

Area West Committee – 16th July 2014

Officer Report on Planning Application: 14/01680/FUL

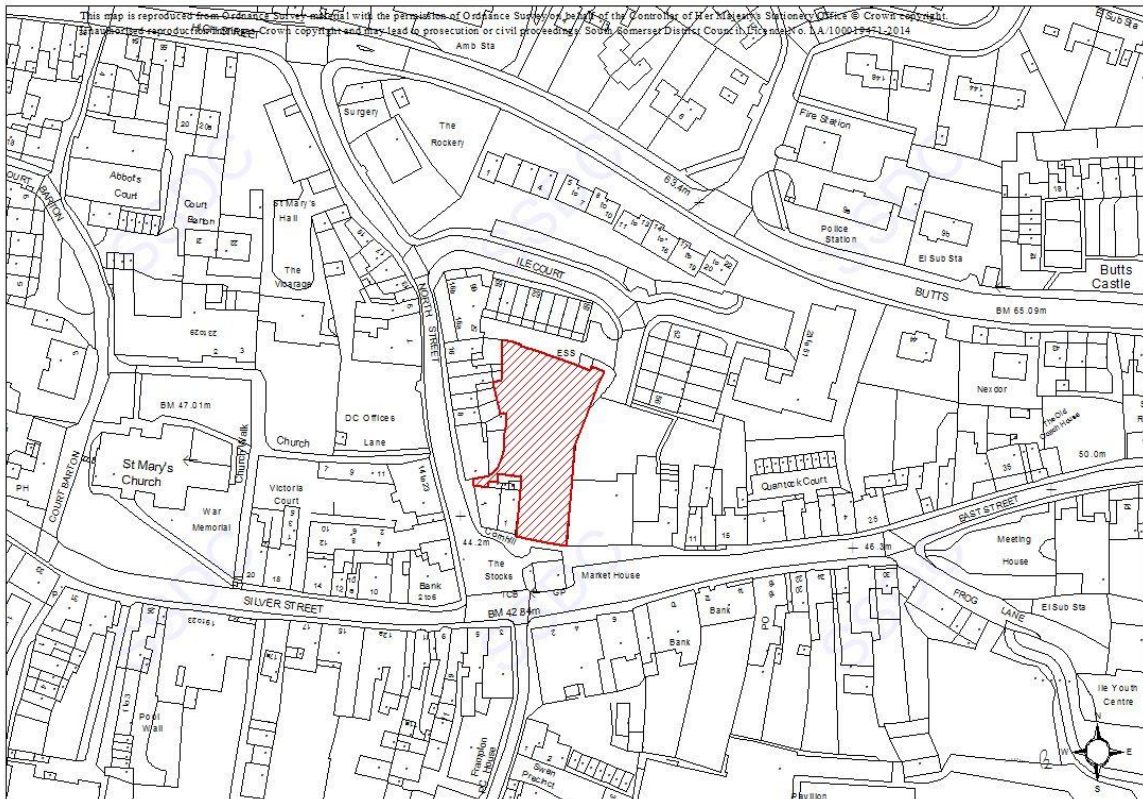
Proposal:	Proposed mixed use development of 14 residential units (10 houses, 4 flats) and 3 commercial units involving demolition of existing buildings, provision of underground parking area, change of use of 2 existing units from B1 to A1/A2 and retention of one B1 unit (Revised Application). (GR 336149/114593)
Site Address:	Gooch & House Go Ltd Cornhill Market Place East Street
Parish:	Ilminster
ILMINSTER TOWN Ward (SSDC Member)	Cllr C Goodall Cllr K T Turner
Recommending Case Officer:	Diana Watts Tel: (01935) 462483 Email: diana.watts@southsomerset.gov.uk
Target date:	11th July 2014
Applicant:	Mr Gareth Jones
Agent: (no agent if blank)	Mr Nigel Jones First Floor Motivo House, Bluebell Road, Yeovil, Somerset, BA20 2FG
Application Type:	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to the Area West Committee at the request of the Ward Members, with the agreement of the Chairman. This is to enable the issue of highway safety and the proposed use of the existing access onto Market Square to be fully discussed.

SITE DESCRIPTION AND PROPOSAL





The site is located in the centre of Iminster, on the northern side of East Street and to the east of North Street. It consists of a grade 2 listed 3 storey rough ham stone building facing the Market House and a number of buildings to the rear, including two brick buildings running north-south, a stone flat roofed building, a range of buildings further to the rear, including a 1960s pale yellow brick extension, a 20th century red brick flat roofed extension and a pre1887 3 storey red brick mill style building to the northern edge of the site. The site is located within the Conservation Area and adjoins a mix of commercial and residential properties. It was originally a shirt factory dating back to 18th century but Gooch and Housego, manufacturers of precision optical instruments, moved into the premises in 1947. They vacated the site in 2005 and the premises have been empty ever since.

The building to the front is specifically referred to in the listing description together with the buildings facing the courtyard, but all the buildings in the complex are listed by their attachment to the front building.

This application seeks planning permission for a mixed redevelopment of 14 residential units (10 houses, 4 flats) and 3 commercial units. Vehicular access would be gained through the existing archway to the front onto Cornhill, and an underground car park for 6 cars would be provided to the rear within the site. A pedestrian link with a gated access way onto North Street would be retained and a covered bicycle rack area (14 cycles) and communal bin store provided in the centre of the site. An associated listed building application 14/01681/LBC has also been submitted.

