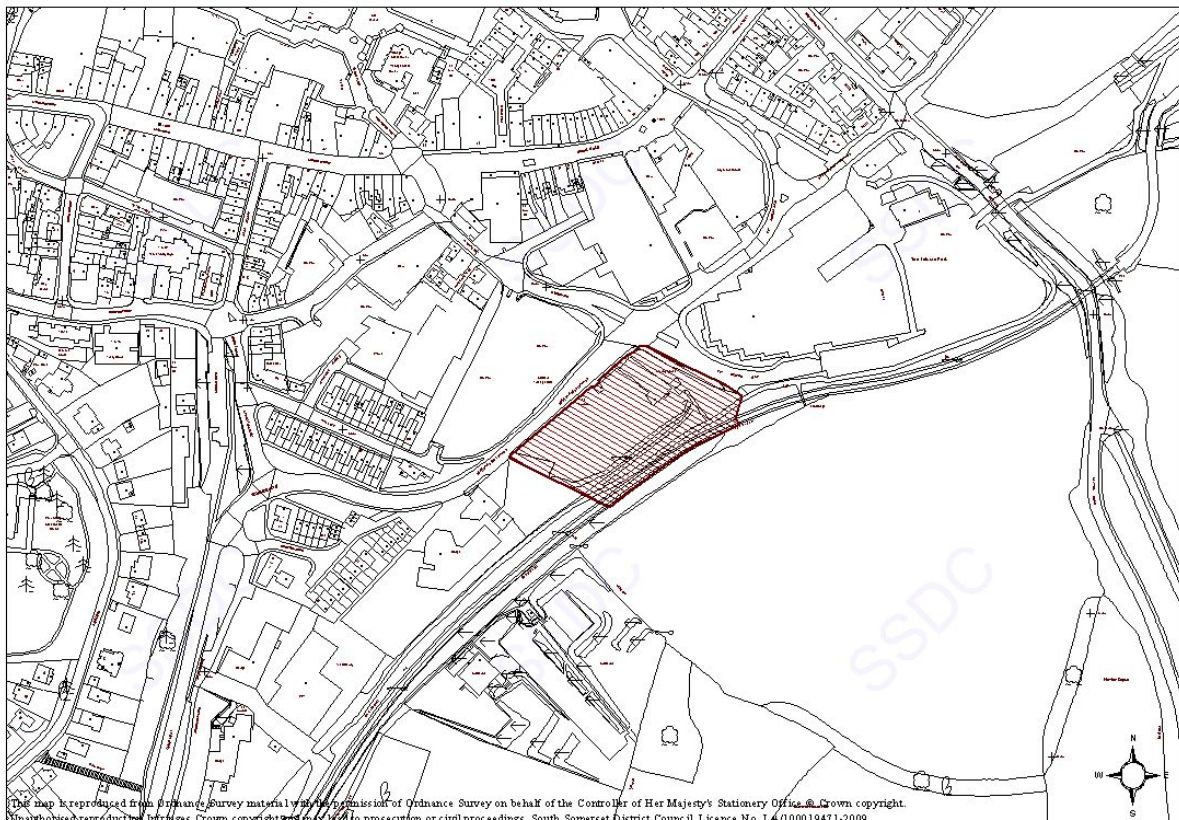


**5. Mixed use redevelopment to provide 2 shops, 26 dwellings, one live/work unit, 10 flats and conversion of glove factory to form cafe/restaurant and offices and associated works (Planning Application: 09/01671/FUL)**

<b>Proposal :</b>	Mixed use redevelopment to provide 2 shops, 26 dwellings, one live/work unit, 10 flats and conversion of glove factory to form cafe/restaurant and offices and associated works (GR: 356049/115785)
<b>Site Address:</b>	Foundry House and former Mill Lane Trading Estate, Summer House Terrace
<b>Parish:</b>	Yeovil
<b>Ward : (SSDC Member)</b>	Yeovil (Central) Mr J Vincent Chainey (Cllr), Mr P Gubbins (Cllr), Mr A Kendall (Cllr)
<b>Division (SCC Member)</b>	Mr P Gubbins (Cllr)
<b>Recommending Case Officer:</b>	Adrian Noon
<b>Target date :</b>	29th July 2009
<b>Applicant :</b>	Mr Craig Bates
<b>Type :</b>	Major Dwlgls 10 or more or site 0.5ha+

**Reason for Referral to Committee**

This application is before the Regulation Committee as the District Council is the owner of the site. The following report was considered by both the Town Council and the Area South Committee on 2 September (draft minute attached as Appendix A) and has been updated in light of their resolutions and further comments received.



