been undertaking this task?

Additional impact on Weavers Close with the increase in traffic.  
Safety and access issues during construction.

A signed petition has also been received from 12 residents of Weavers Close asking for consideration to be given to the privacy of residents, concern that the entrance into the site from Weavers Close is not safe, conflict with reversing out of the allocated parking spaces and road users within Weavers Close, concern about the use of the boiler room/chimney area being used as a recreational area, clarification sought on possible commercial uses within the site and raise viability issues.

## **CONSIDERATIONS**

This important former mill site dates back over 200 years and played an important part in the town's industrial past. The importance of the older buildings, located to the northern end of the site, are recognised nationally with their listed status. It is therefore important that the currently redundant historic buildings are brought back into a positive use, preserving their character, to ensure that they continue to make a valuable contribution to the town. The historic buildings are also on the Council's 'at risk' register due to their condition and therefore, it is becoming increasingly important to find an appropriate re-use for the buildings.

### **Highways**

Vehicular access to the site will be provided via a new access from Weavers Close to the east of the site and from Shute Lake Lane, which is an existing access, to the west of the site. The Weavers Close access will require the construction of a bridge across the stream that runs along the eastern side of the site. If the road is adopted, the details of the construction of the bridge will need to be agreed with the Highway Authority. If required, an Agreement in Principle will be obtained from the Highway Authority.

The Highway Authority have objected to the scheme due to their concern about securing relevant frontage onto Weaver Close in order to achieve the necessary visibility splays. The applicant has confirmed the areas of ownership at the proposed access point into the site from Weavers Close. This includes land up to the road in Weavers Close but excluding the car parking spaces. Given that there are no parking spaces to the south of the proposed access, the applicant would have full control over the land required to provide the necessary visibility splay. In previously discussing this aspect with the Highway Authority, no objection is raised.

In terms of the visibility looking to the north, the revised plans shows that a vehicle emerging from the site would have a visibility splay of 70 metres - this visibility would be outside of the existing residents parking spaces. In addition, the proposal also includes giving priority to those vehicles into and out of the site from Weavers Close. This has been proposed to reduce waiting time for cars emerging from the site to reduce the impact of car headlights shining in the direction of houses in Weavers Close. A plan was submitted by the applicant to show that due to the slope of the road over the bridge, car headlights would be shining down into the road rather than direct into windows. The revised plans have been sent to the Highway Authority and formal comments are awaited. An oral update will be given to members at committee.

No objection is raised by the Highway Authority to the use of the existing access from Weavers Close onto South Street.

In terms of parking, the scheme will provide 73 spaces, 6 spaces less than the optimum figure recommended in the adopted car parking standards. Whilst the number of spaces is under the number sought by the Highway Authority, given the restricted nature of the site, the viability of the overall scheme and its reasonable access to services and facilities in the town, it is not

considered that the relative small under provision of parking spaces warrants refusal of the scheme.

The Highway Authority raised a concern about the size of some of the turning heads within the site in order to accommodate refuse vehicles. Whilst it is accepted that some of those turning heads fall short of the highway requirements, the agent has stated that such vehicles can access the site and at worst would be within 25 metres of a refuse point. Given the restricted nature of the site and that a significant part of the scheme cannot be altered due to the existing arrangement of listed buildings, it has to be accepted that a scheme such as this is not going to be able to meet all of the technical standards. Some compromise is required in order for the scheme to be delivered. It is not considered that this issue is so adverse or severe to warrant refusal.

In terms of retaining some form of limited access direct from the existing access point onto South Street, whilst it offers poor visibility, it has been the historical access into the site. It is not considered that occasional use when required would result in severe highway impact. Therefore, it is not proposed to require the access to be permanently closed to vehicular traffic rather controlled vehicular use via bollards.

### **Conservation**

This is an important historical site within Crewkerne containing a range of listed buildings that housed and supported the towns industrial past. The listed buildings are on the Council's 'at risk' register due to their poor condition and it is therefore important that appropriate new uses are found for the buildings.