A change of use from B1 offices to Class A1/A2 (Shop/financial- professional services) is sought for the ground floor of the main 3 storey building facing Market House and the 1st and 2nd floors would be converted to 4 apartments (2x 2bed and 2x1 bed). The B1 (office) use would be retained in the building immediately to the rear, together with the electricity substation. The remainder of this building would be converted into a 2 bed house. The stone outbuilding to the west of this building would be converted into a 2 bed

house and a pitched tiled roof would be added. The building to the east would be converted into 2 houses. The 1960s pale yellow brick extension to the west and a 20th century red brick flat roofed extension to the east would be demolished to provide some private gardens, communal landscaping, and an internal courtyard. The newly exposed building to north-west would be converted to 3 houses and the Mill style building to the north would be converted into 3 houses.

It differs from the previously refused listed building application 13/01750/LBC and withdrawn planning application 13/0749/FUL in terms of the buildings to be demolished (East historic building no longer being demolished or part of west range opposite), the design detailing, reduced parking provision from 12 to 6, retaining greater distance between North Street and the new dwellings and no longer proposing contemporary designed new houses.

A Heritage Statement and a Design and Access Statement have been submitted to support and justify proposal:

- Heritage Statement concludes that the buildings tell an important story of a lost industry and that almost all traces of the former use of these buildings as a shirt and collar factory have been erased although the importance and significance of the story, as told by the buildings possibly pre-factory use and the subsequent overlying of the purpose built buildings, must be maintained and enhanced
- The proposed alterations and remodelling of the existing buildings retain important historic fabric and it is considered that the overall significance of the site will be retained and the public benefit of bringing the architecturally and historically important buildings back into use, both in terms of their individual value and their contribution towards the wider historic environment of Ilminster, will outweigh any perceived harm to the significance of these structures through conversion to alternative uses
- Site has been derelict for a long time and this will provide an opportunity to improve the surrounding area but also ensure that the historic fabric of the most significant buildings are restored and brought back into full use
- Listed buildings to remain to be restored in accordance with period dates, and internal works and fenestration works to be kept to a minimum
- Site's natural contours which rise heavily from south to north, create opportunity for underground car park
- Repairs in matching materials, existing roof tiles and damaged tiles replaced with reclaimed tile, aluminium or similar rainwater goods, painted timber windows with agricultural glass, painted timber doors
- Existing cobble stone detail in arch area to be restored
- Steps up to upper communal courtyard area with hard areas in stone paving, and soft areas laid to lawn with semi mature Italian Cypress trees
- Metal rail detail for unit 8, boundary walls in brick or 1.8m high closed fence panels; existing stone west boundary wall to be refurbished in matching materials
- Flat roof to existing two storey building to east to be finished with green roof system
- Employment retained on site through 3 commercial units
- Every effort will be made to improve energy efficiency of existing buildings without disturbing historic fabric

An Ecology report has been submitted which concludes that the buildings do not support any bat roosts but because potential roosting sites will be lost to the development, it recommends mitigation measures.

Supporting information concerning highway matters have been submitted in the form of 4

Technical Notes:

1. We have demonstrated beyond reasonable doubt using Highway Authority records that the site can be accessed directly from a public highway that is maintainable at public expense. Furthermore, the Highway Authority has a statutory duty to protect the right to use a public highway and must act against anyone who tries to prevent access and egress either on foot or in a vehicle travelling to and from the site. If they do not then the Highway Authority can be taken to court and fined a substantial sum.

We have considered matters relating to the access width, bus stop and taxi rank. It is accepted that the access is restricted and, as such, controls vehicle speed when accessing and egressing the site. The access could be put to a more intensive, legitimate use without alteration. Under these circumstances the Highway Authority has little choice but to accept the use and cannot lawfully deny access to the site. The access is clearly defined as carriageway and footway with dropped crossing.

Any obstruction would be an enforcement issue. The Highway Authority needs to consider whether or not to adjust, relocate or leave the bus stop and taxi rank as is.

Estimated vehicle movements proposed would be significantly below that of the legal use of the site (predicted at 87 movements during two peak hours in the day compared with proposed 28 movements).

2. The proposal would be well served by an array of diverse shopping facilities and opportunities that would be the envy of many, similar rural settlements. In sustainability terms, this is an excellent site for residential use.

The proposed development is well located in heart of the settlement, a close walk to shops, institutions and facilities (including leisure, education) providing everyday needs. For trips further afield to the County Town of Taunton and the Yeovil hub there are bus services to an impressive standard for a rural area including standard services, the Nippy services and the Superfast London service. These services can connect to the main line rail network.

3. Survey data photographs show a significant off-street spare capacity in Orchard Vale, Shudrick Lane and West Street car parks. The photographs were taken on a Tuesday at 2pm which is a standard survey day.

Proposal includes some parking provision but at a level that encourages sustainability and non-reliance on the private motor car.

Options for alternative access have been looked at but given legitimate existing access combined with reduced traffic movements, it is not necessary.

4. Large door to rear only there for moving in large machinery; no legal right to cross co-op car park, merely informal arrangement.

Previous approval showed access to the rear but applicant had been erroneously advised by Highway Authority that it was highway land up to the site but it subsequently transpired that there were no rights to cross this land.

Estimated vehicle movements by Gooch and Housego -approx. 28 people used town car parks and 13 parked on streets, up to 40 staff also worked Saturday mornings, with most driving to work, goods vehicles about 10 per day, also 1 or 2 deliveries per month and 1 or 2 visitors per day (estimated 82 movements excluding goods vehicles).

Proposed development would significantly reduce trips historically associated with site.

Gated system inside archway would allow vehicle to pull off public highway; internal manoeuvring has not been a problem and it would be unreasonable to assume it would be with much lower traffic flows.

