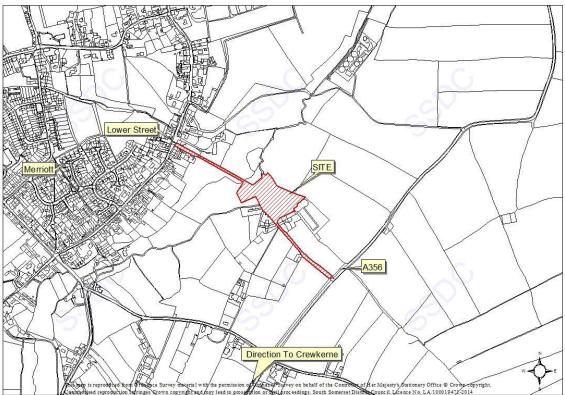
Officer Report On Planning Application: 14/04200/FUL

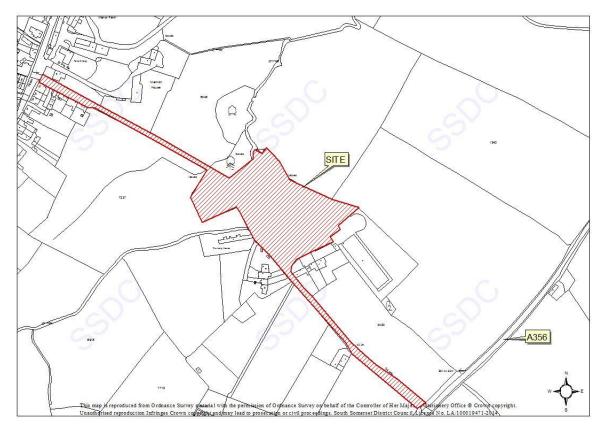
Proposal:	Alterations and conversion of redundant mill site to residential to include 23 No. converted to residential units and 22 No. new build dwellings (total 45 No. residential units), demolition of factory buildings including portions of listed buildings and altered vehicular access to Tail Mill Lane. (GR 344893/112385)
Site Address:	Tail Mill Tail Mill Lane Merriott
Parish:	Merriott
EGGWOOD Ward	Cllr P Maxwell
(SSDC Member)	
Recommending	Linda Hayden Tel: 01935 462534
Case Officer:	Email: linda.hayden@southsomerset.gov.uk
Target date:	17th December 2014
Applicant:	Zero C Holdings Limited
Agent:	James Armitage Architects Great Bow Wharf, Bow Street, Langport,
(no agent if blank)	Somerset, TA10 9PN
Application Type:	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly outof-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing. Accordingly, the application is referred to Committee to enable the justification for the development to be considered in light of the site specific issues.

LOCATION





The Tail Mill complex comprises a range of former industrial buildings that sit to the west of Merriott. The site dates from the early 13th century when it was used as a corn and grist mill and has undergone various changes of use from sailcloth manufacturing through to munitions and plastic mouldings. It is understood that the majority of the older surviving buildings and structures on the site were developed between 1820 and 1930. Modern additions were erected from 1930 onwards when the plastic mouldings factory was established. There is a mill pond at the centre of the site and the buildings on the site include an early to mid-nineteenth century textile Mill with internal engine and boiler houses, four long mid-nineteenth century warehouses, a mid-nineteenth century north light shed and a late nineteenth/early twentieth century engine house. A large section of the site is located within the designated Merriott Conservation Area and the original historic factory buildings are grade II listed. The site also falls within Flood Zones 2 and 3.

The site is accessed from Tail Mill Lane, a private road that links the A356 with the village. The well-used walker's route, the Parrett Trail, also runs along Tail Mill Lane into the village. The section of track from the site towards Lower Street is in extremely poor repair and is virtually inaccessible by car due to the poor state of the surface.

PROPOSAL

The application proposes the conversion, extension and part demolition of the existing industrial buildings into 23 residential units with the erection of a further 22 new build dwellings to the west of the site (2 no. 1 bedroom coach houses, 6 no. 2 bedroom houses, 18 no. 3 bedroom houses, 16 no. 4 bedroom houses and 3 no. 5 bedroom houses). The plans have been amended in order to address concerns raised by the Conservation Manager, English Heritage and other historic building groups. The site has a long planning history and there have been previous consents for residential conversion and new build properties none of which have been implemented. The commercial business that previously occupied the buildings (Merriott Plastics) has now left the site and relocated to Crewkerne. The buildings

are currently empty and many are now in a poor state of repair (they are included on the SSDC 'Listed Buildings at Risk' Register).

The application is accompanied by;

- Design and Access Statement
- Flood Risk Assessment
- Ecology Reports
- Heritage Statement
- Arboricultural Report
- Community Consultation Report
- Transport Assessment
- Geo-Environmental Investigation Report and Preliminary Remediation Strategy
- Statement on Economic Viability

An application for listed building consent has also been submitted (14/04201/LBC) and is considered on this agenda.