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## Site Description and Proposal

This 0.43 hectare site comprises level land on the south side of Summer House Terrace, bounded by Dodham Brook and the country park to the south, Old Station Way and the Yeo Leisure Park to the east and the car dealership to the west. Opposite is the Stars Lane car park. The site is located in the defined Yeovil Town Centre and has recently been cleared of all buildings except the listed Foundry House and the substation, both at the eastern end of the site. The cleared part of the site is currently used as a temporary long stay car park with access via Old Station Road.

The site is within Flood Zone 2 (medium risk), an area of high archaeological potential and is identified as potentially having contaminated land.

The proposal involves the demolition of minor extensions to the grade II listed Foundry House (a former glove factory) and its conversion to create a café at ground floor with two floors of offices above. The remainder of the site would be redeveloped with the erection of 3-storey buildings enclosing a landscaped, rectangular courtyard. 4-storey 'landmark' buildings would be located to the east and west. Within this new build 2 shop units and 37 residential units would be provided as follows:-

- 2 one-bedroom flats
- 8 two-bedroom flats
- 4 two-bedroom houses
- 3 three-bedroom houses
- 16 four-bedroom houses
- 3 five bedroom houses
- 1 three bedroom 'live/work unit'

The materials would be a mix of brick and render with stone and timber detailing and slate roofs.

49 car parking spaces and 37 bicycles spaces would be provided. The houses would have rear courtyard amenity spaces.

The southern boundary of the site would undergo enhancement works to create a 'promenade' with associated works to the Dodham Brook culvert. These works would include:-

- The re-routing and culverting of the existing Dodham Brook.
- The decking over of the existing concrete floodwater channel to create a cycle and footpath along the edge of the Park.
- The creation of a new stream alongside the concrete flood channel as a 'naturalised' feature. This stream would have decorative timber bridges at key locations, providing access to the Country Park.

Access would be maintained from Old Station Road, with vehicular movements being controlled by bollards.

The application is supported by 2 Design and Access Statements (one for Foundry House, one for the new build), a Statement of Community Involvement, a Flood Risk and Drainage Statement, an ecology report and a contamination report. Since being submitted it has been subject of negotiations to address concerns about flood risk and the internal highways layout. An updated FRA (12/08/09), a Sequential Test (29/07/09) and additional highways drawings (10/08/09) have been provided and circulated. An amended roof (06/07/09) plan has been provided which shows the incorporation of solar panels.

## History

1997 – Development brief approved for site. This envisaged the retention of Foundry House and a redevelopment for a mixture of various leisure, entertainment, community and retail uses (an element of residential use was considered acceptable).

1999 Supplement to Brief approved. This advocated the retention of Foundry House with a new extension to its south side. A new vehicular access to the south of this extension would be taken from the new access road to serve the Old Town Station leisure development. This access would serve a new short stay public car parking area to be formed within the middle of what was then the Mill Lane Trading Estate. The then existing buildings to the Summerhouse Terrace frontage would be largely retained with a new building to the western end of the site.

In 2000 four applications were approved as follows:-

00/00117/R3D - The construction of a public car park within the central part of the site and to the rear of Foundry House with access from what is presently Old Town Station car park.

00/00121/R4D – demolition of existing extension and erection of replacement extension to the south side of Foundry House for possible uses within Use Classes A1 (Retail); A2 (Offices); A3 (Food and Drink) or B1 (Offices/Light Industrial), together with associated parking and access arrangements.

00/00124/R4D - Partial demolition of buildings at the western end of the site for possible uses within Use Classes A1, A2, A3 or B1 and also including Use Class C1 (Hotel), together with associated parking and access arrangements.

00/00128/R4D - As above, except that total demolition of buildings on western end of the site (excluding the chimney which is to stay) is proposed.

Subsequently all structures except Foundry House were demolished and the cleared part of the site became a temporary car park. Following a local campaign Foundry House was listed on 8<sup>th</sup> March 2006.

An associated application for listed building consent for the works to Foundry House (09/01696/BC) is also under consideration.

## Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S.54A 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.

