

CONVERSION OF MILL BUILDING (FORMER HAYMANS COALYARD WAREHOUSE) AND EXTENSION TO FORM 21 TWO BED APARTMENTS AND FORMATION OF 32 CAR PARKING SPACES AND BIKE LOCKERS FOR 42 BIKES, HAYMANS MILL, PAYTON ROAD, WESTFORD, WELLINGTON (APPLICATION TO REPLACE EXTANT PERMISSION FOR 43/07/0087)

Grid Reference: 312043.120287

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to the applicant entering into a Section 106 agreement to secure 4 units of affordable housing as discount homes for purchase; and contributions to leisure and recreation: Conditional Approval

There has been no material change in circumstances since the previous grant of planning permission for this development (43/11/0024) when it was considered that the proposal would not have a detrimental impact upon visual or residential amenity. Highway safety is not considered to be affected to any greater extent than when previously permitted and the impact on wildlife interests can be mitigated through the imposition of conditions. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 (Transport Requirements of New Developments) and guidance contained in Planning Policy Statement 9 (Biodiversity and Geological Conservation).

RECOMMENDED CONDITION(S) (if applicable)

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 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 05040-110 Rev A Proposed Floor Plan
(A1) DrNo 05040-111 Rev B Proposed Floor Plans
(A2) DrNo 05040-112 Rev B Proposed Floor Plan
(A1) DrNo 05040-113 Rev B Elevations & Sections
(A1) DrNo 05040-116 Sightlines from Gable Window
(A1) DrNo 05040-117 Sightlines from 3rd Floor

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

3. Prior to the commencement of the development hereby permitted, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, including the point of connection and route to the public sewers (where necessary), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of any of the dwellings hereby permitted and shall thereafter be retained as such.

Reason: To ensure that adequate surface and foul water drainage is installed, in the interests of preventing flooding to the local area, in accordance with Planning Policy Statement 25.

4. Prior to their installation, full details of all guttering, downpipes and other external features for the disposal of rainwater shall be submitted to and approved by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of any of the dwellings hereby permitted and shall thereafter be maintained as such.

Reason: In the interests of the character and appearance of the building and to reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(d) and S2(a).

5.
 - (i) Prior to its implementation, 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.
 - (ii) 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.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition 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: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

6. Prior to their construction, details of all boundary walls or fences forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall or fence so approved shall be erected

before any part of the development is occupied.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. Prior to its implementation, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the method of demarcation of parking spaces. The scheme shall be completely implemented before the development hereby permitted is occupied and shall thereafter be retained as such.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

8. There shall be no obstruction to visibility greater than 900 mm above adjoining road level, forward of a line drawn 2.4 m back from Rackfield on the centre line of the access, extending to the southwest corner of the existing building to the north of the access at the nearside carriageway edge, and 2.4 m back an parallel to Rackfield to the south of the access for the extent of the site frontage. Such visibility shall be fully provided before the dwellings hereby permitted are first occupied, and shall thereafter be maintained at all times.

Reason: To ensure that adequate visibility is provided from and of vehicles emerging from the proposed access in the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

9. Before the dwellings hereby permitted are first occupied, the surface of Rackfield shall be consolidated and surfaced between the site access and the existing highway, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are available for traffic likely to be attracted to the site, in the interests of highway safety in accordance with the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

10. Prior to their installation, details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of any of the dwellings hereby permitted.

Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(a).

11. The fenestration details on the north and east elevations, comprising obscure glazing and louvres, shall be implemented strictly in accordance with the approved plans prior to the occupation of any of the dwellings hereby permitted and thereafter shall be retained as such. There shall be no alteration or additional windows in these elevations without the grant of a further planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Taunton Deane Local Plan Policy S1.

12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy S2(a).

13. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Sunflower Ecological Consultancy's submitted report, dated April 2011 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained

Reason: To protect wildlife and their habitats from damage and to retain biodiversity interests on site in accordance with Planning Policy Statement 9.

