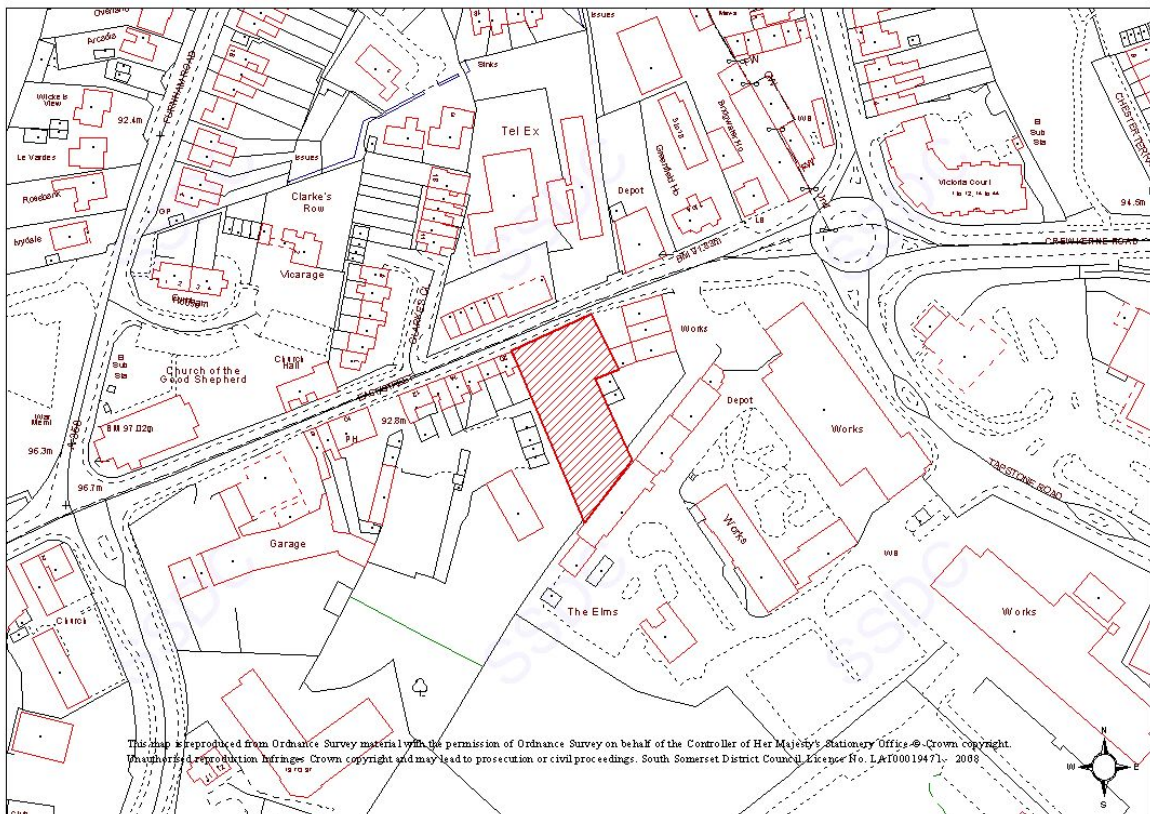


OFFICER: Andrew Gunn (01935) 462192 [Item 1]
APPL.NO: 08/01329/OUT APPLICATION TYPE: Outline Application
PARISH: Chard WARD: JOCELYN (CHARD)
DESCRIPTION: Demolition of existing building, formation of access and erection of 2 No two storey buildings housing 14 no flats. (revised application) GR (332718/108739)
LOCATION: The Flat Mill Building 22-24 East Street Chard Somerset TA20 1EP
APPLICANT: Messrs Brinkman & Lampey
AGENT: Mr A J Preston Greenslade Taylor Hunt 1 High Street Chard TA20 1QF
DATE ACCEPTED: 17 March 2008

REASON FOR REFERRAL TO COMMITTEE:

The Area Chairman, Cllr Kim Turner, has agreed to bring this application to committee at the request of the ward member, Cllr Dave Bulmer, to enable members to consider issues regarding viability, loss of employment land and premises in a prime location close to the centre of Chard, those raised by objectors and to consider the layout.

SITE DESCRIPTION AND PROPOSAL:



The Flat Mill building is located on the southern side of East Street, Chard, to the immediate east of no 20 East Street. The site is set within a mixed use area comprising residential and commercial uses, within easy walking distance of the town centre.