The development plan comprises the Regional Spatial Strategy (Regional Planning Guidance 10: The South West), the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review, and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):

Regional Spatial Strategy 10: The South West  
Regional Spatial Strategy (RSS10) Draft 2006  
Development Policy A – Identifies Yeovil as a Strategically Significant Town  
Development Policy D – Required Infrastructure for Development  
Development Policy E – High Quality Design  
Development Policy G – Sustainable Construction  
Development Policy H – Reusing Land  
SR24 – Identifies the need for Yeovil to grow in terms of housing and employment  
TR1 – Demand Management and Public Transport in the SSCTs  
H1 – Affordable Housing  
H2 – Housing Densities  
RE5 – Renewable Energy and New Development

South Somerset Local Plan:

ST5 - General Principles of Development  
ST6 - The Quality of Development  
ST7 - Public Space  
ST9 - Crime Prevention  
ST10 - Planning Obligations  
EH3 – Listed Buildings  
EH5 – Development Affecting the Setting of a Listed Building  
EH12 - Archaeology  
EC3 - Landscape Character  
EC8 - Protected Species  
EU4 – Drainage  
EU6 - Culverting  
EP3 – Light Pollution  
EP5 – Contaminated Land  
TP1 - New Development and Pedestrian Movement  
TP3 – Cycle Parking  
TP4 - Road Design  
TP6 – Commercial Parking Standards  
TP7 – Residential Car Parking Standards  
MC2 – New Shopping Development  
MC4 – Other uses in Town Centres  
ME3 – Employment within Development Areas  
HG1 – Provision of New Housing Development  
HG4 – Density  
HG6 – Affordable Housing Targets  
HG7 – Affordable Housing Thresholds  
HG8 – Commutation of Affordable Housing Requirement  
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development  
CR3 – Off-site provision  
CR4 - Amenity Open Space

Policy-related Material Considerations

Development Brief for the site, adopted 1997 and updated 1999.

National Guidance

PPS1 – Sustainable Development  
PPS3 – Housing  
PPS6 – Retail  
PPG13 – Transport

PPG15 – The Historic Environment  
PPG17 – Planning for open space, sport and recreation  
PPS25 – Flooding

South Somerset Sustainable Community Strategy  
Goal 3 – Healthy Environments  
Goal 4 – Services and Facilities  
Goal 8 – High Quality Homes  
Goal 9 – A Balanced Housing Market

Other Relevant Documents:  
Yeovil Vision  
Urban Development Framework

## **Consultations**

**Area South Committee** – considered the application at their meeting in September. Members supported the officer's recommendation subject to additional conditions as suggested by Environment Agency, highways officer and requested further conditions to control satellite dishes and to agree meter boxes. It was also agreed that any further conditions as reasonably recommended by the Council's Environmental Health Officer and the County Archaeologist should be imposed.

**Yeovil Town Council** – Support.

**Local Highway Authority** - initially concerned about a number of technical details including pedestrian visibility within the courtyard area; vehicle tracking through the development; the laying out and surfacing of the promenade; the improvements to the footway along Summerhouse Terrace; servicing arrangements for the retail units; and possible adoption issues. Concern was raised that Old Station Way is not adopted.

In response the applicant has confirmed that Old Station Way is not a private road and that it is not proposed to offer the highway within the development to the County for adoption; instead it would be the responsibility of a private management company. An interim drawing has been provided (22/07/09) which shows acceptable tracking through the development for refuse vehicles. Negotiations have been held to address the outstanding comments and further highways drawings have been submitted (10/08/09).

No objection is raised to this final revision and safeguarding conditions are recommended. However the officer reiterates his view that the proposed layout would not be adoptable and advised the application that the advance Payments Code (APC) would apply.

**Yeovil Vision** – considers that the development reflects the objectives of the Yeovil Urban Development Framework, which identifies a series of Town Centre quarters and sets out a number of key proposals for development. In this respect is particularly pleased that the development will create a new attractively landscaped "gateway" into Yeovil Country Park, which incorporates a cycle path, promenade and enhancement of Dodham Brook. The proposed refurbishment of Foundry House will also help bring life and vitality to the Southern Quarter of the Town and will be an excellent re-use of a Listed Building.

**Area South Development Team** - Considers that the application responds well to the Urban Development Framework, linking the town centre to the countryside to the south



and creating a location which raises both development quality and property values and promotes a quality public realm.