PLANNING HISTORY

The application site has a very complex planning history. The previous occupants, Merriott Mouldings Ltd, submitted an outline application in 1990 for the erection of 36 new dwellings and the conversion of the mill buildings into 43 units together with the erection of a replacement factory. The housing element of that scheme was intended to partially finance the relocation of the works into the new factory building. The siting of the new factory building and the conversion of some of the buildings was agreed in principle by the Council after a Committee site meeting in 1991.

A number of subsequent proposals were submitted between 1991 and 1993 that reduced and revised the housing layout and numbers. In 1992 the Council produced a Development Brief for the site, which set out clear development guidelines for both the new factory building, and the residential development.

In 1993 the Council resolved to grant permission for the erection of 30 dwellings, the conversion of existing buildings into 21 dwellings and the erection of a new factory subject to the completion of a detailed Section 106 Agreement, which included the occupation of the factory, highway improvements, traffic calming measures, landscaping and reclamation and management of the pond. Negotiations commenced on that Agreement but they were never completed and the application was subsequently withdrawn.

In March 2000 the historic core of buildings on the site was included on the Statutory List of Buildings of Special Architectural and Historic Interest. The list description concludes by saying the following:

"Tail Mill is a highly significant site in the history of the Somerset sailcloth industry, dating from the early 19th century. It is an evolved integrated textile factory, retaining characteristic structures from all periods of its development, including ancillary structures used for secondary and finishing processes. These, together with its mid-19th century weaving shed, and the very clear evidence of both water and steam power provision from an unusually complete and coherent survival, which despite 20th century alterations clearly demonstrates the major phases of development of a significant branch of the textile industry of South West England."

In 2007 planning permission and listed building consent were granted (02/01696/FUL and

02/01698/LBC) for the demolition of ancillary buildings, conversion of former mill buildings to 33 residential units; the erection of 10 new dwellings, improved junction arrangements onto A356 and the erection of a new employment building. This was subject to a s106 agreement that required:-

- the factory to be built prior to the occupation of any dwelling
- new junction at junction of Tail Mill/A356
- improvements to condition of Tail Mill Lane
- upgrading of southern end of Tail Mill to accommodate HGV's
- scheme to include measures to prevent HGV's accessing factory from the Merriott side
- creation of a footpath alongside Tail Mill Lane

A further application and listed building consent (07/02775/FUL and 07/02799/LBC) were approved in 2008 which allowed for the conversion of the existing factory buildings and the erection of new dwellings to form 52 units together with alterations/improvements to access road, junction and other associated works. The planning permission was subject to a supplemental agreement in association with the previous s106 that was signed in connection with the early permissions (02/01696/FUL and 02/01698/LBC).

POLICIES

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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

South Somerset Local Plan

- Policy ST3: Control over development in the countryside
- Policy ST4: Conversion of buildings
- Policy ST5: Quality of development
- Policy ST6: Landscape and Architectural Design
- Policy ST7: Outdoor play space
- Policy ST10: Planning Obligations
- Policy EC3: Landscape Protection
- Policy EC8: Protected species
- Policy EH1: Conservation Areas
- Policy EH2: Demolition of Buildings in Conservation Areas
- Policy EH3: Listed Buildings
- Policy EH4: Demolition of Listed Buildings
- Policy EH5: Development proposals affecting setting of Listed Buildings
- Policy EH12: Archaeology
- Policy EP5: Contaminated land
- Policy EU4: Water Supply
- Policy EU6: Watercourse protection
- Policy HG4: Density
- Policy CR2: Open space provision
- Policy CR3: Off Site provision
- Policy CR9: Rights of way

National Planning Policy Framework: Chapters:

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design

- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

Conservation Areas and Listed Buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66: LPA shall have special regard to the desirability of preserving listed buildings or keeping any features of special architectural or historic interest

Section 72: The LPA shall pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area

CONSULTATIONS

Merriott Parish Council:

- There has been a lack of consultation with residents. A meeting was arranged but not well published within the village.
- Issues for Highways on the site access and egress for contractors and later for residents. Tail Mill Lane is an unadopted road classified as a bridle way. The residents wish for it to remain as such and for a bollard to be placed after the last house to limit traffic. Traffic should be diverted away from the village core.
- This is a prestigious development that will have impact on the village services, school and amenities and should therefore be favourable considered for Section 106. The Village Plan clearly states the need for any development to have the financial infrastructure to support it.
- The Village Plan also states that there is a need for low cost and social housing in the village. There is none within this 45 house development when much smaller sites are required to make such provision. This needs to be addressed.
- What provision is being made for the Parrett Trail which crosses this site?

In principle the development/planning is supported BUT the issues above need to addressed.