The site is currently occupied by a 3 storey stone building abutting East Street, attached 2 storey building and single storey extensions to the rear. The rest of the site comprises a stone surfaced yard mainly used for parking and storage. Vehicular access is currently gained from the east via East Street to the rear of the site and over third party land. The main building is currently occupied by GL Joinery and Kitchens who have occupied the site for 30 years and who now wish to relocate to new premises.

This application seeks outline permission for the removal of those existing buildings, the creation of a new access and erection of 2 separate buildings to provide 14 flats and

associated parking spaces. One of the new blocks will be located along the site frontage abutting East Street, creating 6 units, whilst an L-shaped second block will be located towards the rear of the site, providing for 8 units. The new access will be located from East Street through an archway within the new block along the site frontage. The submitted plan also shows a bin store, provision for cycle parking and shared garden area. The existing access point in the south east corner is shown as 'for emergency use only'.

The application has been supported with a Design and Access Statement along with a Commercial use and Development Viability Assessment and a Commercial Availability Study. These documents will be explored in more detail later in the considerations part of this report.

HISTORY:

07/04557/OUT - demolition of existing building, formation of access and erection of 2 two storey buildings comprising 14 flats (refused December 2007).

There are several applications dating back to the 1970's and 1980's in relation to the commercial use of the site.

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:

Regional Spatial Strategy:

VIS1
VIS2

Somerset and Exmoor National Park Joint Structure Plan

STR1 - Sustainable development.
STR4 - Development in Towns.
Policy 49 - Transport Requirements of new development

South Somerset Local Plan (Adopted April 2006)

ST5 - General Principles of Development
ST6 - Quality of Development
ST10 - Planning Obligations.
EP1 - Pollution and Noise
TP3 - Cycle Parking
TP7 - Parking provision
ME6 - Retention of Employment Land and Premises.
EC8 - Protected species
CR2 - Play space provision.

CONSULTATIONS:

Town Council:

Refuse. Loss of employment land, parking concerns - not enough spaces for 14 dwellings, concern that the emergency access should not become a 'short cut' and highways issues regarding access/egress.

Highway Authority:

As you will be aware there is a planning history on this site, and with the previous application there was no Highway Authority objection to the proposal. This application seems to be

largely the same as the previous submission, so I shall clarify the position of the Highway Authority at this time.

The site is within walking/cycle distance of the town centre to the west, at approximately 300m, and is close to the food store and bus stop to the east. It therefore complies with the advice of PPG13, and the accessibility criteria as set out in Annex A of RPG10. Given the location of the site therefore, it would be unreasonable to object to this proposal in principle.

It is proposed that the site will benefit from a new access onto the A30, a County Route within the route hierarchy. Whilst Policy 49 of the Structure Plan seeks to resist points of access directly from National Primary or County Routes this is unless there is an overriding need or benefit demonstrated. In this instance, the existing access has a visibility splay of 2.4m x 10m to the west where it meets the A30, and the visibility to the east is compromised when the bus stop is in use either by waiting pedestrians or vehicles. The access that is proposed as part of this development constitutes an improvement in terms of highway safety, and is therefore an overriding benefit to highway safety.

The visibility splays required for an access onto the A30 in this location, are a minimum of 2.4m x 45m in both directions, with no obstruction greater than 900mm above adjoining carriageway level. This is in accordance with the requirements of DMRB for the speed of passing traffic, and must therefore be provided and maintained at all times.

As the site falls within the maximum recommended walking distances as set out in RPG10 for the services and facilities within the town, the proposed level of parking provision at 1 space per dwelling is acceptable for the development. Within the site there is adequate space to park and turn vehicles and there is secure cycle storage provided. As such there is no objection to the scheme from the Highway Authority.

In the event that permission is granted for the development hereby proposed, I would recommend that the following conditions be attached to the consent:

The visibility splays shown on the submitted drawing 1528/02, (pedestrian and vehicular) shall be provided before the development hereby permitted is first occupied, and shall thereafter be maintained at all times with no obstruction to visibility greater than 900mm above adjoining road level.

Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority.

The access, parking and turning areas shall be consolidated and surfaced (not loose stone or gravel), details of which shall have been submitted to and approved in writing by the Local Planning Authority.

The existing access to the site shall be stopped up to vehicular traffic, and its use abandoned (except for emergency service vehicles) within one month of the new access hereby permitted first being brought into use.

The development hereby permitted shall not be occupied until a secure covered cycle facility has been provided within the site, in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority.

Note to applicant

The formation of the access hereby permitted will involve construction works within the existing highway limits. These works must be agreed with the Highway Service Manager (Somerset Highways, Houndstone Business Park, Yeovil). He will advise upon and issue the relevant licenses deemed necessary under the Highways Act 1980.