The reuse of listed buildings often presents challenges, particularly when a different use is proposed from that purpose for which the building was originally built. The conversion of these buildings has produced some challenges but as a result of a number of discussions between the Council and applicant, it is considered that a satisfactory conversion scheme has now been submitted that would preserve the character and appearance of the buildings. In addition, the new build element will complement the listed buildings by the use of appropriate layout, design and materials. More detailed assessment is given in the accompanying listed building application.

### **Residential Amenity**

It is considered that the scheme has been designed to ensure that no adverse harm to neighbouring amenity would occur. The closest residential properties to the proposed development are No's 1+ 2 Weavers Close located on the western side of the road. These 2 existing properties would mostly be affected by direct overlooking into their private rear gardens. It is therefore proposed that the lower sections of the 3 closest first floor windows in the 'Spinning Mill' building will be obscured glazed to address the direct overlooking issue. None of the other Weaver Close properties will have any direct overlooking into rear gardens as they front the application site. A distance of at least 20 metres exists from the rear wall of the buildings in the appeal site to the fronts of No's 3-19 Weavers Close. This is considered to be an acceptable distance. Accordingly, it is not considered that the scheme would cause any adverse impact in respect of harmful overlooking.

In terms of noise and general disturbance, a condition shall be imposed on any consent to seek a construction management plan in order to keep to a minimum disturbance to residents during construction. In terms of the impact of additional residential traffic, the scheme would clearly result in an increase use made of Weavers Close. It isn't however the only form of vehicular access to the site and therefore this will reduce the level of traffic using Weavers Close. Whilst residents would clearly notice an increase in the level of traffic, many properties face direct onto busier roads without causing harm to residential amenity. Accordingly, it is not considered

that this increase would cause significant harm in terms of traffic noise to warrant refusal.

### **Flooding**

The application was supported by a Flood Risk Assessment which has been assessed by the Environment Agency (EA). Whilst the site is located in Flood Zone 1, which means that the site is suitable for residential use, the EA advised that further modelling work is required before they are able to reach their conclusion and recommendation. The EA have requested that the Flood Risk Consultant reruns the model with the 1 in 140 year rainfall event that caused flooding in 2008. It is understood that a storm caused flooding in the vicinity of the application site in 2008 although not of the site itself.

The FRA proposes several mitigation measures including recommended floor levels and that the new bridge to cross Viney Stream does not impeded the flow capacity of the stream. The case officer has been advised that the latest model has been sent to the EA consultants for their assessment and their recommendation should be received shortly. No recommendation has been received before writing this report and therefore an oral update will be given to members.

### **Ecology**

The Council's Ecologist originally raised an objection due to the lack of an up to-date and robust ecological survey. Further survey work was undertaken in June 2014 which confirmed the existence on the site of a number of protected species, including bats, badgers and reptiles. Whilst further survey work is required in order to satisfy the requirements to obtain a licence from Natural England, the ecologist was satisfied that sufficient information has now been submitted to enable an assessment to be made of the development proposal and its impact on ecology. The ecologist does not raise any objection subject to the imposition of conditions in relation to mitigation and protection of habitat. As outlined previously in this report, it is considered that the 3 Habitats Regulations are satisfactorily met. The appropriate licenses will also need to be obtained from natural England.

### **Viability**

During pre-application discussions, the applicant sought to establish the level of planning obligations that would be sought by the Council. The agent was advising that the scheme would be very tight financially and that it would not be able to provide any significant level of planning obligations. Prior to the submission of the planning application, the applicant commissioned a viability report and this was assessed by the District Valuer.

The District Valuer agreed with the developer's viability assessment stating that 'there is very little or no scope for on-site affordable housing to be viably provided'. However, the District Valuer has concluded that there is scope for a modest S106 financial contribution in the region of £100,000'. The applicant has submitted a draft legal agreement to provide this sum. Subject to approval of the application, the case officer will discuss with members and Heads of Service how the available money would be spent.