Highway Authority:

The County Highway Authority advises that they have been heavily involved in the previous approvals for redevelopment at the site. They make comments under the following headings:

Primary Access (A356)

The County Highway Authority notes that the existing access onto the A356 is substandard in terms of width and vehicular visibility but appreciate that the existing access serves the existing industrial complex and a number of dwellings. Whilst a new right hand turn lane is no longer proposed the County Highway Authority feel that the proposed improvements to the access are acceptable given that the proposed traffic flows are under the threshold requiring the provision of a right-hand turn lane.

They note that the proposal will provide improvements to visibility which are commensurate with the requirements of a 50mph road as advised in the Design Manual for Road and Bridges. They recommend a condition to ensure that the visibility splay is kept free of obstruction.

Private access road - the County Highway Authority are concerned about the limited number

of passing bays along the access road and the lack of clarity with regard to turning for refuse vehicles but do not recommend refusal on this basis, these matters can be dealt with through the course of the works.

The applicant will be required to enter into a Section 278 agreement with regard to proposed highways works that will also require information relating to the 'Deed of Title'.

Secondary Access (Lower Street)

Advise that the County mapping system indicates that there is a large section of highway verge which provides suitable vehicular visibility when emerging onto Lower Street.

They note that there is potential for the access to be utilised by the proposed residential development but they consider that the majority of trips would access the A356 access.

The County Highway Authority further note that the site has had previous approval for a large number of residential units that also utilised this access and when weighing up the previous approvals and the existing use of the site, on balance, the use of the Lower Street access is considered acceptable.

Transport Assessment (TA)

In terms of the TA, the CHA concludes that, based on National Guidance, the TA has sufficiently demonstrated that a right-hand turn lane at the A356 access is not necessary and there is no reason to recommend refusal of the application on traffic impact grounds.

Rights of Way - Tail Mill Lane

The County Highway Authority note that the development affects two public footpaths (CH 19/2 and CH 19/31) and the route is also the route of the regionally promoted 'River Parrett Trail'. They advise that the applicants will need to demonstrate that they have vehicular rights over the existing public footpath along Tail Mill Lane and any proposed alterations will need to be discussed with the Rights of Way Officer.

Proposed footway along Tail Mill Lane - It is proposed to improve access to the south by way of a proposed footway. The County Highway Authority advises that some form of agreement will be needed to cover this work and to seek contributions towards its future maintenance. It will also be necessary to divert the existing footpath onto the proposed footway.

The County Highway Authority note there is no footway proposed for the access to the north although some widening works, road humps and signage are proposed. They consider that the risks posed to pedestrians by the current development have to be considered in light of the historic vehicular use of the lane. It would be the preference of the County Highway Authority that there is no private vehicular access for new residents from the north given that no footway is provided and they request that the applicant consider preventing vehicular access from the north to any purchasers of the proposed properties; a lockable bollard would be required to enforce such a restriction. The County Highway Authority recognise however that private rights may exist and such restrictions may not be an option, in that case mitigation measures would be required.

The County Highway Authority note that the vehicular use of the Lane is the main reason for its degradation and the applicant will need to ensure future maintenance of the surface through conditions of sale/conveyance or formation of a Management Company.

The County Highway Authority recognise that the construction phase of the development will have a significant impact upon users of the footpaths and therefore require that the new footway be completed ahead of the main construction work. In addition, all construction traffic

should come and go via the southern access.

Parking Provision

The County Highway Authority note that there is shortfall in the provision of parking but given the distance to the publicly adopted highway they do not consider that the shortfall would detrimentally impact upon the surrounding highway network.

Internal Site Layout

The County Highway Authority advises that the internal layout of the site will be subject to the Advance Payments Code (APC) but some areas may be exempt.

They provide advice about the internal visibility splays and gradients that would be appropriate and note that careful consideration needs to be given to the accessibility of the site for refuse and emergency vehicles. It will also be necessary to consult with the County Highway Authority regarding surface water drainage/traffic calming; any proposals for adoption; and damage to carriageway.

Travel Plan

It is noted that most of the local facilities and amenities are within walking or cycling distance but the bus service is poor. The submitted Travel Plan Statement (TPS) is not considered acceptable at the current time but a new statement should be required by condition or s106.

The County Highway Authority conclude that they raise no objection to the proposed development subject to conditions relating to; provision of footway; parking areas to be kept clear; details of estate roads and associated highway infrastructure; provision of footpath/drive for each dwelling; network of cycleway and footpath connections; Travel Plan Statement; right of discharge for surface water; and Construction Environmental Management Plan (CEMP); protection of visibility.

Conservation Manager:

Had concerns about the original plans with regard to missing elements in Heritage Statement; over-domestication as a result of the proposed conversion of some of the historic buildings; and the need for better detailing of fenestration details. Further comments regarding the amended plans will be reported at the meeting.