14. Prior to any of the apartments being occupied, the gravelled area to the north of the existing building shall be hard surfaced in accordance with details submitted in respect of condition (7) and thereafter retained in accordance with such details as a passing place.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site, in the interests of highway safety in accordance with

15. Prior to the commencement of the development hereby permitted, a programme of building recording and analysis shall be submitted to and agreed in writing with the Local Planning Authority and such work shall be carried out in accordance with the written brief prior to the commencement of development.

Reason: To help record the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.

16. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been

achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies S1 and EN32 of the Taunton Deane Local Plan.

17. Prior to the commencement of the development hereby permitted, 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 Planning Policy Statement 23.

18. 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.

Reason: In the interests of sustainable development and prudent use of natural resources in accordance with Planning Policy Statement 1.

Notes for compliance

1. The details required in respect of condition (3) relating to foul and surface water disposal will require a full survey of the local water infrastructure including the culvert crossing the site and should give preference to a design reliant on Sustainable Urban Drainage principles. A CCTV survey will be required to assess the standard of the existing infrastructure. The point of connection of foul drainage to the public sewer shall be clearly shown and agreed as part of the condition.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

SITE DESCRIPTION AND HISTORY

The site comprises a disused former mill building in relatively poor condition – it no longer has any windows and the roof structure is largely missing. The building is

accessed from Payton Road via Rackfield – a private road that winds around the north and west faces of the Mill Building. Rackfield serves a number of dwellings, the closest of which are Westford House and The Manse – grade II listed buildings which sit to the north of the building. Beyond the Mill are a number of further dwellings and Brook Farm.

To the north and northwest of the site is the recent housing development of Westford Grange. Whilst this development gains vehicular access directly from Payton Road, there are pedestrian access points directly onto Rackfield, including directly opposite the northwest corner of the application site where there are also 5 rear gates to the three storey dwellings opposite the site. To the south of the Mill Building, within the application site, is an area of rough ground at a slightly lower level to the adjoining highway.

PROPOSAL

This application seeks to extend the timescale for implementing a previous planning permission for the conversion and extension of the former ‘Hayman’s Mill’ building to form 21 two-bedroom flats.

Given the type of application, the proposal is identical to that previously permitted in terms of detail and those plans are relied upon for the determination of this proposal.

In short, the development proposes to add a three-storey extension to the south of the existing building and convert the existing building to form 21 two-bedroom apartments. Parking for 32 cars would be provided on land to the south of the building, within the ground-floor of part of the existing building and a small area to the north. Secure lockers would also be provided for 42 bicycles. The existing vehicular entrance directly into the building in the north elevation would be closed and access to the site would be from Rackfield Lane to the south.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL – Object for the following reasons:

- The proposal is an overdevelopment of the site.
- Development in this area taken together with other development that had now taken place would result in road safety hazards.

The views of the transport group were noted, however, the Town Council urge that the site was revisited as the building that had taken place in recent years had exacerbated an already poor highways situation.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST – No comments received.

SOMERSET FIRE & RESCUE SERVICE – The means of escape and access facilities for the emergency services must comply with the building regulations.

SCC - TRANSPORT DEVELOPMENT GROUP – It would appear that since the consideration of the original application little if anything has changed that would impact on the Highway Authority comments when considering the Policy context for this scheme.

I understand that there are local concerns regarding access via Rackfield which are recognised. It is however the case that this site and the bitumen site adjacent were considered simultaneously at the time that this scheme considered as application 43/07/0087.

It is not therefore appropriate to amend or alter the Highway Authority concerns which were made previously, as they remain technically accurate and should be considered equally applicable at this time.

I am however concerned that at the time of considering 43/07/0087 the dwellings which were permitted under planning applications 43/1998/007 and 43/2004/052 were under construction. These should have provided an improvement to visibility at the junction of Rackfield with Payton Road, which does not appear to have been implemented or maintained. Further, the visibility from these dwellings onto Rackfield has not been provided/maintained which may prove problematic when/if this scheme is progressed.

As such, I confirm that all comments made with regard to the previous application on this site, apply equally at this time. There is however concern that the anticipated visibility at the junction of Rackfield with Payton Road does not appear to have been provided. It must therefore be a matter for TDBC as LPA to determine a course of action.