Economic Development:

The proposal is for the demolition of existing workshop/store building and the erection of 14 flats comprised in two 2-storey buildings. The site is well situated on the A30 in an area with both commercial and residential use in close proximity to Chard Town Centre. The Flat Mill is currently used as a joinery workshop.

There are two issues to consider:

Is there potential for the Old Wool Store to be either let in its present format or brought up to modern standards for letting

or

If the Old Wool Store is demolished, as proposed, what should be developed in its place?

From an economic development perspective:

No financial model has been presented showing non-viability of the site being brought up to modern standard for employment use.

There is no evidence of market testing the premises in their current format for rental or sale for manufacturing or warehousing usage.

If the site is to be redeveloped with the demolition of the Old Wool Store consideration should be given to the development of either a mixed-use site with employment opportunity for a minimum of 15 people or a live/work development.

In conclusion I do not oppose the demolition of the Old Wool Store, however, I do oppose the loss of an employment site, which is well situated and can meet the accommodation requirements of local businesses. In accepting a mixed use development, I am looking for a minimum of 15 jobs to be retained or created on this site. This approach supports the Council's corporate aim to 'increase economic vitality and prosperity'.

Further comments are awaited from Economic Development in response to the District Valuer's report.

Environmental Health:

Would have to recommend refusal on this one, the site although currently may not be very heavily used by the recovery company K P Sage, there remains a potential the yard in question could get busy, and the noise from heavy diesels running in this yard, works carried out on vehicles in this yard, could give rise to complaints from any future residents if the former mill is converted into residential properties. Hence noise and vibration could cause a problem.

Council Ecologist:

Recommends a bat and bird survey of this property before development commences and that a further survey is undertaken if development does not commence within 1 year of the first survey.

Council Engineer:

Car parking areas to be surfaced with permeable material eg 'formpave' blocks to ensure no additional surface water run-off. Details to be submitted for approval.

Senior Leisure and Facilities Officer:

Seeks contribution of £28,322 towards playing pitches and £10,768 towards off site strategic facilities.

Senior Play and Youth Facilities Officer:

Seeks a contribution of £16,100 towards outdoor equipped play and £2,079 towards youth facility provision.

County Archaeology:

No objections.

Somerset Industrial Archaeology Society:

I refer to the above application, which we became aware of through the Chard History Group and through your web site.

Somerset Industrial Archaeological Society is a non-statutory partnership organisation with an interest in the industrial history and archaeology of the County and which advises local authorities and English Heritage on a range of issues in relation to the County's industrial heritage. With respect to this particular site -

SIAS members have a long-standing interest in the textile industries of South Somerset. The society has researched mills on the River Isle and is shortly to publish a book on the flax and hemp industry.

We consider that the name Flat Mill may be a local corruption of the word 'flax' suggesting that flax dressing could have taken place here. The Wood map of 1840 shows a range of buildings adjoining to the west, evidence replicated on the tithe map. As the location is on the watershed the power source, for both flax and later woollen processing, is likely to be by horse engine.

Trade directories indicate a history of wool stapling here from at least 1866 to 1902 by Richard Chaffey. This business continued to as R. Chaffey & Co. until 1927, the last entry reading E.R. Chaffey & Co. A group photograph of the workforce at this date survives. The Chaffey family are also associated locally with Hornsbury Mill and a woollen factory near Thorncombe.

We note that a good case has been made that the buildings and site are unsuitable for future commercial or industrial use. However there does not appear to have been any consideration as to whether the buildings could be converted for residential use. It may well be that the same factors which make future commercial use difficult would preclude residential conversion. However we believe that for any application involving demolition of a building of historic interest there should be a presumption in favour of retention and conversion unless there are good reasons not to. In this case the issue does not seem to have been addressed. The main building is an interesting part of the street scene and represents evidence of an historically important local industry as described above.

Irrespective of whether demolition or conversion is allowed we believe it is important that the interior of the building is subjected to photographic recording and any surviving features surveyed before work takes place. This would be aimed at revealing the nature of the industrial operations, which took place during the 19th and 20th centuries. We would like to see this as a planning condition. A working party of SIAS members would be willing to undertake this.

In conclusion, therefore we would like to object to the application unless a case is made that the building is unsuitable for conversion. If and when permission is granted we would like to see a condition requiring recording before work takes place.