The 3 main car parks surveyed above were revisited on a Friday 6.30pm, Sat 11 am, 1pm and 3pm and again photographs indicate that they are significantly under-utilised.

HISTORY

13/0749/FUL- Proposed mixed use development of 14 residential units (10 houses and 4 flats) and 3 commercial units involving demolition of existing buildings, provision of underground parking area, change of use of two units from B1 to A1/A2 and retention of one B1 unit - Withdrawn (issues raised regarding listed buildings, extent of demolition, overlooking, access and parking).

13/01750/LBC - Proposed mixed use development of 14 residential units (10 houses and 4 flats) and 3 commercial units involving demolition of existing buildings, provision of underground parking area, change of use of two units from B1 to A1/A2 and retention of one B1 unit - refused (The application failed to provide clear and convincing justification for the proposed demolition of the heritage asset, with contradictions between the Heritage Statement and the Design and Access Statement in terms of the historic significance of elements of the building. It failed to adequately inform the proposed alterations and replacement buildings, or to show that the optimum viable use is proposed. The proposed scheme, due to its form, layout, massing and detailing, would be inappropriate and unduly imposing on this historic and sensitive location).

07/05445/LBC - mixed use redevelopment of land/premises to form 14 no flats and ground floor commercial units – approved.

07/05443/FUL - mixed use redevelopment of land/premises to form 14 no flats and ground floor commercial units –approved.

07/03764/FUL- mixed use redevelopment of land/premises to form 18 no flats and ground floor commercial units - refused - (no affordable housing, insufficient analysis and evaluation to justify demolition and alterations to listed buildings in Conservation Area, and insufficient off street parking).

07/03768/LBC - mixed use redevelopment of land/premises to form 18 no flats and ground floor commercial units – withdrawn.

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.

South Somerset Local Plan (Adopted April 2006)

ST6 - Quality of Development
 ST5 - General Principles for Development
 ST10 - Planning Obligations
 EC3 - Landscape Character

EH1 Conservation Areas
 EH2 - Demolition of Buildings in Conservation Areas
 EH3 - Listed Buildings
 EH4 - Demolition of Listed Buildings
 EH5 - Setting of listed buildings
 EP1 - Pollution and Noise
 EP6 - Demolition and Construction sites
 ME6 - Retention of Land and Premises
 CR2 - Provision of Outdoor Playing Space and Amenity Space in New Development
 CR3 - Off site provision
 TP3 - Cycling

Policy related material considerations

National Planning Policy Framework - March 2012
 Chapter 2. Ensuring the vitality of Town Centres
 Chapter 4. Promoting Sustainable Transport
 Chapter 6. Delivering a Wide Choice of High Quality Homes
 Chapter 7. Requiring Good Design
 Chapter 12. Conserving and Enhancing Historic Environment. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Parking Strategy - Somerset County Council - March 2012.

CONSULTATIONS

Ilminster Town Council - Recommend approval.

Highway Authority - The original response was:

The access on to The Stocks is effectively on to a very short cul-de-sac and The Stocks emerges on to North Street where it is one way and where visibility is quite good. I don't see any highway safety issues with having traffic proceeding out of that access. There could be times when incoming vehicles meet emerging vehicles which has the potential to cause conflict on this classified un-numbered road. North Street is quite wide at this point, however and traffic waiting to enter while vehicles emerge would not cause a major obstruction on North Street. Levels of traffic are unlikely to be sufficiently high that occasional conflicting movements are going to cause serious congestion in Ilminster.

The level of use proposed from the previous consent is for 14 flats with some commercial. While no parking is particularly required for the commercial use since there is public parking nearby, the residential use will require parking up to 1 space per unit.

A further response was made in response to the concerns of the local residents:

I feel that this hinges on the increase in traffic movements. If there is no increase

compared with the permitted use for the site, regardless of what the traffic generation has been in recent years, we cannot raise an objection to the continued use of this access in this location. If there will be an increase then we would object because it's a sub-standard access. The access has functioned for years in this form without any reported difficulties so it is not possible to say that a lower or equivalent level of traffic will be any worse.

This is an historic access and traffic from it has emerged into the busy market square for all the time that the building has been there. If motorists park badly and cause an obstruction, it is an enforcement issue and not a planning matter. We have to assume that that parked vehicles will not obstruct accesses because that is against the law. It doesn't need double yellow lines to keep an access clear. The Police could be called if someone wanted to get out of the site and a vehicle was parked in the way. It wouldn't take long for people to realise that this could not be used as an informal parking space if the Police were called a couple of times.

We don't really have any internal layout on which to comment in any detail. They are relying on the decrease or no increase in traffic movements compared to the existing use to prove that it's sufficient. As Jacqui has already said, the comparison is with the theoretical traffic generation for the permitted use rather than the actual traffic generation because the old use could start in an invigorated form without any change in planning permission and trade up to the site's full potential.

The upshot is that the Highway Authority has considered the points you raise and the response remains the same. It is hard to raise an objection on highway grounds when there will be no rise in traffic generation.

Technical - no comments but previously said 'The use of 'green roof' technology and other sustainable drainage techniques is welcomed. Drainage details to be submitted for approval.'

English Heritage - the site is an important remnant of small scale locally significant manufacturing within a historic market town. We are pleased to see that this application proposes the retention of a greater extent of the historic buildings within the site, in particular the east range. Particular care will need to be taken regarding the retention of surviving internal features and spaces within these buildings, in order to maintain the spatial and fabric evidence that relates the buildings former use. It would appear that the current proposals due to the retention of a better range of the historic buildings maintain a better relationship with the wider conservation area by preserving the characteristic burgage plots. However we would reiterate our previous comments regarding the careful consideration of the appropriateness of scale and massing for such a tight backland site. These details should be discussed in detail and take on board the advice of the Council's Conservation Officer.