Landscape Officer:

No landscape objection to the principle of the works providing a correct measure of landscape mitigation and management is conditioned. Concerned about the scale of the residential units on the western edge, defers to Conservation Manager's view as to how this issue is resolved.

English Heritage:

Had similar concerns as the Conservation Manager about the original plans, further comments regarding the amended plans will be reported at the meeting.

Senior Historic Environment Officer (SCC):

Recommends use of model condition requiring implementation of a programme of archaeological work.

Somerset Industrial Archaeological Society:

In response to original plans:

Generally fully support the applications which proposed sympathetic conversions of most of the buildings but ask that careful consideration be given to; future maintenance of chimney base to be incorporated in communal area; finding a suitable home of the hydraulic accumulator; archaeological investigation and recording; and careful monitoring or work.

Environment Agency:

Have no objection to the proposed development subject to conditions and informatives with regard to; scheme for flood conveyance under Tail Mill Lane; floor levels; flood resilience; surface water drainage; contamination; and Construction Environmental Management Plan.

Community, Health and Leisure:

Advises that the proposal would generate the requirement for an overall contribution of $\pounds 231,313$ ($\pounds 5,140$ per dwelling) to include contributions to both local and strategic facilities.

Council's Ecologist:

Providing limitations on lighting can be secured and subject to conditions has no objection as the mitigation strategy proposes; a purpose built 'bat house' of approx. 36m2; incorporation of bat roosting features in the conversions and new build properties; and a phasing plan to ensure bats aren't left without somewhere suitable to roost. The Ecologist advises that as the development will result in the destruction of bat roosts an assessment against the three Habitats Regulations tests will be required (considered under Ecology heading in 'Considerations').

Natural England:

Refer to their standing advice.

Housing:

Advise that 16 of the 45 units should be affordable units (11 social rent and 5 shared ownership).

Environmental Protection Unit:

Recommends the imposition of conditions with regard to contamination on the site.

Principal Engineer:

As the flooding issues at the site are quite complex defers to the EA.

Wessex Water:

Advise that:

- the site will be served by separate systems of drainage constructed to current adoptable standards
- close consultation will be required with their engineers to ensure a robust foul drainage strategy is agreed
- there should be no surface water connections to the public foul sewer system they may

adopt elements of the surface water system in line with relevant legislation

• There is current adequate capacity within the existing water supply to serve the proposed development

Climate Change Officer:

Comments that photovoltaic arrays can be incorporated into such schemes. Suggests that this site would be ideal for a district wood heat installation.

REPRESENTATIONS

Three letters of objection have been received in response to the original plans, the comments are:

- The proposed additional traffic and construction traffic is too much for the lane to take and measures need to be in place to minimise the impact.
- The first section of Tail Mill is an unadopted private lane and the actual description of the lane is in debate. It forms part of the historical Parrett Trail.
- According to deeds the lane at the junction with Lower Street is owned by the residential properties in the vicinity.
- Entrance to Tail Mill is narrow and only big enough for one car to pass; this is not suitable for 2-way traffic. This could cause a danger to pedestrians including school children.
- Residents in Tail Mill park outside their homes which further narrows the available road width
- Propose that the lane be made a no through road for vehicles with a bollard installed after No. 6 Tail Mill; access should be allowed for people on foot and horse only. Alternatively, the road should be made one-way with width restrictors to stop use by large vehicles.
- No construction traffic should use the Lower Street entrance.

Any further comments regarding the amended plans will be reported at the meeting.

CONSIDERATIONS

Principle:

The impacts and benefits of the scheme are considered in light of the existing Local Plan, the NPPF and the emerging Local Plan. Particular reference should be made to NPPF Paragraph 14 where its states that where the development plan relevant policies are out of date, there should be a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the site is relatively well related to the existing settlement and the site can be considered as 'brownfield' and suitable for redevelopment. Although the site is outside a defined development area, it is considered that the principle of the residential development of this site is acceptable due to its close relationship with the village of Merriott which benefits from a number of services (e.g. primary school, convenience stores and post office). It is therefore considered that the proposal represents sustainable development.

It is also important to consider the future of these important listed buildings; the conversion of the listed buildings into residential use is felt to be the only realistic future use for the buildings. The relocation of the business (leaving the buildings empty) and has meant that the buildings are now in a poor state of repair and their condition is worsening. The erection of new dwellings is required as enabling development to provide sufficient funds to restore and convert these important listed.

Impact upon the Listed Building/Conservation Area:

The site is made up of a complex of older historic buildings along with new modern additions. The Mill to the south-east of the site is a very important building that is both architecturally and historically significant. The proposals were subject to detailed pre-application advice and discussion and further meetings have been held with the applicant, English Heritage and the Conservation Manager which has led to the submission of the amended plans.