*This site has been long recognised by the Council as an important one, providing a major opportunity to transform the currently under-used back of the town centre and create a new frontage that overlooks the Country Park and provides an opportunity to create an entrance to the Country Park from the eastern part of the town.*

*The Urban Development Framework envisaged an urban village extending beyond this site and providing a sustainable location for people to live within a five minute walk of the town centre, with access to footpaths and cycleways and minimising the need for cars. This development is an important step in that direction.*

*The Foundry House Development Brief set out specific principles for the site and this development responds well to all of them. In particular:-*

- *A perimeter block with clear frontages*
- *The conversion to beneficial use of Foundry House – a grade II listed building*
- *Attention to detail in terms of roof lines and materials*
- *Strong corners to create visual interest*
- *The incorporation of the electricity sub-station*
- *The creation of a promenade to create an attractive link to the Yeo Leisure Centre and the Country Park*
- *The encasement of the concrete culvert of the Dodham Brook and the use of the surfacing as a cycle route/footway*

*All in all, this development will raise aspirations for what could be developed in this part of town and will continue a process of regeneration begun with the Old Town Station car park redevelopment.*

**Economic Development Officer** - From an economic perspective, this is a an extremely prominent building in an increasingly vibrant area of Yeovil. To refurbish the building into the proposed new uses will I am sure enhance the area considerably. I am encouraged that the agents have gone to great lengths to understand the history of the building and it's significant importance to Yeovil's economic and social history.

Whilst this is an extremely large building with I suspect many issues relating to conservation, from a purely economic perspective, I am supportive of this mixed use scheme and the layout suggested by the architects.

**Conservation Manager** - No objection to the conversion proposals, which embody an appropriate approach to the conservation of the listed building.

**Climate Change Officer** – Disappointed that proposal does not include district heating, however notes that the plans include very good insulation and future proofing by installing plumbing required for future installation of renewables. Considers that the inclusion of solar panels will comply with our 10% policy recommends that the plans be approved.

**Environmental Health Officer** – initial view is that standard land contamination conditions will apply, however an oral update will be necessary to report his formal observations.

**Ecologist** – recommends conditional approval.

**Open Spaces Officer** – questions the amount of open Space that would be created by the promenade. Suggests that there should be links to the Country Park. Surfacing should be tarmac; requests detail of landscaping and tree planting. Head wall/any watercourse stuff will need engineering approval.

**Countryside Manager** - Supports the concept subject to consideration of the legal costs of diversion of cycle way; the design, construction and weight limits of the new cycleway over the culvert as this will have to carry maintenance vehicles; management and notification of the works, which should avoid the summer months when usage of this cycle is heaviest.

**Area Engineer** - No comment

**Environment Agency** – initially objected due the lack of a Sequential Test as required by PPS25 and disputed some technical assumptions within the FRA. A sequential test to demonstrate that other sites with a lower flood risk have been considered has been submitted and is accepted by the Agency. The FRA has been updated and is also now accepted by the Agency, subject to safeguarding conditions and informatives.

**County Education Officer** – requests a contribution of £85,799 towards primary school education to meet the arising from the occupiers of the new houses

**County Archaeologist** – confirms that there are limited or no archaeological implications for this application. No objection raised.

**Play & Youth Facilities Officer** – no comments received

**Leisure Facilities Officer** – no comments received

## **Representations**

None.

## Applicant's Case

*"This proposal is for the redevelopment of the former Foundry House and Mill Lane Trading Estate, which is in the centre of Yeovil between the town centre and the Country Park to the south. It represents a major opportunity to transform what is currently an underused 'back' to the town into a new frontage for Yeovil which overlooks Summer House and Constitution Hills and provides a gateway to the Country Park.*

*"The Glove Factory, which has recently been grade II listed, is the only remaining existing building in the immediate vicinity which gives any sense of the history and character of Yeovil. It is the architectural centrepiece of the development and provides continuity with the industrial heritage of the area. This proposal seeks to provide a context for the Glove Factory and to set the standard for the new City Living Quarter at the interface of the town centre and the Country Park to the south. This site will play a major role in delivering the start of the Urban Village concept as set out in The Yeovil Vision and the Urban Development Framework."*

Extract from Design & Access Statement

## Considerations

It is considered that the redevelopment of this site and the conversion of the listed building to create a mix use development on this town centre site with associate improvements to the public realm is acceptable in principle and would meet the aspirations of the Development Brief for this site, contribute housing towards the District targets set by policy HG1 and would enhance the vitality and viability of the town centre as required by policies MC2 and MC4.

The key issues therefore relate to the detail of the proposals, namely:-

- Managing Flood Risk
- Design and Layout
- Highways Impact (including parking)
- Amenity Issues
- Impact on the Listed Building
- Level and Mix of Development
- Planning Obligations

### Managing Flood Risk

The site is with Flood Zone 2 (medium risk) and the application is therefore supported by a Flood Risk Assessment and a Sequential Test. The latter demonstrates that other sites, with lower risk, have been considered and are not appropriate for this development, either because they are unavailable, are already subject to permission or are not in the town centre. The Environment Agency accepts the Sequential Test, which is considered to comply with the requirements of PPS25 and takes into account the Councils Strategy Flood Risk Assessment.