REPRESENTATIONS:

The application was advertised, a site notice displayed and neighbours notified. 4 letters have been received objecting to the application, 2 of those from the same writer. Solutions and amendments are also put forward by the same writer. The issues raised are:

- lack of parking spaces
- poor access/visibility raising concerns about potential accidents
- safety and security of adjacent commercial vehicle recovery business - an existing gate along the access road serving the business and application site is currently locked at night but is indicated to be used for emergency access,
- commercial business could be accessed via application site - need sufficient security fencing.
- proposed bin store located close to neighbour's bedroom window
- possible conflict between occupiers of new residential development and adjacent commercial yard.
- loss of privacy, light and security
- impact of development on retaining wall and chimney
- difficulty for refuse vehicles to access and turn within site
- loss of employment land
- over development of site.

CONSIDERATIONS:

The main considerations with regard to this outline application are the loss of an employment site, access, layout and relationship with adjacent commercial and residential properties.

Loss of employment land and buildings.

Members will note from the planning history outlined above that a previous identical application on the same site, submitted in 2007, was refused. The reason for refusal was due to the loss of employment land and buildings. Insufficient information was submitted with the previous application to justify the loss of employment land and buildings. This new application has been submitted with additional information in the form of a 'Commercial Use and Development Viability Assessment' and a 'Commercial Availability Study'.

The Commercial Availability Study, prepared by the planning agent, outlines currently available commercial premises in Chard. The survey was taken during January and February 2008 and is attached as appendix A. This provides a useful indication of the type of commercial premises available. However, for the purposes of assessing whether the loss of this site would have significant adverse effect on employment opportunities, the study is limited in that it only provides a list of available commercial premises during a certain snapshot in time. Moreover, it is not clear as to the period of time those premises have been available or indeed whether they are readily comparable to the application site. It may well be the case that there has been a fairly quick turn over of some of those premises listed and thus remaining sites are particularly important to retain, especially those in close proximity to the town centre or similar in scale.

Therefore, whilst the commercial availability study provides some useful information, of more importance is whether a sole commercial use or mixed use scheme would be economically viable on the application site. If the evidence was that employment use was not viable, then it is very unlikely that a developer would redevelop the site for employment use. On that basis, it would be difficult to sustain a planning argument that the loss of the site for employment purposes would result in a significant adverse effect on employment opportunities. In order to assess the viability issue, an independent viability assessment was undertaken and submitted as part of the application.

The Commercial Use and Development Viability Assessment is an independent report undertaken by Hatfield and White, chartered surveyors and is attached as appendix B. The

report outlines the buildings currently on the site, examines the condition of those buildings, the demand for employment use of the existing buildings and the demand for employment redevelopment uses. The conclusion of the report is that the current premises are unsuitable for the majority of commercial uses, other than at marginal rent, given the limitations of the main building, high renovation costs and poor access. Importantly, the report states that it is highly unlikely that redevelopment of the premises for employment use would be viable.

Notwithstanding the findings of the Hatfield White report, concern was raised from the Council's economic development officers that an employment site would be lost. Furthermore, the site could provide an opportunity for mixed use development. As a result of these concerns, and in order to confirm or otherwise the findings of the Hatfield White report, the Council commissioned the District Valuer (DV) to examine the application and the submitted reports. The conclusion of the DV was that he was in broad agreement with the Hatfield White report and submissions from the agent concluding that 'sole employment redevelopment or the incorporation of employment in a mixed use scheme, not to be economically viable'. The DV did state that there was a remote possibility of healthcare use on the site but as this would be 'dependent upon potential local demand and timescales, this may very well render this option either impossible or similarly uneconomic'. On this basis, it is not considered reasonable to raise an objection to the proposal on the grounds of loss of employment land and buildings.

In terms of layout, it is considered that a built form to the site frontage facing East Street is acceptable in design and layout terms. This would provide a strong frontage to the street scene in a prominent location on one of the main roads into the centre of Chard. It will also replace the loss of the existing building along the site frontage. In terms of the proposed building to the rear, it is considered that a building to the rear is acceptable but would need to be designed with care to ensure that there is no harmful overlooking to adjacent occupiers and to ensure best mitigation against commercial activities and possible noise/disturbance that may be created from adjoining premises. The use of appropriate boundary treatment can help reduce the impact of activity from adjacent commercial properties. This will also ensure that the adjacent businesses will have secure boundary treatment - a concern that has been raised by the owner of the adjacent breakdown yard.

In relation to the comments of the environmental health officer, the site is situated within a mixed use area with both residential and commercial premises. Furthermore, a new residential development has been approved and currently under construction opposite this site on East Street. In addition, it is understood that no complaints have been received about the activities of the adjacent business from existing residential occupiers. Moreover, the lack of a viable alternative use other than residential could well mean that the site is blighted. With appropriate boundary treatment, orientation and materials of the rear building, on balance, it is not considered that this development would result in future occupants being subject to unacceptable levels of noise.