If enforcement action can not be taken to secure this visibility, then there may be a highway safety concern with regard to visibility at this junction.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – The site has a past history of commercial use and the proposal is for residential use. Therefore, I would recommend that the standard contaminated land condition be attached to this application.

I note that site investigation reports have been submitted for previous applications for this site. These could be used to provide most of the information needed to meet the condition, although they should be reviewed to ensure that they are up to date and the developer would need to provide some additional information detail regarding proposed remedial works.

The developer should be aware that in accordance with PPS23, the responsibility for ensuring that the development is safe and suitable for the use lies with the developer.

COMMUNITY LEISURE – Based on the current contributions, a contribution of £1,100 per dwelling is required for outdoor play and £2,200 per dwelling for active recreation. Accordingly, £69,300 is required from this development.

SCC - RIGHTS OF WAY – No comments received.

LANDSCAPE – Subject to suitable landscape detailing, it should be possible to provide landscape mitigation.

NATURAL ENGLAND – Initially commented that a wildlife report was required. Have not commented since the submission of such a report.

BIODIVERSITY – Sunflower Ecological Consultancy carried out a wildlife survey of the site in April 2011. Findings were as follows

Birds - The building has previously been used by swifts and swallows prior to stripping of the roof. The surveyor found nesting sparrows at the time of survey. Works should be timed to avoid the bird nesting season. I support the enhancement proposals for birds suggested by the surveyor.

Bats – Systematic bat exclusion work has been carried out in the building and a dedicated bat roost has been created nearby. Bats are now no longer a constraint in this application

Reptiles and amphibians – The surveyor found no standing water on site but noted that a small stream- presumably in a culvert - runs under the site before emerging in a deep ditch near the SE end of the site. There is damp grassland nearby. One toad was noted by the surveyor.

Herpetiles were laid by the surveyor which will be inspected for reptiles during the summer. Subject to the results of the reptile survey I agree that there are few ecological constraints on this site.

In accordance with PPS9 I would like to see wildlife protected and accommodated in this development. I suggest a condition to ensure that this occurs.

WESSEX WATER – No comments received.

ENVIRONMENT AGENCY – No objection, note that the existing mains sewerage system runs through the embankment of the reservoir to the south of the site which is owned and maintained by the EA. Previous discussions have indicated that the new connection point of the development is proposed to be located at the left toe of this embankment and our position on this matter still applies: we do not wish to see any excavations or new pipe connections to the mains through or near the embankment because it is likely to impact on the structural integrity of the reservoir dam. Given that we own this embankment, we are unlikely to agree to any works of this nature on any part of our land.

A detailed drawing showing drainage network for water supply, foul and surface water drainage must be provided to ensure that there is no impact on the reservoir. Any connections to the mains must be downstream of the reservoir.

There is a minor watercourse which is culverted through the site. This is shown indicatively on plan ref 05040-110 Rev A, however, it is unclear how accurate this is. The application also indicates that surface water flows will be directed to this culvert. The developer should carry out a CCTV survey of the culvert to ascertain it's route and capacity. This is likely to be required to ensure that there is no load bearing on the culvert from the development footprint, that the culvert is capable of taking any additional surface flows and that maintenance of the culvert can still be achieved post development, which would be the responsibility of the riparian owner. The culverted watercourse must not be interrupted in any form as a result of the extension footprint or loading.

Surface water proposals should be assessed against the SuDs hierarchy and those further up this hierarchy be used in preference to traditional piped solutions where

possible. This can achieve wider sustainability benefits for water quality, amenity and biodiversity if planned properly.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard-standings must be passed through an oil interceptor designed and constructed to have an appropriate capacity. Roof water should not pass through the interceptor.

Recommend conditions requiring details of a foul and surface water drainage scheme; a scheme for the improvement and/or extension of the existing sewage disposal works; a Construction Environmental Management Plan should be submitted and agreed; a scheme for water efficiency should be submitted and agreed.

DRAINAGE OFFICER – No drainage details of how surface and foul water is to be treated have been submitted. I believe that there are existing culverts that traverse this property. Ideally, full details of a drainage plan should be forwarded and agreed before any planning permission is granted. However, Most of my concerns are picked up by the conditions and notes attached to permission 43/07/0087 and still apply.