The proposals will require the removal of some sections of the main listed building notably the north-light building. Detailed discussions have taken place with the applicant with regard to the retention of part of this structure as it is considered to be a very important part of the history of the site. It has also been recognised that due to the design (notably the depth of the building) the conversion to residential use is not straightforward. As such, a compromise has been agreed whereby parts of the structure will be retained but there will also be a significant new build element of modern design to reflect the industrial character of this part of the site. This also applies to the Mill warehouse where additions are proposed at the rear to provide light to the deep interior. Otherwise, the main listed structures on the site are to be carefully converted with all important features retained and where possible enhanced. There are proposals for new openings but the amended plans have ensured that the buildings will not be overly domesticated and retain their industrial character. Overall, it is considered that the proposal has been subject to very thorough consideration and an acceptable scheme for the conversion of the buildings has been the result.

In terms of the proposed new housing, this will mainly be in the form of a courtyard with a mix of detached and terraced dwellings; 3 new dwellings are also proposed to the east of the main site. The properties are to be constructed in natural hamstone rubble and render with ashlar dressings and slate roofs. It is felt that the proposed arrangement will both respect the setting of the adjacent listed complex as well as accord with the local character in the vicinity. It is considered that the three new dwellings in the main body of the site are of an appropriately simple design and will respect the character of the surrounding listed buildings. The proposals are therefore considered to represent an enhancement of the conservation area as they will ensure an appropriate redevelopment of this redundant site.

Highway Safety:

The County Highway Authority has carried out a thorough assessment of the proposal and is content that the application is acceptable in terms of its impact upon highway safety. Whilst it is no longer intended to provide a right hand turn lane from the A356 (as was required under previous approvals), the proposal is significantly different from previous proposals in that the factory has relocated and the commercial uses on the site have ceased. As such, the traffic generated by the current proposal is significantly less than that with previous approvals on the site. The proposal does include improvements to visibility at the access with the A356 and this is considered to be a benefit; the existing substandard access was/is used for both commercial traffic and occupiers of the existing residential properties along the lane.

In terms of the Lane itself this will be upgraded by the developer as it is clearly in need of repair, the County Highway Authority also consider this to be a benefit providing appropriate arrangements are put in place to secure future maintenance. This will include maintenance of the proposed traffic calming measures that will be installed along the Lower Street end of the Lane to reduce traffic speeds and protect users of the Lane. Local residents have raised issues about ownership of the Lane and the right of the applicant to gain access over the Lane at the Lower Street end. As yet, no evidence has been submitted to dispute the applicant's assertion that they have access over the entire lane. It is clear that the industrial site has been in existence for hundreds of years at the site and has derived access from both

Lower Street and the A356, in the circumstances, with the improvements to the Lane that will result from the redevelopment of the site it is not considered that the proposal could be refused on the basis of the right of access unless it can be proven that the applicant does not have such access rights.

Overall, the proposals are considered to be acceptable in terms of the potential impacts upon highway safety and have to viewed in light of previous permissions and the existing commercial use that could be exploited on the site.

Economic Viability

In the current economic climate, the issue of economic viability has become an increasingly important issue when assessing planning proposals. This is particularly true when assessing this proposal, in particular in relation to seeking planning obligations and the requirement to provide affordable housing. The government have made it clear in the NPPF that whilst planning obligations should be sought in order to make development acceptable and to mitigate for the impact of a development, local planning authorities should take account of changes in market conditions and, where appropriate, be flexible to prevent planned development being stalled.

In respect of this proposal, a viability report has been undertaken and submitted. The report concluded that the cost of delivering the scheme, in particular infrastructure and conversion costs are such that no planning obligations or affordable housing could be afforded. The Council instructed the District Valuer (DV) to assess the submitted viability report and to advise on the viability case put forward by the applicant. The DV has concluded that due to the extraordinary costs involved in converting listed property on the subject site this scheme was always accepted as being marginal in viability terms. The DV's analysis of the financing scheme and the inclusion of the s106 sports, arts and leisure contributions would result in a financial unviable scheme. The DV therefore concludes that the inclusion of s106 obligations, including affordable housing, will operate to increase scheme deficit and thereby further compromise financial viability.

Therefore, in light of the DV's advice it is not considered that it is possible to require any affordable housing or s106 contributions from this scheme. Whilst this is disappointing, it has to be recognised that it is very important to find a suitable re-use for these important listed buildings which are currently deteriorating.

Ecology:

The Ecologist advises that:

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

- 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'
- 'there is no satisfactory alternative'
- 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'.

See appendix 1 for Natural England guidance on tests 1 and 2. I note sections 5.29-5.32 of the bat survey report include comments in this respect.

In respect of test 3, I conclude that favourable conservation status is likely to be maintained. The mitigation measures detailed in section 5 of the 'Bat Survey and Mitigation Strategy' (Ecological Planning & Research Ltd, December 2014) are consistent with Natural England advice on mitigation (Bat Mitigation Guidelines, English Nature, 2004). Conditions will be used to secure the mitigation and compensation measures and the necessary limitations on lighting.