Somerset Industrial Archaeological Society - support the proposal - the revised scheme addresses the issues that we had with the previous version and we are now happy to fully support the application.

Conservation Officer - The proposal is much improved and more soundly based on the historic evaluation. I am happy with the principle of what is proposed in this form.

Internally the evaluation comments that many of the core buildings retain their historic sash windows cupboards and early plaster finishes. These should be retained but are not marked up on the drawings. This could be dealt with within by requiring a specification or/or method statement in this respect , but I note that the drawings

indicates that many of the windows are to be new window units in existing openings which runs counter to the evaluation. This matter needs some clarification from the applicant in relation to those detailed areas to be retained and unaltered (I would include the staircases in this).

In summary I am happy with the general direction of this proposal, but there are elements of detail in relation to historic fabric that need to be dealt with.

County Archaeologist - The heritage statement submitted by the applicant does not deal with the archaeological issues on the site in terms of the requirements in the NPPF. Although it uses the EUS (prepared by SCC) it does not describe the significance of any archaeological remains nor does it propose any further assessment. It states that there will be limited opportunities for archaeological investigation. This statement is incompatible with the policies within NPPF and is contrary to the NPPF guidance. This site has very high potential for remains relating to the earliest foundation of the town. Normally I would advise that a full archaeological evaluation take place prior to determination of this application, however in this case trial trenching would be compromised by the nature of the site. For this reason I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

"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."

Ecologist - no comments or recommendations to make.

Wessex Water - New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Non domestic supplies required for firefighting or commercial use will require assessment with network modelling subject to design requirements. We normally recommend use of storage tanks where network capacity is not available or where off site reinforcement is necessary to provide stated demand. In 2011, W.W became responsible for ownership and maintenance of thousands of kms of formerly private sewers and lateral drains (section 105a sewers) Applicant advised to survey and plot sewers for building regulation and planning purposes, and to contact sewer protection team at early stage if suspected a section 105a sewer affected.

Climate Change Officer - It is pleasing to see within the Design and Access Statement an intention to maximise level insulation levels, install rainwater harvesting for toilet flushing, low energy (must be LED) lighting and a green roof. It is noted that this is a difficult site to develop which limits the renewable energy generation possible on site. However, it is considered that there are further opportunities which need to be explored and may be required to meet Building Regulations.

Landscape Architect - The site lies within the core of the town, within the conservation area, and surrounded by built form. The principal historic buildings are retained, which provide a bookend to the proposal at its north and south edges, with secondary built form along the site's west side. Overall there appears to be a slight reduction in the massing effect arising from the proposed development. Given the built context; the contained nature of the site; and the restrained extent of the new build proposals, I have no landscape issues to raise in relation to this proposal.

Environmental Protection Officer - no observations.

Somerset Wildlife Trust - no objection based on findings of survey. Fully support recommendation for provision of bat boxes and request that they should be required by condition.

Economic Development - there is evidence of demand for B1 in Ilminster.

SSDC Community, Health and Leisure - Financial contributions sought £57,990 overall (£4,142 per dwelling):

Local Facilities

Off Site - contribution towards the enhancement of the equipped play area at Ilminster Recreation Ground £8,640

Off Site - contribution towards the enhancement of youth facilities at Ilminster Recreation Ground £1,697

Off Site - contribution towards the enhancement or expansion of the sports pitches at Ilminster Recreation Ground £5,039

Off Site - contribution towards the provision of new changing rooms at Ilminster Recreation Ground £10,231

Off site - contribution towards the enhancement of existing, or the development of new community hall provision in Ilminster £6,602

Total £32,209

Strategic Facilities

Off Site - contribution towards expanding and enhancing the Octagon Theatre in Yeovil. £3,975

Off Site - contribution towards the provision of a new 3G AGP in Ilminster (AGP3) £1,021

Off Site - contribution towards of a new pool in Chard (Policy SP4) or the enhancement of the existing pool at CRESTA, Chard (Policy SP6) £2,325

Off Site - contribution towards the provision of a new indoor tennis centre in Yeovil, likely to be within Yeovil Sports Zone (Policy ITC1) £3,010

Off Site - contribution towards the development of a new sports hall in Ilminster (SH1) or towards the development of a new sports hall in Chard (Policy SH9) or enhancement of the existing sports hall at CRESTA, Chard (Policy SH5) £4,839

Total £15,170

Commuted Sums

Off Site - contribution towards the enhancement of the equipped play area at Ilminster Recreation Ground £4,991

Off Site - contribution towards the enhancement of youth facilities at Ilminster Recreation Ground £627

Off Site - contribution towards the enhancement or expansion of the sports pitches at Ilminster Recreation

Ground £3,596

Off Site - contribution towards the provision of new changing rooms at Ilminster Recreation Ground £823

Total £10,037

1% Community Health and Leisure Service Administration Fee £574.