### **Homes and Community Agency**

The applicant has been in detailed discussion with the Homes and Community Agency with regard to securing funding for this project. The applicant is confident that funding will be secured having successfully obtained funding for a similar renovation and conversion scheme at Oakhill Brewery, Somerset. Due to imminent funding deadlines, the applicant is seeking a decision from the Council prior to the submission of a grant application to the HCA.

## **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

The District Valuer assessed the viability of the scheme and concluded that the scheme would only be able to provide £100,000 towards obligations. This report has outlined the amount of obligations sought by Education, Sport and Leisure and Housing. Subject to approval of the scheme, the case officer in agreement with members and Heads of Service, will determine how to spend the £100,000.

The application be approved subject to the prior completion of a Section 106 Planning obligation (in a form acceptable to the Council's solicitor before the decision notice granting planning permission is issued, to secure the £100,000 as outlined above.

## **RECOMMENDATION**

Grant Permission.

01. The proposed development by reason of its design, layout and appropriate reuse of listed buildings will preserve the character and appearance of the listed and historic buildings on site and the Conservation Area, would not adversely harm the amenity of adjoining residents and will secure the long term use of important redundant listed and historic buildings. Suitable mitigation will be provided for ecological interests, employment space will be provided and suitable provision shall be made for vehicle parking. The scheme is therefore in accord with saved policies ST3, ST6, ST6, ST10, EC8, EH1, EH2, EH3, EH4, and EH5 of the South Somerset Local Plan and the Core planning Principles and Chapters 6,7 and 12 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. No development shall take place until a scheme for the phasing of development on the site has been submitted to and agreed in writing by the Local Planning Authority. Once agreed, the phasing shall not be changed without the written consent of the Local Planning Authority.

Reason: To ensure that the listed buildings are repaired and converted as part of the construction of the new build dwellings.

03. No development shall take place until the applicant, or their agents or successors in title, has implemented a programme of recording of any historic buildings to be demolished in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a copy of all recording to be deposited with the Somerset Record Office within 12 months of the demolition of the last building.

Reason: To ensure that adequate recording of buildings to be demolished has taken place.

04. There shall be no internal works to building 1, the Bucking House, until further plans and justification are submitted and approved by the Local Planning Authority.

Reason: To protect the character and appearance of the building to accord with saved Policy EH3 of the South Somerset Local Plan.

05. No work shall be carried out to each building, as numbered in the Heritage statement, and in relation to the new build, unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

Reason: In the interests of the special architectural and historic interests of the listed buildings to accord with saved policy EH3 of the South Somerset Local Plan and policy in the NPPF.

06. No work shall be carried out to each building, as numbered in the Heritage statement, and in relation to the new build unless full details of the boundary walls, including the materials, coursing, bonding and coping; mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing and supported with a sample panel to be provided at a time to be agreed in writing. Note: on sloping sites, the top of the wall should run with the slope of the land and not be stepped.

Reason: In the interests of the special architectural and historic interests of the listed buildings to accord with saved policy EH3 of the South Somerset Local Plan and policy in the NPPF.

07. No work shall be carried out to each building, including the bridge, as numbered in the Heritage statement, and in relation to the new build, until details of the new natural stonework/brickwork walls, including the materials, coursing, bonding; mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing and supported with a sample panel to be provided at a time to be agreed. in writing.

Reason: in the interests of the special architectural and historic interests of the listed building

08. No work shall be carried out to each building, as numbered in the Heritage statement, and in relation to the new build unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5 Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan (Adopted April 2006).

09. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

Reason: The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.



10. The area(s) of rebuilding shall be restricted to that defined on the approved plan(s) and shall not be enlarged without the prior express grant of planning permission. In the event that completion strictly in accordance with such approved plans shall become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when consent has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.

Reason: To protect the character and appearance of the Listed buildings to accord with saved policy EH3 of the South Somerset Local Plan and the policy of the NPPF.