The Highway Authority have raised no objections to the proposed new access and therefore, it is not considered reasonable to recommend refusal on the grounds of highway safety.

SECTION 106 PLANNING OBLIGATION:

Contributions will be sought in relation to equipped play areas, youth facilities, playing pitches and strategic facilities. The application does not meet the threshold for provision of affordable housing.

RECOMMENDATION:

Grant Consent.

JUSTIFICATION:

Notwithstanding the objections raised in relation to loss of employment land and buildings, impact on residential amenity, relationship with adjacent commercial premises and access,

the proposed development will not cause significant loss to employment opportunities, provides an acceptable means of access and would not cause unacceptable harm to residential amenity. It is in accordance with Policy ST5, ST6, CR2 , ST10 and ME6 of the South Somerset Local Plan 2006.

Application Permitted with Conditions

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

2. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3. The development hereby permitted shall not be commenced until 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.

Reason: To protect the character and appearance of the area in accordance with Policy ST6 of the South Somerset Local Plan 2006.

4. 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 windows/dormer windows other than those expressly authorised by this permission shall be constructed.

Reason: To protect residential amenity in accordance with Policy ST6 of the South Somerset Local Plan 2006.

5. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy ST6 of the South Somerset Local Plan 2006.

6. Before the development hereby approved is commenced, a sample panel of stonework/brickwork, shall be provided on site for inspection and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy ST6 of the South Somerset Local Plan 2006.

7. 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: To protect the character and appearance of the area in accordance with Policy ST6 of the South Somerset Local Plan 2006.

8. The developer shall afford access to the buildings before any demolition takes place to allow evidence of its industrial history to be recorded and following demolition to allow access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow him/her to observe the excavations and record items of interest and finds.

Reason: To allow a record of archaeological items of interest to be recorded and/or photographed and where appropriate to be safely removed from the site.

9. 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: In the interests of environmental health in accordance with Policy ST6 of the South Somerset Local Plan 2006.

10. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the building(s) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy ST6 of the South Somerset Local Plan 2006.

11. The visibility splays shown on the submitted drawing 1528/02, (pedestrian and vehicular) shall be provided before the development hereby permitted is first occupied, and shall thereafter be maintained at all times with no obstruction to visibility greater than 900mm above adjoining road level.

Reason: In the interests of highway safety.

12. Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

13. The access, parking and turning areas shall be consolidated and surfaced (not loose stone or gravel), details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

14. The existing access to the site shall be stopped up to vehicular traffic, and its use abandoned (except for emergency service vehicles) within one month of the new access hereby permitted first being brought into use.

Reason: In the interests of highway safety.

15. The development hereby permitted shall not be occupied until a secure covered cycle facility has been provided within the site, in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

16. The development hereby permitted shall not be commenced (including any demolition) until and bat and bird survey report has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall ascertain to a reasonable degree of certainty, the likelihood of presence and impact to bats and birds, or any other protected species that may be affected. The survey shall be undertaken by an appropriately qualified person (preferably a licensed bat consultant) at an appropriate time of year and using techniques and equipment appropriate to the circumstances.

In the event of the above survey(s) concluding any potential impact to bats or other protected species, or significant impact to birds, full details of a mitigation plan containing measures for the avoidance of harm, mitigation and compensation, shall be submitted to and approved in writing by the Local Planning Authority. The mitigation plan shall be based upon an up to date survey(s) (usually no older than 12 months). The approved mitigation plan shall be implemented in complete accordance with its contents, unless otherwise agreed in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan 2006.

17. If the development hereby approved does not commence within the period of one year from the date of the last survey pursuant to the condition above, and any corresponding approved mitigation plan, a further survey and mitigation plan, compliant with the condition above, shall be commissioned to ascertain any changes in bat and bird presence or impact, and submitted to the Local Planning Authority for prior written approval before work commences.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan 2006.

18. No development shall take place until a scheme for the provision of equipped play, playing pitches youth and strategic facilities has been submitted to and approved in writing by the local planning authority.

Reason: To provide sports and play facilities in accordance with Policy CR2 and ST10 of the South Somerset Local Plan 2006.

19. No development shall take place until a scheme detailing the boundary treatment of the whole site has been submitted to and approved in writing by the local planning authority.

Reason: To protect the residential amenity of and to provide security for adjacent occupiers in accordance with Policy ST6 of the South Somerset Local Plan 2006.

NOTES (if any)

1. The formation of the access hereby permitted will involve construction works within the existing highway limits. These works must be agreed with the Highway Service Manager (Somerset Highways, Yeovil). He will advise upon and issue the relevant licenses deemed necessary under the Highways Act 1980.