REPRESENTATIONS

A site notice was posted at the site (Listed Building in Conservation Area) and neighbouring properties notified. Three letters of objection have been received:

- It is not clear whether the gated access from North Street would be locked with access for residents only and this raises concerns regarding fire exit (we would need keys), bins and security.
- Drainage - there is an existing problem with water coming down the path and flooding shops and toilets how will new development affect this, especially new roof on unit 8?
- Condition needs to be imposed to ensure storm run-off will not cause flooding to back of our property which is at lower level than development.
- Concerned re access from Market Square - security (public access round to back of property) - it is currently locked and gated and it is not clear if it would be gated, locked or with sensors for cars to drive through. Buses/taxis currently park across vehicle access - proposal would cause congestion. Access is currently cobbled and looks like a pedestrianised area. Even when it served as an access to the factory, it was rarely used. There would need to be some warning to pedestrians that vehicles were coming out. Fire engine couldn't access through archway - how would emergency vehicles get to properties?
- Where will residents park their vehicles or temporarily stop to drop off shopping, children etc? The town already struggles with parking.
- Disruption during construction - noise, dust.
- Our client is the owner of the small parcel of land lying to the north east of the application site betwixt the highway and the application site. This land could provide access to the rear of the site from the public highway, avoiding or limiting access to the front of the site where there are obvious conflicts with the highway network and Ilminster town centre. Other than the land under our clients ownership, our client knows of no other impediment in provided access from Ile Court to the north to the application site.
- correspondence on file from agent in respect of access at the rear (north) of the site is inaccurate and ambiguous. The agent is fully aware that our client, Mr O'Malley-White owns this access and is willing to convey this access (and earlier plans if desired) to the applicant, or any other applicant or future developer at a sensible market price. Our client is willing for this price to be arrived at in consultation with an independent valuer, or the District Valuer.
- there has been no negotiation or communication; applicant has chosen to support the expense of proving an alternative and contrived access via the front of the site, which presents significant impacts on the immediate highway network and town centre to the south of the building, which seems illogical. It also clearly de-values the proposed units and goes against the latest County Highway Parking Standards for this location.
- The response from County Highways rests on the fact of whether the proposed development increases traffic movements over that which is either historic or allowable, in respect of the lawful use of the building.
- This argument that the proposed development will not increase traffic impacts is somewhat trite, as the proposed use will clearly increase traffic movement to the site over and above that for which the site was used historically or ever likely to see when used for its lawful use, considering the severely restricted vehicular access to the site.
- This is the lynchpin of why the previous approval provided access to the rear of the site, as it was the only logical way to service the level of the development proposed ie 14 residential units, for which 12 parking spaces were provided, meaning only two flats fronting the high street were without their own parking.
- the current application would provide only 6 car parking spaces for 14 units. This does not accord with community wishes nor the latest County Highway Parking Standards.
- Would place undue pressure on the immediate highway network, town centre and local car parking. Whilst it may be demonstrated that there is space in local car parks during the evening, this is not the same during the day and particularly so at peak

times such as Friday's and Saturday's and on market day when the car parks run at capacity.

- Access /parking contrived, using existing narrow southern entrance to reach an underground car park, the use of which would involve shunting cars to access spaces and further presents pedestrian and vehicle conflicts along the route of the access to the highway to the south and main shopping area.
- urge you to refuse current application, or at least defer the decision until the applicants demonstrates that they have explored alternative access possibilities and that these are not viable financially, or otherwise.

CONSIDERATIONS

The main issues are:

Previous consent

Planning permission and listed building consent were granted for a redevelopment scheme to provide 14 flats in 2007. This is a material consideration although the consents have now lapsed and the National Planning Policy Framework has since come into force highlighting the need to seek positive improvements in the quality of the historic environment and to give great weight to heritage assets, putting them to viable uses consistent with their conservation, following careful assessments of their particular significance. Despite concerns raised at the time, consent was granted for a scheme where the public benefits of the proposal were considered to outweigh the harm to the significance of the heritage asset. This scheme proposed 12 parking spaces within the site and vehicular access was to be provided to the rear via Ile Court.

Principle of Residential Development and loss of employment premises

The site is located within the Development Area where the Local Plan states that development is acceptable in principle.

Although part of the proposal seeks to retain three commercial units, the loss of the remainder of the site for employment purposes is a material consideration and policy ME6 is relevant. Taking into account the complex nature of the site, the fact that the premises have been empty for over 9 years and that a residential use has been agreed here previously, it is concluded that the proposal would not have a significant adverse effect on employment opportunities. It is also considered that environmental benefits would result which outweigh the employment value of the land and premises due to the reduction, in relative terms, of disturbance to adjoining residential properties from commercial activity. Given their historic importance, it is also considered important to find a new use for these buildings and the NPPF recognises that residential development can play an important role in ensuring the vitality of town centres.

Overall it is considered that the principle of residential development is acceptable here.

Demolition, importance of heritage asset, impact of alterations on the listed buildings and their setting

The applicant has undertaken a Historic Evaluation of the building and produced a Heritage Statement, which states that the buildings are an important record of a lost industry which must be maintained and enhanced. It concludes that the proposed alterations and remodelling of the existing buildings retain important historic fabric and that it is considered that the overall significance of the site will be retained and the public benefit of bringing the architecturally and historically important buildings back into use,

both in terms of their individual value and their contribution towards the wider historic environment of Ilminster, will outweigh any perceived harm to the significance of these structures through conversion to alternative uses.

In contrast with the previously withdrawn application, this proposed scheme is informed by the Historic Evaluation and is more limited in the extent of alteration and demolition of historic buildings. It is considered that the removal of the modern buildings would greatly improve the appearance of the site and allow better appreciation of the original buildings and their history. The Conservation Officer, English Heritage and Somerset Industrial Archaeological Society are now supportive.

It is considered that the proposed alterations are sympathetic to the complex of buildings. A historic evaluation of the windows has also been submitted in response to the Conservation Officer's comments and this identifies each window, describes its condition, significance and proposed works. The replacement windows on the Mill Building to the rear now reflect the sash design of one of the remaining original windows. The layout of the site with walkways and an inner communal courtyard/garden would create an attractive and interesting living environment. It is considered that the proposal would provide a positive improvement to the historic environment and preserve and enhance the character and appearance of the listed buildings.