With regard to managing flood risk the applicants have updated the FRA in light of the Environment Agency's initial observations. The Agency have confirmed that this is now acceptable. Accordingly it is considered that this aspect of the proposal would comply with the requirements of policy EU4 and the advice of PPS25.

### Design and Layout

As noted by the area development officer and Yeovil Vision the proposal would deliver the aspirations of the development brief for an 'urban village' on this site. The proposed layout would create a strong frontage to Summer House Terrace (incorporating the existing electricity substation), create a new 'promenade' along side the country park and a communal courtyard. Within the courtyard an along the promenade provision is made for landscape planting and a feature would be made of the new open water course. It is considered that this is an appropriate layout that would respect the listed building.

The general design and detailing of the buildings is considered to reflect the listed building in terms of height, bulk, proportions and materials. The exception to this is the feature building at the western end to the Summerhouse Terrace frontage. This 5-sided building has been deliberately designed as a 'landmark' building to off-set the listed building at the other end of the terrace.

The terraced residential properties along the north, west and south side and the new building to the south of Foundry House would be of traditional form and proportions, with modern detailing and features. This combination of traditional and contemporary is considered to be a high quality design.



It is accepted that the density (86/ha) is high, however it is not considered unreasonable for a well designed town centre development that includes flats.

On this basis the scheme, which has the support of the conservation manager, is considered to comply with policies ST5, ST6, ST7, EH5, EC3, HG4 and CR4.

#### Highways Impact (including parking)

The proposed access arrangements from Old Station Way and the internal circulation are considered acceptable by the highways officer. The 49 parking spaces, supplemented by 37 cycle spaces are considered acceptable in this town centre location where policy TP7 encourages lower levels of parking than have traditionally been sought on the grounds that the location is well served by public transport and high levels car ownership is not essential. The development would promote cycling not just by providing cycle storage for future occupiers, but also by upgrading the cycle path along the south of the site, linked to the wide cycle network.

Pedestrian movement and safety would be enhanced by the formalisation of a link from the town centre to the country park along the western side of the site and via the new 'promenade'. The footpath along Summerhouse Terrace would be upgraded with paving slabs.

With regard to the commercial uses policy MC2 advises that parking will be provided for the town centre as a whole. It is considered that existing town parking has sufficient capacity to serve the proposed retail and commercial uses.

The highways officer has confirmed that technical matters of detail have now been addressed in the final revised drawings, which have been prepared following exhaustive discussions with the highways officer. Whilst 8 conditions are recommended, it is not considered that all of them are reasonably necessary. For example it is recommended that the driveways are no steeper than 1:10, however this is a level site and detailed information has been provided about the proposed levels; nowhere would there be any gradient approaching 1:10.

Other matters such as footpath and cycle ways through the site are clearly shown on the drawings or are not proposed. The effect of the recommended condition would therefore be to alter the scheme. This is not considered reasonable. Other conditions would cover the detail of such matters.

On the basis of the above, and subject to the imposition of reasonable safeguarding conditions, it is considered that these aspects of the development comply with policies ST5, TP1, TP3, TP4, TP6, TP7 and MC2.

#### Amenity

The proposal provides for town centre living and it would be unreasonable to demand tradition levels of private amenity space. Nevertheless the layout does provide for modest rear courtyards for each of the houses. These would be arranged around the communal courtyard/parking area and would allow future occupiers space for 'sitting out' and drying clothes. Whilst no communal area would be provided for the occupiers of the flats it is pointed out that the country park is immediately opposite. The proposal would enable future residents to control public access to the new courtyard square within the development.

On a wider scale there are no neighbouring residents that would be affected and, in terms of public amenity, it is considered that the landscaped 'promenade' and promotion of links to the country park would constitute a positive benefit to the amenities of Yeovil town centre.

Accordingly the proposal is considered to comply with policies ST6, ST9, EC3 and CR4

#### Impact on the Listed Building

As outlined above the conservation manager considers there to be no objection to the conversion proposals which "embody an appropriate approach to the conservation of the listed building". The conversion of the listed building involves the minimal alterations to the fabric of the listed building and the new buildings are considered to be of an appropriate design and detailing to safeguard the setting of Foundry House.

Accordingly, subject to detailed safeguarding conditions, as would be attached to the associated listed building application, this aspect of the proposal is considered acceptable and would comply with policies EH3 and EH5 and the advice of PPG15.