The only slight concern is that there is no direct reference to the existing culvert that passes through the site as outlined in my original observations dated 22/8/2007. Queries whether this can now be addressed.

Representations

Ward Member (at time of representation) Cllr N Wilson – Objects strongly to the number of dwellings proposed within this development. The traffic within this area of Westford and Rockwell Green has increased enormously due to the development of Westford Grange with 70 houses. The corner of Rackfield Lane is already dangerous without the proposed addition of 21 dwellings. This development will impact on the lives of the community of Westford and Rockwell Green and the well being of the residents of Rackfield. I would like to see another highways report being conducted due to the change of the environment before this comes to planning.

A representation from Somerset Industrial Archaeological Society has made the following comments:

- We are pleased that the application seeks to convert rather than demolish the existing buildings. The society has consistently supported proposals for conversion and objected to those for demolition.
- There is a need for a successful outcome in order to bring a halt to the deterioration of the building which has occurred since the cessation of the coal business.
- The current application retains the essential features of the building in terms of size and shape. We hope that changes to fenestration are kept to a minimum.
- The society believes it is important to retain some visible evidence of such a significant local development. We are therefore in favour of the current scheme and have no objection to the addition of the new building if that makes retention of the historic buildings more viable.
- The original permission included provision for archaeological recording and

this should be re-imposed.

10 Representations, including one from a Parish Councillor, have been received raising the following points:

- Maps being used do not show Westford Grange – including the wildlife survey, which appears to rely on out of date information.
- There is insufficient infrastructure in the area to accommodate the development, despite past promises that this would be provided. The additional development in Westford has created serious traffic problems in both Westford and Rockwell Green.
- There has been a considerable increase in traffic since the development of Westford Grange and the roads are not suitable for such heavy usage and speeds. Any further development would not be appropriate.
- There is a blind corner between Westford Grange and the Coal Yard building on Rackfield, worsened by the Midas development, which provide a pedestrian link through here and has rear accesses directly out onto the lane. Many children now play in this area and in the road generally.
- Rackfield is a busy, private road, serving 25 dwellings plus a farm, and becomes a footpath to Sampford Arundel and Holywell Lake.
- The single track river and rail bridges present additional hazards to highway safety. There are no footways and now considerable pedestrian activity between Westford and Rockwell Green.
- The boundary wall at Westford Grange is already restricting access to Brook Farm. It has made it extremely difficult to access property beyond the site. Vehicles have to use non consolidated rubble on the sides of the lane. The present proposal further blocks access to Rackfield and Brook Farm and the concern is that the owner is using the unplanned and un-surveyed widening of the track to improve access to his land for further building.
- The provision of cycle storage is an environmental token gesture to allow the Council to approve the application. There are no safe cycling routes from the site to Rockwell Green/Wellington.
- The bus route relied on to make this development acceptable is under threat from government cuts and obstructions to the route from parked cars – a situation that will only worsen. Cuts to the bus service have just been announced, so people will have to be more reliant on their private cars.
- Concerns over parking and the use of the private road, Rackfield, by workers on the site – as has been the case at the Westford Grange development. Rackfield must be kept clear for residents and emergency services. Rackfield has been frequently blocked by previous construction traffic. The access to the yard is not adequate for contractors vehicles and building supplies to access the yard. Concern raised over where they will park and how they will deliver supplies.
- Previously vehicles accessed the warehouse through the front door. It would seem appropriate that the front access be deemed the access to both the warehouse and the yard in the future. The side access is dangerous inaccessible and inappropriate.
- Further development at Bagley Road and this development will both exacerbate traffic congestion in Rockwell Green.
- The leat and surrounding foliage offers a habitat for wildlife, vehicles are damaging this.
- There is concern that the roof was removed before an environmental and ecological study were initiated on the warehouse. The building had a large

population of bats and swallows and house martins, which has developed over the last 100 years.

