

Draft minute from Joint Area South Committee on 2nd September 2009

Planning Applications (Agenda Item 7)

09/01671/FUL – Mixed use redevelopment to provide 2 shops, 28 dwellings, one live/work unit, 8 flats and conversion of glove factory to form café/restaurant and offices and associated works, Foundry House and former Mill Lane Trading Estate Summer House Terrace – Mr Craig Bates

The Chairman reminded members that as the District Council was the owner of the site the application was before the committee for comments only. The recommendation is to refer such comments to the Regulation Committee for determination of the application.

The Principal Legal Executive Advocate advised that the reason for referral of the application to Regulation Committee was not because the Council was the owner of the application land but for reasons of good governance and transparency, having regard to the Council's interest in the development scheme (e.g. part of the Yeovil Vision programme). He further advised that, under the Council's Constitution, both this application and the associated (next) application for listed building consent should be treated as 'excepted business', with County Council members not voting on either application. This application was a 'major' planning application and therefore 'excepted', and listed building applications were not planning applications and therefore not something upon which County Council members could vote.

The Major Applications Co-ordinator presented the application and advised members that the description of the application should read '10 flats' and not '8 flats'. He updated members that since the report was published comments had now been received from the County Highways Authority (CHA) and the Environment Agency (EA) and copies of these letters were provided at the meeting.

He informed members that both the CHA and EA had agreed in principle with the officers' recommendation subject to the additional conditions and informatives included in these letters. He advised members that no further correspondence had been received from the District Council's Environmental Protection Unit or the County Archaeologist.

With the aid of slides the Major Applications Co-ordinator outlined the current site showing the:

- Conversion of the Foundry House – a grade II listed building
- Creation of the 'promenade' on the southern boundary of the site
- Location of the site in relation to surrounding sites including Old Station Way and the car dealership site.
- The re-routing and culverting of the existing Dodham Brook and the creation of the new flood channel.
- The design layout and elevations of the proposed buildings
- The incorporation and location the electricity sub-station
- Car parking and cycle spaces - highlighting that the movement and safety of pedestrians would be enhanced by the link provided by the promenade to the town centre.

He informed members that 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.

Members were also informed that a Section 106 planning obligation by 'unilateral undertaking' would be necessary in this case as an alternative to a Section 106 planning obligation by agreement, as the Council cannot enter into an agreement with itself.

The Major Applications Co-ordinator concluded that the design and layout of the site delivered an 'urban' style village which responded well to the design brief set out for this site. He added that the balance of mixed use units with the public space provided by the riverside promenade was a sympathetic transformation of this part of the town and created a quality development.

Craig Bates, the applicant, then addressed members informing them that this would be an environmentally friendly sustainable development including solar panels for hot water, high insulation within the buildings and low energy lighting. He reported that they had included a cafe to encourage the public into the park area and felt the design retained the character of the main building and hoped members would support the proposed development. He stressed this was a marginal scheme in terms of viability and had worked hard to maintain the scheme's viability through the economic downturn.

Councillor Peter Gubbins, Ward Member commented that he was slightly disappointed in the design of the site, and felt it looked a bit like a house estate rather than the quality mixed use site that was first envisaged. He was uncertain that the planned café would convey and promote the quality development that was originally proposed.

Councillor Andy Kendall, Ward Member, reiterated the comments regarding the residential units and felt there were more houses than originally planned.

A member of the committee said that the scheme remained a high quality scheme which would uplift this area of Yeovil, and felt that it delivered what the planning brief required.

During discussions members raised concerns:

- over the lighting and street furniture and who would provide and ensure enough lighting was provided on site
- the materials to be used regarding the brick and render for the buildings
- the number of residential units proposed as the original plans seemed to provide more commercial units than first envisaged.

Members felt that due to the nature of the site, facing the country park, fixings such as satellite dishes and meter boxes could be detrimental to the overall appearance and expressed a need for the removal of permitted development rights regarding this issue.

In response to members questions the Major Applications Co-ordinator commented that:

- Conditions 10 and 13 set out in the report should allow for provision of any additional street lighting required
- Condition 6 set out in the report should safeguard the materials used prior to the commencement of the works on site, in liaison with the planners and conservation team.

He stated that it could be appropriate to impose a condition to remove permitted development rights regarding the satellite dishes and meter boxes; however this could only cover the internal courtyard walls and would exclude any outside walls of the development.

The Head of Area Development, South and Head of Development and Building Control informed members that, as there were already many empty commercial units within the town centre, and although efforts had been made to keep the corners and frontage of the site commercial, the reality was the need for greater residential units due to the current change in the economic climate.

Members expressed sympathy regarding the current climate and agreed that the plan reflected the current economic change and that it still showed an excellent development providing for quality town centre living.

The officers recommendation to refer the application to the Regulation Committee with a recommendation to approve was proposed and seconded and carried.

RESOLVED: That application reference 09/01671/FUL be referred to the Regulation Committee with a recommendation to approve subject to:

- a) No irreconcilable adverse comments being received from the outstanding consultees (Environmental Protection Unit and County Archaeologist);
- b) the prior completion of a Section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to secure the necessary contribution towards the provision of affordable housing
- c) the imposition of the planning conditions set out in the Agenda report, together with the additional conditions as recommended by the Environment Agency and the County Highways Authority and the additional conditions on meter boxes and satellite dishes as verbally reported at the meeting.

(Voting: 11 in favour, 0 against, 3 abstentions)

09/01696/LBC – Repairs to existing glove factory and conversion to mixed use, Foundry House Mill Lane Trading Estate Summer House Terrace – Mr Craig Bates

The same report was presented as for the above planning application 09/01671/FUL.

RESOLVED: That application reference 09/01696/LBC be referred to the Regulation Committee with a recommendation to approve subject to the following conditions:

1. The works for which consent is hereby granted shall be begun within three years from the date of this consent.

Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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.

(Voting: 11 in favour, 0 against, 3 abstentions)