#### Level and Mix of Development

PPS6 and policies ME3 and MC4 encourage mixed use developments in town centres. Whilst this proposal is weighted toward residential development it does include retail (A1), office (B1) and a café (A3). It is considered that this constitutes a reasonable balance of uses that would create a commercially viable development that would positively contribute to the vitality and viability of the town centre. The proposed housing (37 units) would contribute to the overall targets set by policy HG1 and are considered welcome.

Accordingly, subject to a condition to govern the uses, the proposed mix of development complies with policies HG1, MC2, MC4 and the advice of PPS6.

#### Planning Obligations

The proposal does not provide for any affordable housing on site as required by policy HG7, however a contribution of £50,000 is offered towards off-site provision. This offer has been made in light of the commercial viability of the proposal. This viability has been the subject of detailed examination through the process of agreeing the terms of the sale of this site, which is currently owned by the District Council.

The figures put forward by the applicant have been subject to expert scrutiny by an independent party and are not disputed. In light of this third party advice the Council's housing manager accepts the commuted offer on the grounds that it may not be sufficient to deliver a unit on this site and if it did a single unit would present unacceptable 'management' issues for an RSL.

It is therefore considered that, in this instance, a case has been made for a lower than normal affordable housing contribution and that a commuted sum would be the best way forward. On this basis the proposal would reasonably contribute to the provision of affordable housing in compliance with policies HG6, HG7 and HG8.

The County education officer has requested a contribution towards primary schools and the Council's sports/leisure officers have indicated that contributions towards sports, arts and leisure facilities should be sought. Whilst these comments are noted, it is considered that any additional contributions would make the scheme unviable. In mitigation it is

pointed out that this development does offer meaningful benefits to the town against which other planning obligations should be considered.

Firstly the proposal provides for a long-term future for Foundry House. This part of the scheme is unlikely to be viable on its own and the development of the rest of the site can be viewed as 'enabling development' to safeguard the listed building. Secondly the proposal includes considerable improvements to the public realm with works to create the promenade being carried out at the developer's expense. This part of the site would then be handed back to the District Council at no expense. It is considered that this element alone constitutes a significant obligation on the developer.

Overall therefore it is considered that reasonable obligations are being sought from the developer, with the creation of the promenade and the safeguarding of the future of Foundry House outweighing competing requests for other obligations in relation to education and sports, arts and leisure facilities in this instance.

Accordingly the proposal is not considered contrary to policies CR2 and CR3 and would comply with policies HG7, HG8 and ST10.

#### Other Issues

**Ecology** – the Council's ecologist has no objection to the proposed mitigation strategy which would comply with the requirements of policy EC8. No objection is raised to the proposed culverting of Dodham Brook and it is considered that the creation of a new landscape stream channel along side the promenade would be of benefit to wildlife. Accordingly this aspect of the proposal is considered to comply with policies EC8 and EU6.

It is understood that Japanese Knotweed, a notifiable alien species is present on the site. Whilst its eradication is covered by other legislation it is considered prudent to recommend a condition to ensure that its removal is agreed with the local planning authority.

**Contamination** – as a former glove factory it is accepted that the site may well be affected by contamination. The application is supported by a comprehensive geotechnical report which makes a number of recommendations to address any contamination. At the time of writing this was being considered by the Council's Environmental Protection Unit, whose members are informally of the view that the development would be acceptable subject to standard safeguarding conditions. Whilst this would comply with policy EP5, an oral update will be necessary to report their final comments.

**Archaeology** – Whilst it was initially considered that archaeological safeguarding conditions might be necessary the County archaeologist has confirmed that there are limited or no archaeological implications for this application. Accordingly the proposal would not be contrary to policy EH12.

**Light pollution** – the site is on the very edge of the built up area of Yeovil, adjacent to the county park. It would be prudent therefore to recommend a condition to ensure that all external lighting is agreed with the local planning authority to prevent unwanted light pollution in accordance with policy EP3.

**Phasing** – it is considered vital to agree the phasing of the development to ensure that the renovation and conversion of Foundry House is carried out as part of the development. It would be most unfortunate if the new building phase were to be completed and Foundry House ignored. Whilst the Council as owner of the site has the

ability through the terms of the sale of land to ensure that this situation does not arise it would be prudent to add a condition to require the phasing to be agreed.

## **Conclusion**

It is considered that the proposed mixed use development, incorporating positive contributions to the public realm and enhances public space is acceptable in principle, would deliver a form of development envisaged by the development brief for the site. The outstanding issues relate to matter of detail would be appropriate to deal with by condition. Accordingly it is considered reasonable to now recommend this application for approval subject to safeguarding conditions and a S106 agreement to secure the agreed contribution towards affordable housing.