11. No work shall be carried out to each building, as numbered in the Heritage statement, and in relation to the new build, unless details of the roof lights have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: in the interests of the special architectural and historic interests of the listed building to accord with saved policy EH3 of the South Somerset Local Plan.

12. All electrical, gas and telephone services to the development shall be run underground. All service intakes to the dwelling(s) shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form.

Reason: In order to ensure that the development accords with the character of the area in accordance with saved Policy ST6 (EH1/EH5) of the South Somerset Local Plan as adopted 2006.

13. The development hereby permitted shall not be commenced until a scheme for the maintenance of the communal open space shown on the submitted plan has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented fully on the completion of that proportion of the total development specified in the scheme and the open space area shall thereafter be retained and maintained in complete accordance with the scheme.

Reason: To protect the setting of the listed buildings and Conservation Area to accord with saved policies EH1 and EH5 of the South Somerset Local Plan.

14. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include protection of features to be retained (such as the retting pond); proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; refuse or other storage units, signs, street lighting etc, proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

Reason: To protect the setting of the listed buildings and Conservation Area to accord with saved policy EH1 and EH5 of the South Somerset Local Plan.

15. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan or method statement detailing measures to avoid harm to reptiles, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended), and for the conservation of a 'priority species' in accordance with NPPF.

16. The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, a badger mitigation plan detailing measures for minimising disturbance and harm to badgers and enabling badgers continued access within their territory as appropriate for their welfare, and details of barrier fencing to minimise conflict between badgers and householders. The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

17. The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a bat mitigation plan and method statement. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, 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 of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

18. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work involving detailed building recording and intrusive archaeological investigations in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the local planning authority.

Reason; To ensure that any archaeology found on site is properly recorded to accord with the NPPF.

19. No development shall take place a site investigation report carried out by a competent person to include a desk study, site walkover, and the production of a 'conceptual site model' (CSM) has been submitted to the Local Planning Authority. The CSM will need to consider risks to human health and the environment.

Reason: In the interests of environmental health to accord with the NPPF.

20. An 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 shall be submitted to the Local Planning Authority. The report should refine and revise the CSM created in condition 1 (above) and include a detailed quantitative human health and environmental risk assessment. The report should state whether the site is 'fit for purpose' or whether remediation will be required. If the report suggests remediation is required, a remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved must be submitted. 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 as being remediated and fit for purpose.

Reason: In the interests of environmental health to accord with the NPPF.

21. 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 shall be submitted to and approved in writing by the Local Planning Authority. 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: In the interests of environmental health to accord with the NPPF.

22. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or even actual remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority. The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site and if the Local Planning Authority considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the submitted details.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

23. The development hereby permitted shall not begin until a scheme to deal with the management and/or safe disposal of asbestos and asbestos containing materials has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route, unless the Local Planning Authority dispenses with any such requirement specifically in writing.

Reason: To protect the health of site workers and future occupiers of the site, in accordance with Local Planning Policy.

24. No development shall commence on site until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. Such a plan shall include details of construction work hours, construction delivery hours, the routing of construction vehicles to and from the site, the location of the constructor's compound both for the parking of construction and contractor's vehicles and storage of materials,

and the methods/practices for minimising the level of dirt and mud being brought onto the public highway and a scheme to ensure the local roads are cleaned on a regular basis.

Reason: To protect the amenity of local residents during construction and to ensure the local highway network is maintained in safe and clean condition.

25. The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing numbers:2012/COXLEY/02/01B, 01.1C, 01.2C, 02C, 02A, 10C, 11C, 12A,17A,19 B, 20C, 21A, 22C, 24A, 25B, CON13A, CON14 .

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

26. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity of the area to accord with saved Policy ST5 of the South Somerset Local Plan.

27. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be 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 that the scheme is properly drained to accord with the NPPF.

#### **Informatives:**

01. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged. However, the information required for the Natural England licence application will often also be suitable for submission to the Council when applying for discharge of the relevant condition.
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