

# South Somerset District Council

**Minutes** of a meeting of the **Regulation Committee** held on **Tuesday, 15<sup>th</sup> September 2009** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(9.00am – 10.13am)

## **Present:**

Peter Gubbins (Chairman)

Mike Best	Keith Ronaldson
Julian Freke	Sylvia Seal
Henry Hobhouse	Kim Turner
Michael Lewis	Linda Vijeh
Pat Martin	William Wallace
Patrick Palmer	

## **Officers:**

Simon Gale	Head of Development and Building Control
Adrian Noon	Major Applications Co-ordinator
Robin Legg	Assistant Solicitor
Martin Woods	Head of Area Development (South)
Jo Boucher	Committee Administrator

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Prior to the commencement of the meeting the Chairman explained the procedure that would be followed.

The Chairman also then explained that as this was the first committee of the new municipal year he invited nominations for the position of Vice Chairman. Julian Freke was proposed and seconded and was unanimously elected as Vice Chairman.

RESOLVED: that Councillor Julian Freke be elected as Vice Chairman of the Regulation Committee, for the municipal year 2009/10.

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## **1. Minutes (Agenda Item 1)**

The minutes of the meeting of the Regulation Committee held on Tuesday, 16<sup>th</sup> December 2008, copies of which had been previously circulated, were approved as a correct record and signed by the Chairman.

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## **2. Apologies for Absence (Agenda Item 2)**

Apologies for absence were received from Councillors Tim Carroll and Tony Fife.

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## **3. Declarations of Interest (Agenda Item 3)**

There were no declarations of Interest.

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#### 4. Public Question Time (Agenda Item 4)

There were no questions or comments from members of the public.

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#### 5. **\*\*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 cafe/restaurant and offices and associated works at Foundry House and former Mill Lane Trading Estate, Summer House Terrace, Yeovil (Agenda Item 5)**

The Major Applications Co-ordinator presented the application informing members that the Joint Area South Committee considered the application at their meeting in September. He reported that Area South members supported the officers' recommendation but wished that an additional condition be added regarding the control of satellite dishes and meter boxes. The report had also been updated to include comments from the Highway Authority, Environment Agency and Yeovil Town Council.

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

- Conversion of the Foundry House – a grade II listed building
- Creation of the 'promenade' on the southern boundary of the 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. He also informed members 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.

He added that Condition 15 as set out in the agenda report should be amended to exclude the 'footway improvements works on Summer House Terrace frontage'. As Condition 2 deals with the phasing of the delivery with regards to the creation of the promenade these words could be added to condition 2 so that it reads "Such phasing, including footway improvements works on Summer House Terrace."

The Major Applications Co-ordinator concluded that the design and layout of the site along with the balance of mixed units with the public space create a quality development for this part of the town.

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 felt the design retained the character of the main building and that the overall proportion of the residential units was relatively small in relation to the number of bedrooms, keeping the cost of the houses

down and therefore more affordable. He stressed this was a marginal scheme in terms of viability and had worked hard to maintain the schemes viability through the economic downturn and hoped that members support the application.

During discussions members raised concerns regarding;

- the number of residential units proposed as the original plans seemed to provide more commercial units than first envisaged.
- the bin and recycled storage for the units
- the lack of affordable housing on site
- the use of environmentally friendly materials such as Heat Pumps
- the omission of the community village square
- the increase floods risks regarding the re-routing and culverting of the existing Dodham Brook and the creation of the new flood channel
- the responsibility and maintenance of Dodham Brook due to the current climate issues and any problems this may cause downstream.
- the financial risk to the District Council should the developer go bust

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

- facilities are available for bin storage and that access is available for the refuse lorries to track through the development
- cannot insist on exact manufacturer of materials to be used on site
- due to the public spaces now included on site they felt this compensated for the village green
- the overall size of the 3-5 bedroom houses was smaller than average and therefore considered more affordable
- that it is the responsibility of the District Council for the maintenance of the public open spaces

Members were also informed that as the culvert was unchanged there would be no reduction in capacity of the surface water managed on site. It was reiterated that the flood issues had met the requirements of the District Councils Engineers Department and the Environment Agency.

The Assistant Solicitor informed members that it was highly unlikely there would be any financial risk to the District Council. He explained that development agreements are entered into with the developer by means of covering the delivery of any such development and any possible financial implications incurred.

The Head of Development and Building Control explained to members that the District Valuer had carried out a viability exercise regarding the affordable housing on site. This resulted in the provision of 1 affordable housing unit, which was considered a management problem; therefore the decision was made for the money to be made available to an alternative scheme.

During the ensuing discussion, members reiterated their concerns in relation to the on site maintenance including Dodham Brook, the promenade and the overall maintenance cost implications to the Council. A member then proposed that an amendment be made to the recommendation to include a condition to ensure that the District Council did not take up the maintenance of the site, however this was not seconded and subsequently withdrawn.

Following further discussion, it was proposed and seconded that planning permission be

granted subject to the amendment of Condition 15 to remove the wording 'footway improvements works on Summer House Terrace frontage' and to insert these words into Condition 2. On being put to the vote, this was carried by 11 votes in favour and 1 against.

**RESOLVED:** That application reference 09/01671/FUL be GRANTED subject to:

- a) No irreconcilable adverse comments being received from the Environmental Protection Unit.
- 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 amendments to Conditions 2 and 15 as verbally reported at the meeting

*(Voting: 11 in favour, 1 against, 0 abstentions)*

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**6. \*\*09/01696/LBC – Repairs to existing Glove Factory and conversion to mixed use at Foundry House, Summer House Terrace, Yeovil (Agenda Item 6)**

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

**RESOLVED:** That application reference 09/01696/LBC be GRANTED subject to the following conditions.

**Justification**

The proposed works would have no adverse impacts on the fabric or special architectural and historic qualities of this grade II listed building. As such the proposal complies with policy EH3 the South Somerset Local Plan.

**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 (Commencement No. 5 and Savings) Order 2005.

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: unanimous)*

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**7. Date of Next Meeting (Agenda Item 7)**

Members noted that the next meeting of the Committee would take place on Tuesday, 20<sup>th</sup> October 2009 at 10.00am at the Innovation Centre, Barracks Close, Copse Road, Yeovil

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Chairman