- Development of Westford Grange revealed hidden water pipes and other historic infrastructure. These have been damaged during construction and water now continuously runs down the road. A full industry and water engineering archaeological survey should be undertaken before any further damage is committed to these structures and the area.
- Since the completion of Westford Grange, the water pressure and broadband speeds for other dwellings at Rackfield has fallen drastically. Query whether anything can be done to rectify this situation and whether the infrastructure can support any further dwellings.
- Query whether scaffolding would come out onto the access lane.
- The entire Westford Grange has become affordable housing. Question whether there is a need for 21 more cheap flats – if so why were the applicants unable to find advance buyers.
- If the flats are built and there is no market, query whether they too are likely to be sold to a housing association.
- The number of flats proposed are an overdevelopment of the site. The building should be converted by creating a home for 2 families.
- Westford should not have to absorb any further affordable housing.
- The huge influx of residents will lead to problems with social integration and additional facilities are required for the community, including dedicated play workers.
- There are two listed buildings adjoining the site.
- The mill is not an attractive building and is structurally unsound. It would benefit the listed Westford House and The Manse which adjoin the site if there were high quality re-development of the site. A higher quality historic planning permission exists (43/04/0051).
- Earlier applications for 14 flats were more acceptable, and would house approximately half the residents of the current scheme.
- 1.5 parking spaces per dwelling is unlikely to be sufficient and parking will overspill onto Rackfield. There is no provision for visitor or overflow parking.
- The Manse would be completely overlooked by all 16 windows of the first and second floors. Westford House is not afforded any privacy.
- The additional dwellings (90 taking account of this proposal and Westford Grange) would completely change the peaceful character of Westford.
- Westford Grange has failed to make adequate provision for children's play facilities, so the children are spilling out onto Rackfield Lane with balls, bikes etc. as well as into the local fields.
- The Hayman's Mill proposal similarly makes no provision for any outside space.

PLANNING POLICIES

W1 - TDBCLP - Extent of Wellington,
EN27 - TDBCLP - Water Source Protection Areas,
EN12 - TDBCLP - Landscape Character Areas,
EN28 - TDBCLP - Development and Flood Risk,

DETERMINING ISSUES AND CONSIDERATIONS

This application seeks to extend the time limit in which the previous planning permission (43/07/0087) could be implemented. The government guidance issued in

respect of this type of application makes clear that in assessing such applications the Local Planning Authority should focus its attention on development plan policies and other material considerations which may have changed significantly since the original grant of planning permission. Indeed, if there had been no material changes in circumstance, it would be somewhat perverse to reach a contrary decision. The consideration of this application must, therefore, first ask whether there have been any material changes in circumstance and, then, whether those changes warrant a contrary decision to that taken in respect of the previous application.

Highway related issues

Since the previous grant of permission, the Westford Grange development for 69 houses has been built. Local residents have suggested that the presence of additional dwellings at Westford Grange has significantly increased traffic in the area and has resulted in considerable additional footfall on Rackfield as a consequence of the pedestrian access points into that development.

It has also been suggested – and it is clearly evident on the ground – that the development of Westford Grange has been built right up to the edge of the carriageway of Rackfield. It would appear that, in the past, residents of Rackfield enjoyed an informal right of way over part of this land, which essentially increased the carriageway width and provided good forward visibility through the double bend off the northwest corner of the Haymans Mill building. The construction of the stone boundary wall to Westford Grange has removed this land from use by traffic on the lane, significantly reducing forward visibility and creating a pinch point whereby the passage of large vehicles along the lane is extremely difficult. Local residents have reported collisions and near misses with children and other pedestrians exiting from the site at these blind corners due to the lack of forward visibility.

The construction of the Westford Grange development is, clearly, a material change in circumstance, which has significantly increased pedestrian and vehicle movements in the area. However, it is not considered to warrant a refusal of permission because that development (application 43/06/0163) was already permitted (6th August 2007) when the previous permission for this site was granted on 27th March 2008. The full impacts of that development and its relationship with the proposed development at Hayman's Mill were, therefore known and, although the development is now present, the two were always intended to co-exist and this has not changed.