The Heritage Statement refers to the third floor of the Mill Building as perhaps the most intact element of the former factory use and was probably an ironing room - an open plan space with good light. The open character of this space is an important historic quality of this part of the complex and this revised scheme has reduced the subdivision of this space and is now considered acceptable.

Residential amenity

This proposal, compared with the withdrawn scheme, has significantly improved the impact on the amenities of the properties on North Street, which back on to the site. It is now proposed to demolish the large yellow brick building and convert the historic building behind it into 3 dwellings, providing more space behind the houses in North Street. The houses on North Street are set at a much lower level with high rear garden walls and the new dwellings would be between 13 and 17m from those houses with good sized gardens in between. It is considered that, although the new houses would have some windows looking towards North Street, they are sufficiently far away and taking into account the difference in levels, there would be no significant loss of privacy. It should also be borne in mind that there are numerous windows in the existing yellow brick building looking in this direction currently and the new windows would be 5m further away. No objections have been received from neighbours regarding this issue.

To the north of the site is Ile Court, a terrace of houses with small back gardens, which are quite exposed to the road and the Mill building to be converted is about 7m away at its closest point. The proposed windows are to be glazed with obscured glass for the bottom two thirds of the window to help safeguard privacy. A condition would need to be imposed accordingly.

The relationship between proposed units 6 and 7 is quite intimate being only 4.4m apart, with potential overlooking window to window. However, this is considered acceptable as part of a new scheme and buyers would be aware of the situation.

Highway safety, parking provision and sustainability

The Parking Strategy requires 1.5 spaces for a 1 bed dwelling, 2 spaces for a 2 bedroom

dwelling and 2.5 spaces for a 3 bedroom dwelling. In this instance, this would equate to a need for 27 spaces. These are the optimum parking standards which should be provided unless specific local circumstances can justify deviating from them and paragraph 5.3 also goes on to say that in more sustainable locations that are well served by public transport or have good walking and cycling links, it may be considered appropriate for lower levels of provision.

The application is supported by an assessment of local services and facilities, and Ilminster is served by a wide range, including a dental practice, medical centre, banks, restaurants, supermarkets and regular bus services. The site is also within an easy walking or cycling distance of many of these services and potential sources of employment, making it a particularly sustainable location.

Providing parking space within the site without damaging the listed buildings or their setting is very difficult. This scheme provides significantly less parking space (6 spaces) than previous schemes but it is a much better scheme in terms of its impact on the listed buildings and the amenities of neighbouring properties.

The existing access through the archway onto North Street/Market Square is 3m wide with no visibility unless the car is sticking out onto the highway. It is appreciated that Market Square is a busy area for pedestrians and cars, particularly when markets are held and access in this direction is far from ideal. It is also appreciated that there is a bus stop and taxi rank just outside the access on North Street and this could cause obstruction and congestion.

The land between the archway and North Street is however, public highway and people wishing to enter or leave the site would have a legal right to use this access. The supporting Technical note 1 highlights that the Highway Authority has a statutory duty to protect the right to use a public highway and the Highway Authority says that any obstruction would be an enforcement issue for the police and that it would not take long once the site was used again for people to know not to obstruct this access. The Highway Authority refers to the visibility on North Street being quite good and it does not see any highway safety issues with traffic proceeding out of that access. It goes on to say that there could be times when incoming vehicles might meet emerging vehicles with the potential to cause conflict on this classified un-numbered road but that North Street is quite wide at this point and traffic waiting to enter while vehicles emerge would not cause a major obstruction on North Street. It states that levels of traffic are unlikely to be sufficiently high that occasional conflicting movements would cause serious congestion in Ilminster.

The Highway Authority also states that if there is no increase compared with the permitted use for the site, regardless of what the traffic generation has been in recent years, it cannot raise an objection to the continued use of this access in this location. The access has functioned for years in this form without any reported difficulties so it is not possible to say that a lower or equivalent level of traffic would be any worse.

The applicant argues that the proposed use would generate significantly fewer traffic movements than the lawful use of the site or the actual historic use of the site and has provided figures to support this. The site could be used for commercial purposes again and generate numerous traffic movements, although the predicted movements seem high given the restricted nature of the access. It is useful however, to look at how the site was actually used and the traffic it generated, including the demand it placed on car parks in the town. The proposed development would generate considerably less vehicle movements/demand for parking.

Surveys have been carried out on parking space availability in the town and these indicate sufficient spare capacity not only during the day but also in the evenings. There is also some on-street parking although it is appreciated that this is limited.

Consequently, taking into account the proximity of public car parks and their apparent spare capacity, the previous and lawful use of the site, its central location in the town within walking and cycling distance of a wide range of services and facilities and the importance of encouraging less reliance on the private motor car, it is considered that it would be unreasonable to object on the grounds of lack of parking or highway safety.

In addition, the National Planning Policy Framework states development should only be refused where the impact of the development on highway safety would be severe and bearing in mind the above points and the fact that the Highway Authority raises no objections, it is not considered that it can be demonstrated that the impact would be severe.

Renewable energy

The advice of the Climate Change Officer is noted and an informative should be added to any decision referring the applicant to this advice and the need to discuss such renewable energy projects with the Conservation and Planning Officers as listed building consent and or planning permission may well be required.

Affordable housing

The proposal for 14 dwellings is under the threshold for affordable housing and as such there is no requirement.