Appendix 1: Natural England Guidance (WML-G24, 2010) on Habitats Regulations tests:

22. When considering 'imperative reasons of overriding public interest, including those of a social and economic nature' Natural England will take into account whether the activities/ developments are required to meet or provide a contribution to meeting a specific need such as:

the requirement to maintain the nation's health, safety, education, environment (sustainable development, green energy, green transport);

complying with planning policies and guidance at a national, regional and local level;

requirements for economic or social development (Nationally Significant Infrastructure Projects, employment, regeneration, mineral extraction, housing, pipelines, .etc.).

26. It should be recognised that there are always going to be alternatives to a proposal and, in terms of licensing decisions, it is for Natural England to determine that a reasonable level of effort has been expended in the search for alternative means of achieving the development whilst minimising the impact on the EPS. In other words, Natural England expects the applicant to demonstrate that alternatives have been considered, explain what those alternatives were, and provide a justification for their decisions to select their preferred option and discount the others as satisfactory. As part of the process we always require the applicant to have considered the 'do nothing' scenario.

29. Natural England also expects the applicant to demonstrate that they have taken reasonable steps to minimise the impacts of a development on EPS. These steps or measures might include (for example) alternative timing of actions, development designs and layouts, and sites.

27. A proportionate approach is adopted in considering the feasibility of alternative solutions relative to the degree of likely impact. The greater the impact of the proposal on the species, the more evidence Natural England would expect to see from the applicant in order to be able to satisfy itself that there is no satisfactory alternative to the one being proposed.'

In the case of the first and second tests, it is considered that the ecological impact has to be weighed against the need to find a suitable reuse for these buildings. Appropriate mitigation is proposed to deal with the protected species on the site and as such the proposal is considered to accord with the relevant tests.

Flooding Issues:

The Environment Agency is satisfied that provided appropriate conditions are imposed, the development would not be at risk from flooding or create flooding issues elsewhere. Furthermore the issue of contaminated land is to be addressed through relevant conditions.

Neighbour Amenity:

It is considered that the proposed dwellings will not have a significant impact upon the amenity of neighbouring properties. The new dwellings are some distance from other properties whilst the conversions of the existing buildings have to be viewed in light of the existing commercial use that could be exploited on the site.

Other Matters

The Parish Council have raised issues regarding the consultation undertaken by the applicants. The application documents advise that a question and answer session was undertaken on the 23 July 2014 with 22 residents in attendance. The developer advises that further meetings have been held with residents who could not attend the July meeting.

Summary

This site has a lengthy history of permissions for conversions and new building dwellings which unfortunately have never been implemented. The relocation of the business from the site has left the buildings to deteriorate and whilst it is possible to secure appropriate maintenance it is also important to find a suitable re-use for the buildings. It is felt that the proposed scheme will provide a suitable residential re-use that respects the character of the existing industrial complex whilst recognising that some demolition will be required to facilitate the re-use and ensure that the units will be of saleable quality. The proposed new dwellings are considered to be well designed and will make an appropriate contribution to the conservation area.

The proposal has been thoroughly considered by the County Highway Authority and found to be acceptable in terms of its impact upon highway safety. The Environment Agency has considered the flooding and contaminated land issues and found the proposal to be acceptable. Furthermore, the proposal is considered to be acceptable in terms of the impacts upon local ecology.

RECOMMENDATION

Approve

01. The proposed conversions and residential development by reason of their 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 highway safety or the amenity of adjoining residents. The application has satisfactorily dealt with the flooding issues at the site. Furthermore the proposal will secure the re-use of important redundant listed and historic buildings. Suitable mitigation will be provided for ecological interests. The scheme is therefore in accord with saved policies ST3, ST4, ST5, ST6, ST10, EC3, EC8, EH1, EH2, EH3, EH4, EH5, EP5, EU4, EU6, HG4, CR2, CR3 and CR9 of the South Somerset Local Plan 2006 and the Core planning Principles and Chapters 4, 6, 7, 10, 11 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. The development hereby permitted shall be carried out in accordance with the approved plans as detailed on the Document Issue Register 007 received 16 December 2014 and Drawing No.'s 001 and 002 from LvW Highways dated 08.08.2014.

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

03. No dwelling shall be occupied unless those buildings that are not identified for retention have been wholly removed from the site, in accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and safeguard amenity and to accord with policies ST5 and ST6 of the South Somerset Local Plan 2006.

04. No development approved by this permission shall be commenced until a detailed scheme for improved flood conveyance under the Tail Mill Lane (to the north west of the development site) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The proposals for the development on the western side of the site depend on this to reduce flood levels in the vicinity and ensure the development is safe.

05. Floor levels shall be set at least 300mm above the relevant 1 in 100 year including climate change flood level, as given in Table 4.2 of the Flood Risk Assessment from SLR Consulting Limited dated December 2007, reference 405.01592.00002.