## **Section 106 Planning Obligation**

A Unilateral Undertaking under Section 106 would be necessary to agree the appropriate phasing of development and to secure the necessary contribution towards the provision of affordable housing.

## **RECOMMENDATION**

That, subject to the comments of the District Council's Environmental Protection Unit, planning permission be granted subject to:-

- No adverse comments being received from the Environmental Protection Unit.
- The prior completion of a Section 106 Planning Obligation to secure the necessary contribution towards the provision of affordable housing.

## **and the following conditions.**

### **Justification**

The proposed development is of an appropriate mix and level of development that would create a mixed-use development at would contribute positively to the vitality and viability of the town centre as required by the development Brief for the site. Matters relating to flood risk and possible contamination have been adequately addressed. No harm to visual or residential amenity, the listed building and its setting, highways safety, the archaeological potential of the site, protected species or the natural environment would arise. The development would secure the future of this locally important listed building, provide an enhanced public realm with greater links to the county park and make a contribution towards affordable housing. As such the proposal complies with policies ST5, ST6, ST7, ST9, ST10, EH3, EH5, EH12, EC3, EC8, EU4, EU6, EP3, EP5, TP1, TP3, TP4, TP6, TP7, MC2, MC4, ME3, HG1, HG4, HG6, HG7, HG8 and CR4 of the South Somerset Local Plan.

### **Conditions**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.

2. Prior to the commencement of development, a programme of the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority. Such phasing programme shall include details of the timetable for, and management of, the works create the promenade. Once approved, the development shall not proceed other than in accordance with the approved programme.

Reason: To ensure that the renovation of Foundry House is secured as part of the development of the site and to safeguard its special architectural and historic interest in accordance with policy EH3 of the South Somerset Local Plan and the advice of PPG15.

3. The commercial parts of the development hereby approved shall only be used for A3 (ground floor Foundry House), B1 (first and second floors Foundry House); A1 (ground floor corner units marked retail 1 and 2 on drawing number P-FP-EW Rev. F) and for no other purpose.

Reason: To clarify the development hereby approved and to ensure an appropriate mix of uses in accordance with the Development Brief for the site, policies MC2 and MC4 of the South Somerset Local Plan and the advice of PPS6.

4. If the development, including any demolition, does not commence within the period of 2 years from the date of the most recent bat survey, then a further survey shall be undertaken to ascertain any changes in bat presence or activity before work commences.

Such surveys shall be submitted to the local planning authority and approved in writing before work commences along with any further mitigation proposals that may be necessary as a result of any significant changes in protected species presence or activity. Any amended mitigation measures shall thereafter be implemented as agreed.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan.

5. The development hereby permitted shall not be commenced (including any ground works or site clearance) until details of a scheme to eradicate Japanese Knotweed from the site has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of amenity, and in order to comply with legislation (The Wildlife and Countryside Act 1981).

6. The construction of the new buildings 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. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.



Reason: In the interests of visual amenity and to safeguard the setting of the listed building in accordance with policies EH5, ST5 and ST6 of the South Somerset Local Plan.

7. The construction of the new buildings hereby permitted shall be commenced until details of the design, material and external finish to be used for all windows and doors shall be approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity and to safeguard the setting of the listed building in accordance with policies EH5, ST5 and ST6 of the South Somerset Local Plan.

8. Prior to the commencement of the new buildings, or the conversion of Foundry House, particulars of all boundary treatments, including security gates, and hard surfacing materials to be used within the courtyard, private amenity areas, the footpaths along Summer House Terrace and Old Station Way and between the buildings shall be submitted to and approved in writing by the local planning authority. Such details shall include the use of porous materials to the parking and turning areas where appropriate. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual and residential amenity, to ensure the adequate drainage of the site and mitigate any flood risk and to safeguard the setting of the listed building in accordance with policies EH5, ST5, ST6, ST9 and EU4 of the South Somerset Local Plan.

9. Prior to the commencement of the new buildings, or the conversion of Foundry House, details of all external bin and cycle stores shall be submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and to safeguard the setting of the listed building in accordance with policies EH5, ST5 and ST6 of the South Somerset Local Plan.

10. Prior to the commencement of any works in relation to the promenade, cycle way or new water course details, including samples where appropriate, of all surfacing materials, bollards and any marking out shall be submitted to and approved in writing by the local planning authority. Such details shall include the use of porous materials to the parking and turning areas where appropriate. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity, to ensure the adequate drainage of the site and mitigate any flood risk and to safeguard the setting of the listed building in accordance with policies EH5, ST5, ST6 and EU4 of the South Somerset Local Plan.

11. Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available

planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of The Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

12. Prior to the commencement of the new buildings until details of the solar panels (or other method of renewable power generation) have been submitted to and approved in writing by the local planning authority. Once approved such systems shall be fully installed and operational prior to the occupation of any dwelling hereby approved and shall be maintained in good working order at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of sustainable development in accordance with policy RE5 of the emerging Regional Spatial Strategy (RSS10).

13. Before any part of the permitted development is commenced details of all external lighting including street lighting, shall be submitted to and approved in writing by the local planning authority. Such details shall include measures to mitigate light pollution. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: To prevent unwanted light pollution in accordance with policy EP3 of the South Somerset Local Plan.

14. Prior to the commencement of the conversion of Foundry House a full schedule of works, including specifications of materials, shall be submitted to and approved in writing by the local planning authority. Such details shall include:-

1. Details of external materials and finishes
2. Details of new doors and windows including drawings at 1:5 scale.
3. The reinstatement of the original entrance doors.
3. Details of eaves and verges of reconstructed roofs.
4. Design details of new cupola, chimneys and fire escape
5. Sample panels of pointing for approval
6. Details of externally positioned meter boxes, ventilation extracts, flues etc
7. Details of all internal materials and finishes to floors, walls and ceilings
8. Details of internal joinery and secondary glazing

Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of this listed building in accordance with policy EH3 of the South Somerset Local Plan and the advice of PPG15.

15. No part of the development hereby permitted shall be occupied until the associated access works onto Old Station Way and footway improvements works on Summer House Terrace frontage have been carried out in accordance with a design and specification to be approved in writing by the LPA and fully implemented in accordance with those details that have been approved.

Reason: In the interests of highways and pedestrian safety in accordance with policies ST5, TP1 and TP4 of the South Somerset Local Plan.

16. The areas 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 highways and pedestrian safety in accordance with policies ST5, TP1 and TP4 of the South Somerset Local Plan.

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

Reason: In the interests of highways and pedestrian safety in accordance with policies ST5, TP1 and TP4 of the South Somerset Local Plan.

18. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highways and pedestrian safety in accordance with policies ST5, TP1 and TP4 of the South Somerset Local Plan.

19. The internal ground floor level(s) of the new residential building(s) shall be constructed no lower than 32.5m above Ordnance Datum. The finished floor level in the refurbished Foundry House shall be constructed no lower than the existing floor level prior to conversion.

Reason: In the interests of flood prevention in accordance with the advice of PPS25.

20. No development approved by this permission shall be commenced until a scheme for the provision of a surface water drainage limitation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme design shall follow Sustainable Drainage principles and shall not result in an increase in the rate of surface water discharge to the local drainage/watercourse system. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water management in accordance with the advice of PPS25.

21. Prior to the commencement of development, a working method statement to cover all watercourse and sewer diversion works shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: The construction phase of any proposed development affecting the local drainage system poses significant risks of flooding in accordance with the advice of PPS25.

22. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components shall be agreed in writing by the local planning authority and the scheme shall be implemented as approved

Reason: To ensure that the risks to controlled waters posed by any contamination at this site are appropriately addressed in accordance with policy EP5 of the South Somerset Local Plan and the advice of PPS25.

23. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment in accordance with policy EP5 of the South Somerset Local Plan and the advice of PPS25.

24. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local

Planning Authority. The scheme shall be implemented in accordance with the agreed details and not subsequently altered without the prior written agreement of the local planning authority.

Reason: In the interests of sustainable development and prudent use of natural resources in accordance with policy EU4 of the South Somerset Local Plan and the advice of PPS25.

25. Before any of the development hereby permitted is first occupied provision shall be made for combined radio, TV aerial and satellite facilities to serve the development and no individual external radio, TV aerial or satellite dish or aerial shall be fixed on any individual residential property or on any wall or structure relative thereto without the prior express grant of planning permission.

Reason: To safeguard the external appearance of the building in the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan.

26. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development commences.

Reason: In the interests of satisfactory design and visual amenity in accordance with policy ST6 of the South Somerset Local Plan.

27. Other conditions as reasonably requested by the District Council's Environmental Protection Unit.

### **Informatives**

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained in writing from the Highway Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY or by telephoning him on 10823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

You are reminded of the contents of the Environment Agency's letter 25 August 2009, a copy of which is attached to this decision letter