Disturbance

A local resident has raised the issue of disturbance during building work and whilst this is not normally a planning issue, the constrained nature of the site and limited parking and access space mean that particular care would need to be taken over building operations to minimise disruption to neighbours. A condition would need to be imposed to require the submission of a detailed method statement.

Section 106 Planning Obligation

Contributions are sought in relation to sport and play facilities. These are given in detail above and would need to be subject to a Section 106 Agreement.

Drainage and flooding

The neighbours' concerns about the potential for the development to exacerbate existing drainage/flooding problems are appreciated and a condition would need to be imposed requiring appropriate drainage measures to be installed. A Building Control Officer would also need to assess and inspect such details in order for the scheme to satisfy Building Control requirements. In addition, the applicant states that it is intended to retain the green roof technology for the existing flat roof area on the building on the east boundary which limits run off, water from the retained buildings will be collected and discharged into approved underground collection chambers (position to be agreed) and the water from these chambers will be recycled and used for toilets, washing machines and garden irrigation where appropriate.

Fire safety

The neighbour refers to the difficulty of access for fire engines. It is understood from Building Control that there are compensatory measures which can be carried out to address this concern, such as through the use of detection and alarm systems, sprinklers, fire doors and automatic smoke vents.

Access to rear and adjoining landowner objection

Whilst an access to the rear would be preferred, the Planning Authority has to deal with the application before them. It is not ideal to come out onto Market Square but there is an established lawful use for this to continue and as explained in more detail above, it is considered that, on balance, it is acceptable, particularly as a permission could lead to these important listed buildings in the centre of the town being brought back into use and safeguarded for the future.

The applicant has been strongly encouraged to negotiate with the 3rd party to gain access to the rear of the site but at the time of writing the report there had been no progress. It seems possible from the letter of objection received however, that a solution can still be achieved and this is something the Planning Authority will continue to encourage and it will look sympathetically at any future revised application.

The agent has written in response to the letter of objection clarifying that land to the rear was purchased as a ransom strip and has no other inherent value. He highlights that this application does not propose a rear access and must be determined as it stands and not on the basis of alternative scheme which might be preferred.

CONCLUSION

This is a particularly difficult site to develop in terms of accommodating appropriate new uses whilst respecting the listed buildings, the significant change in ground levels, the restricted access and the character of the Conservation Area. Some compromise needs to be made to ensure that the site can be used to meet current demands and continue to make a positive contribution to Ilminster. This scheme seeks to continue some historic commercial use of the site, although the buildings would be predominantly in residential use. The proposed demolition of two large modern buildings would greatly enhance the character and appearance of the Conservation Area and the setting of the remaining listed buildings. It is also considered that the proposed alterations are sensitively informed by the historical evaluation of the site and are justified, helping to bring these important buildings back into use and ensuring the vitality of the town centre.

RECOMMENDATION

Grant permission subject to a Section 106 Agreement securing financial contributions for sport and play facilities.

01. The proposal, due to its form, design, layout, scale, materials and means of access, would preserve the character and appearance of the listed buildings, the Conservation Area and make a positive improvement to the historic environment and cause no demonstrable harm to residential amenity or highway safety, in accordance with the aims and objectives of policies ST5, ST6, EH1, EH3, EH4 and EH5 of the South Somerset Local Plan, 2006 and the National Planning Policy Framework March 2012.

SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan GH/p/Blocka, Site Plan Existing, Existing floor plans GH/exg/01-06, GH/D01RS-05RS rev a, Existing Elevations GH/exg/08-11, Existing Roof Plan GH/exg/07, Proposed Roof Plan GH/p06RS, Proposed Floor Plans GH/p01RS rev a, GH/p02RS rev b, GH/p03RS-1, GH/p03RS- 5RS rev a, Proposed elevations GH/p07RS- 12RS rev a and Window Schedule received 11 April 2014 and 23 June 2014.

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

03. No development hereby permitted shall be commenced on each building, as numbered in the Heritage Statement, unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

Reason: In the interests of the special architectural and historic interests of the listed buildings and their setting, in accordance with policies ST6, EH1, EH5 and EH3 of the South Somerset Local Plan (Adopted April 2006).

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

Reason: In the interests of the special architectural and historic interests of the listed buildings and their setting, in accordance with policies ST6, EH1, EH5 and EH3 of the South Somerset Local Plan (Adopted April 2006).

05. No development hereby permitted shall be commenced on each building, as numbered in the Heritage Statement, unless full details of the new natural stonework/brickwork walls, including the materials, coursing, bonding; mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing and supported with a sample panel on site and agreed in writing by the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed buildings and their setting, in accordance with policies ST6, EH1, EH5 and EH3 of the South Somerset Local Plan (Adopted April 2006).

06. No development hereby permitted shall be commenced on each building, as numbered in the Heritage Statement, unless the following details have been

submitted and a sample panel provided on site for inspection and written approval of the Local Planning Authority:

- a) Full details, including elevational drawings, to indicate the areas to be repointed.
- b) Details of the method of removal of existing pointing. In this regard mechanical tools shall not be used,
- c) Details of the mortar mix, and
- d) A sample panel of new pointing that shall be carried out in the agreed mortar.

Reason: In the interests of the special architectural and historic interests of the listed buildings and their setting, in accordance with policies ST6, EH1, EH5 and EH3 of the South Somerset Local Plan (Adopted April 2006).

07. No development hereby permitted shall be commenced on each building, as numbered in the Heritage Statement, 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 buildings and their setting, in accordance with policies ST6, EH1, EH5 and EH3 of the South Somerset Local Plan (Adopted April 2006).

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

Reason: In the interests of the special architectural and historic interests of the listed buildings and their setting, in accordance with policies ST6, EH1, EH5 and EH3 of the South Somerset Local Plan (Adopted April 2006).