At the time of the previous permission, two new dwellings were under construction at the junction of Rackfield and Payton Road. The approved plans for these showed a 4.5m x 60m visibility splay across the site frontage to improve visibility to the left when leaving Rackfield. The Highway Authority have commented that the presence of this visibility splay meant that the development of Hayman's Mill was acceptable, and that they were content with the proposals. That development is now complete and the visibility splay has not been provided (it is obstructed by domestic planting). Reference to the outline planning permission for that site (43/00/0125) has revealed that the maintenance of such a visibility splay cannot be enforced and it would now appear that it will not be provided. The Highway Authority have commented that they are now concerned about the development at Hayman's Mill in terms of the visibility at the Payton Road junction. However, whilst it has now become apparent that the expected visibility splay will not be provided, its maintenance could never

have been secured under the previous permission. There has, therefore, been a change in circumstance in terms of expectation, but, in your officers opinion, not in terms of material planning considerations.

With regard to these matters, it is not considered that there has been any material change in circumstances relating to highway issues at the site.

General population growth, development mix and tenure issues

At the time that it was given permission, Westford Grange was intended to have a proportion (15) of the houses as affordable. In the event, due to the unusual economic circumstances at the time, the developer sold the entire site to a housing association and the development is, therefore, now 100% affordable housing. Some local residents have suggested that Westford now has an excessive amount of affordable housing and have commented that the same could happen to the Hayman's Mill site if the developer was unable to sell the flats on the open market. However, in planning terms, any open market dwelling can be an 'affordable' dwelling if managed by a housing association and there is, therefore, no material change in circumstance. The fact that the dwellings at Westford Grange are affordable does not impact on neighbouring residents or the local highway network any differently to if there were open market housing on the site, in terms of the planning use of the site.

The previous grant of permission was subject to a Section 106 agreement that required 4 of the dwellings to be affordable as discounted dwellings for sale. It is considered that there is no reason not to re-impose this requirement.

There has been comment received about the scale of the development and that it seeks to accommodate too many dwellings on the site (at the expense of sufficient parking or open space). However, this is no different to the previous scheme and there have been no material changes in policy in order to reach a different decision.

Neighbouring properties

The previous permission fully considered the impact on neighbouring residents and secured mitigation to prevent overlooking. Again, since permission was granted, additional neighbouring dwellings have been built at Westford Grange and they are in close proximity to the mill building, however, as with highway issues, this relationship was known, if not built at the time of granting the previous permission. There has been no material change in circumstances in terms of the relationship with neighbouring residents.

Comments have been received that the additional development has affected broadband speeds and water pressure in adjoining houses. However, this is not a matter that the Local Planning Authority can control and, rather, is a matter for the local residents to pursue with the relevant providers.

Condition of the building

Since the previous grant of permission, the building has visibly deteriorated, with the loss of more of the roof structure. Neighbouring residents have explained how the building has been supported internally with scaffolding (which has subsequently been removed) suggesting that its structural stability is uncertain. Significant works

may, therefore, be required and this may include substantial rebuilding. However, acceptability of the previous scheme was not dependant on the proposal being a conversion and the site is still within the settlement limit where a completely new build development would be acceptable in principle. Therefore, the deterioration in the building is not considered to be a material change in circumstance that would warrant refusal of the application.

Wildlife

The previous application found that the site was used by bats and nesting birds. An up to date survey has now been submitted indicating that bats are no longer a constraint on development, although nesting birds still use the site. Further work is recommended in terms of reptiles, although it is unlikely that any European Protected Species, such as Great Crested Newts use the site. It is, therefore, recommended that a condition is imposed requiring a detailed strategy to be submitted for wildlife mitigation, as in the previous permission.

Previous conditions

When granting permission to extend the time limit, it is appropriate to consider the relevance of all conditions previously imposed.

Conditions were previously imposed ensuring that materials should be as shown on the approved plans. This is no longer considered necessary as it is now customary to stipulate the plans that development is carried out in accordance with. Other conditions are recommended to be modified/amalgamated and consolidated to form a more concise planning permission. Conditions were previously imposed removing permitted development rights for new buildings, but as this is a development of apartments, such rights would not apply in any case. Such a condition is no longer recommended.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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