Reason: To protect the development from flooding in accordance with Chapter 10 of the NPPF.

06. No development approved by this permission shall be commenced until a scheme for flood resilience in the design and construction of the development has been submitted to and approved in writing by the Local Planning Authority. (The detailed scheme must include flood resilience in the construction of buildings and the design of site contours/landscaping. For example, the flood flow path through the development site and drainage channel/cut-off trench along the western perimeter proposed in section 5.3 of the SLR FRA.)

Reason: To reduce the impact of any flooding on the development in accordance with Chapter 10 of the NPPF.

07. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, including pollution prevention measures, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall utilise Sustainable Drainage Principles and shall not result in an increase in the rate &/or volume of surface water discharge to the local land drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water management and to prevent pollution of the local water environment in accordance with Chapter 10 of the NPPF.

08. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason: To prevent pollution of controlled waters in accordance with Chapter 10 of the NPPF.

09. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment in accordance with Chapter 10 of the NPPF.

10. No work shall be carried out on site 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 building and conservation area in accordance with Policies EH1, EH3 and EH5 of the South Somerset Local Plan 2006.

11. No work shall be carried out on site unless full details the new natural stonework 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; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details,

and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In the interests of the special architectural and historic interests of the listed building and conservation area in accordance with Policies EH1, EH3 and EH5 of the South Somerset Local Plan 2006.

12. No work shall be carried out on site 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: In the interests of the special architectural and historic interests of the listed building and conservation area in accordance with Policies EH1, EH3 and EH5 of the South Somerset Local Plan 2006.

13. No work shall be carried out on site unless design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and conservation area in accordance with Policies EH1, EH3 and EH5 of the South Somerset Local Plan 2006.

14. The areas of rebuilding and demolition shall be restricted to that defined on the approved plans and shall not be enlarged without the prior express grant of Listed Building Consent. 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: In the interests of the special architectural and historic interests of the listed buildings and conservation area in accordance with Policies EH1, EH3 and EH5 of the South Somerset Local Plan 2006.

15. No work shall be carried out on site 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 buildings and conservation area in accordance with Policies EH1, EH3 and EH5 of the South Somerset Local Plan 2006.

16. No work shall be carried out on site unless details of the lintels to all new openings, including those in any new build, and the treatment the surrounds of the window (sills and reveal depths) and doorway openings have been submitted to and approved in writing by the Local Planning Authority. 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 buildings and conservation area in accordance with Policies EH1, EH3 and EH5 of the South Somerset Local Plan 2006.

17. No works are to be undertaken to any structural fabric/timbers until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.

Reason: In the interests of the special architectural and historic interests of the listed buildings and in accordance with policy EH3 of the South Somerset Local Plan 2006.

18. No work shall be carried out on site unless details of all new services to all bathrooms, kitchens etc., including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. 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 buildings and in accordance with policy EH3 of the South Somerset Local Plan 2006.

19. No works shall be carried out to the doors and windows of the existing listed buildings that are to be converted unless details of any repairs or refurbishment have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed buildings and conservation area in accordance with Policies EH1, EH3 and EH5 of the South Somerset Local Plan 2006.

20. All new external walls and alterations and making good to existing walls shall be constructed and carried out in matching natural materials (including the matching of pointing and coursing) samples of which shall have been submitted to and approved in writing by the Local Planning Authority before any of the development hereby permitted is commenced. 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 buildings and conservation area in accordance with Policies EH1, EH3 and EH5 of the South Somerset Local Plan 2006.

21. 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. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed buildings and conservation area in accordance with Policies EH1, EH3 and EH5 of the South Somerset Local Plan 2006.

22. No work shall be carried out on site unless details of the proposed insulation for the buildings to be converted have been submitted to and approved in writing by the Local Planning Authority. 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 buildings and conservation area in accordance with Policies EH1, EH3 and EH5 of the South Somerset Local Plan 2006.

23. All electrical 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 on the dwelling(s) 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. On (all) buildings satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of the buildings or to roofs. All soil and waste plumbing shall be run internally and shall not be visible on the exterior unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that the development accords with the character of the conservation area in accordance with Policy ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

24. Details of the surface treatment for all open areas on the site shall be submitted and approved in writing by the District Planning Authority before any development is commenced on site and the development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed buildings and conservation area in accordance with Policies EH1, EH3 and EH5 of the South Somerset Local Plan 2006.

25. 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. The scheme of landscaping shall include details of the protection of trees and hedgerows alongside the access road, details of additional planting alongside the access road and details of the treatments of all boundaries (internal and external).

Reason: In the interests of visual amenity and to accord with ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

26. No works shall commence unless a scheme for the management of the Mill Pond have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of clearance, restoration and planting together with an implementation programme. The development shall thereafter be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity and to accord with EH1, ST5 and ST6 of the South Somerset Local Plan 2006.