09. No development hereby permitted shall be commenced on each building, as numbered in the Heritage Statement, unless design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and all new cast metal guttering, down pipes, other rainwater goods, and external plumbing 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: In the interests of the special architectural and historic interests of the listed buildings and their setting, in accordance with policies ST6, EH1, EH5 and EH3 of the South Somerset Local Plan (Adopted April 2006).

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

Reason: In the interests of the special architectural and historic interests of the listed buildings and their setting, in accordance with policies ST6, EH1, EH5 and EH3 of the South Somerset Local Plan (Adopted April 2006).

11. 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. 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 the interests of the special architectural and historic interests of the listed buildings and their setting, in accordance with policies ST6, EH1, EH5 and EH3 of the South Somerset Local Plan (Adopted April 2006).

12. No development hereby permitted shall be commenced on each building, as numbered in the Heritage Statement, unless details of the method of the blocking of all doorways and windows shown on the approved plans have been submitted to and approved in writing by the Local Planning Authority. This will include materials and finish: pointing and coursing; any doors and architraves to be left in situ; and any reveal; 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 their setting, in accordance with policies ST6, EH1, EH5 and EH3 of the South Somerset Local Plan (Adopted April 2006).

13. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all soft and hard landscaping throughout the site. 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 buildings or the completion of the development, whichever is the sooner; any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the special architectural and historic interests of the listed buildings and their setting, in accordance with policies ST6, EH1, EH5 and EH3 of the South Somerset Local Plan (Adopted April 2006).

14. No means of external lighting shall be installed unless details have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed buildings and their setting, in accordance with policies ST6, EH1, EH5 and EH3 of the South Somerset Local Plan (Adopted April 2006).

15. Prior to the development hereby approved being first brought into use, the windows in the north facing elevation, as indicated on drawing no. GH/p12RS rev a shall be fitted with obscured glass (minimum level 3) and be non-opening below a height of 1.7 metres above the finished floor level of the room in which the window is to be

installed, and shall be permanently retained and maintained in this fashion thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policy ST6 of the South Somerset Local Plan (Adopted April 2006).

16. No development hereby approved shall take place unless 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 In order to safeguard and/or record any archaeological remains in accordance with Chapter 12 of the National Planning Policy Framework.

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

Reason: In the interests of highway safety and to accord with policy ST5 of the South Somerset Local Plan, (Adopted April 2006).

18. Before the development hereby approved is occupied a fully sheltered lockable cycle parking facility shall be provided within the site as shown on the approved plan and retained thereafter.

Reason: To provide a safe and secure area for cycle parking in accordance with policy TP3 of the South Somerset Local Plan (Adopted April 2006).

19. No deliveries to the commercial units hereby approved shall be taken to or despatched from the site outside the hours of 8.00am and 6.00pm nor any time on Sundays, Bank or public holidays.

Reason: In the interests of residential amenity in accordance with policy ST6 of the South Somerset Local Plan (Adopted April 2006).

20. No development hereby permitted shall be commenced unless foul and surface water drainage details to serve the development have been submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such an approved scheme shall be permanently retained and maintained thereafter.

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

21. 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) shall be formed in the buildings, or other external alteration made without the prior express grant of planning permission.

Reason: To safeguard the character of the listed buildings and residential amenity in accordance with policies ST6, EH1 and EH3 of the South Somerset Local Plan (Adopted April 2006).

22. The development hereby approved shall not be commenced unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the phasing of construction, hours of construction, routing for construction vehicles, parking for construction and contractors vehicles, siting of skips, and measures to reduce noise and dust from the site. The development shall thereafter be carried out in strict accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenity given the limited access, parking provision and close proximity of the site to surrounding residential and commercial properties in accordance with policies EP6 and ST6 of the South Somerset Local Plan (Adopted April 2006).

23. The development hereby approved shall not be commenced unless details of the full boundary treatment of the site, including all fencing between the new dwellings have been submitted to and agreed in writing by the Local Planning Authority. Such agreed boundary treatment shall be completed before the dwellings are first occupied and shall be maintained thereafter.

Reason: To safeguard the setting of the listed buildings and residential amenity in accordance with policies ST6 and EH5 of the South Somerset Local Plan (Adopted April 2006).

24. No development hereby permitted shall be commenced unless details of the size, design, colour and finish of the gates on to North Street and within the archway have been submitted to and agreed in writing by the Local Planning Authority. Such agreed details shall be retained thereafter.

Reason: In the interests of the special architectural and historic interests of the listed buildings and their setting, in accordance with policies ST6, EH1, EH5 and EH3 of the South Somerset Local Plan (Adopted April 2006).

Informatives:

01. Listed building consent would be required for any satellite dishes and the applicant is encouraged to agree a communal dish with the Local Planning Authority to prevent a proliferation of such fixtures. 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.
02. The applicant's attention is drawn to the recommendations of the Protected Species Survey Report dated June 2013 and the installation of bat boxes.
03. The applicant's attention is drawn to the comments of Mitchams Solicitors who occupy an adjacent unit 1, Cornhill and the need to negotiate access via the gate onto North Street.
04. The applicant's attention is drawn to the advice of Wessex Water in their letter of 28 April 2014.
05. The applicant's attention is drawn to the advice of the Climate Change Officer dated 7 May 2014. Listed building Consent and or planning permission would be likely to be required for such renewable energy projects and the applicant is

advised to discuss any such proposals at an early stage with the Planning and Conservation Officers.

06. For the avoidance of doubt the Gooch and Housego gates must be retained and no consent has been granted to move them.
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