27. No dwelling shall be occupied unless provision has been made for waste and recycling collection, details of which shall have been submitted to and approved in writing by the Local Planning Authority. The provision shall be carried out fully in accordance with the approved details and permanently maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to accord with ST6 of the South Somerset Local Plan 2006.

28. No work shall commence on any new dwelling or conversion of existing buildings until the junction, access and footpath links have been carried out in accordance with a design and specification to be approved in writing by the Highway Authority and Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. (The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.)

Reason: In the interests of highway safety and in accordance with Policy ST5 of the South Somerset Local Plan (2006).

29. The area allocated for parking on the submitted plan and shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with Policy ST5 of the South Somerset Local Plan (2006).

30. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy ST5 of the South Somerset Local Plan (2006).

31. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied

shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety and in accordance with Policy ST5 of the South Somerset Local Plan (2006).

32. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy ST5 of the South Somerset Local Plan (2006).

33. Prior to the commencement of the development, a Travel Plan Statement is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan Statement 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: In the interests of highway safety and in accordance with Policy ST5 of the South Somerset Local Plan (2006).

34. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy ST5 of the South Somerset Local Plan (2006).

35. No development shall commence unless details of the proposed resurfacing and works to Tail Mill Lane (to include proposals for traffic calming and phasing of the works) have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan and phasing unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity in accordance with Policies ST5 and ST6 of the South Somerset Local Plan (2006).

- 36. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
 - Pollution prevention measures
 - Construction vehicle movements;
 - Construction operation hours;

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

Reason: In the interests of preventing pollution and to protect residential amenity and highway safety and in accordance with Policies ST5 and ST6 of the South Somerset Local Plan (2006) and Chapter 10 of the NPPF.

37. The development hereby permitted shall not be commenced until a scheme for the maintenance of Tail Mill Lane and any communal open space (including the historic chimney base and hydraulic accumulator) 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 Lane and the open space area shall thereafter be retained and maintained in complete accordance with the scheme.

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

38. The works hereby approved shall be implemented in accordance with the measures and timing detailed in section 5 of the 'Bat Survey and Mitigation Strategy' (Ecological Planning & Research Ltd, December 2014), 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.

Each phase of the development shall not be occupied until confirmation, by a Natural England licenced bat consultant, that compensatory bat roosting features have been provided in accordance with the Bat Mitigation Strategy and/or the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, has been submitted to and 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.

39. Prior to the commencement of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing to include:

Measures for the control of Himalayan Balsam on the site.

Management of vegetation in respect of compensation and enhancement provisions for bats.

The approved plan will be implemented in accordance with the approved details.

Reason: For the conservation and enhancement of biodiversity and bats in accordance with NPPF, and for the benefit of amenity.

40. 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 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 appropriate recording and protection of any archaeological assets on the site in accordance with Policy EH12 of the South Somerset Local Plan (2006).

41. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no garage/outbuilding shall be erected on the application site without the express grant of planning permission in respect thereof.

Reason: To safeguard the character and appearance of the area and to accord with ST5 and ST6 of the South Somerset Local Plan 2006.

42. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with our without modifications) no fences, gates or walls other than those agreed as part of the landscaping plan (Condition 24) shall be erected on the site without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the area and to accord with EH1, ST5 and ST6 of the South Somerset Local Plan.

43. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors and vents) shall be formed in the buildings without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the area and to accord with ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

44. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to any of the dwellings (including enlargement/extension of roofs) without the prior express grant of planning permission.

Reason: In the interests of neighbour and visual amenity and to accord with ST5 and ST6 of the South Somerset Local Plan 2006.

Informatives:

- 01. The applicant/developer is advised that the Local Planning Authority is prepared to deal with each building on a case by case basis when it comes to the discharge of relevant conditions.
- 02. The applicant/developer's attention is drawn to the County Highway Authority's letter of 7 January 2014 with regard to the need for a Section 278 Agreement and various issues to do with the PROW.
- 03. 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.

The guidance of an ecologist or 'ecological clerk of works' is likely to be necessary, including periodic attendance on site, in order to oversee sensitive operations, to ensure compliance with Bat Method Statements and Natural England Licence conditions and to ensure that the correct mitigation is being installed during construction. It may be appropriate to include ecologically sensitive operations and mitigation in any Construction Environmental Management Plan.

04. The applicant/developer's attention is drawn to the advice contained within the Environment Agency's letter of the 24 October 2014 that gives further explanation of their requirements in relation to the planning conditions.

05. The Ecologist has requested that the lighting across the site be minimised. Where required, low level bollard lighting will be installed (e.g. in parking areas and courtyards). There should be no direct illumination of:

- newly created bat roosting features within the new development buildings;
- the known commuting route between Buildings 14 and 11;
- vegetation around these new roosting features; and
- vegetation which links the roosting features to wider boundary habitat.