

Bath & North East Somerset Council

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| MEETING: | Development Control Committee |
| MEETING DATE: | 15 th January 2014 |
| TITLE: | Revised Recommendation – S106 Agreement Former Cadbury Factory Site – Somerdale Keynsham Report of Lisa Bartlett Development Manager 01225 477281 |
| WARD: | ALL |
| AN OPEN PUBLIC ITEM | |
| Background Papers : Application Ref: 13/01780/EOUT | |

1 THE ISSUE

2 Reason for Reporting to Committee

- At its meeting on 25th September 2013 Members considered a report on the planning application for the redevelopment of the former Cadbury's Factory site at Somerdale. The report included a Recommendation that the Planning and Environmental Law Manager be authorised to secure an Agreement under s.106 of the Town and Country Planning Act 1990 to secure amongst other matters the fit out and delivery of employment space on the site to an agreed specification and programme.
- Negotiations on the fit out of the employment space have stalled and this report seeks authorisation for the specification and for alternative provision.

5 Background

- In May 2013 the Council registered a part outline, part detailed application for the mixed use development of the former Cadburys Factory site, Somerdale, Keynsham. The application proposed up to 700 dwellings plus new school, Fry Club building pitches and facilities, and retail and business space. As part of the development the application proposed the part demolition of two of the existing factory buildings (B and C) and the refurbishment of the retained parts for office purposes.
- At its meeting in 25th September the Development Control Committee agreed the recommendation to grant planning permission for the development subject to a legal agreement and conditions. Since that meeting Officers have been in negotiation with the applicant over the detailed wording of the s.106 agreement. The applicant had been proposing that following demolition of part of the buildings that they would be made watertight but no other refurbishment works carried out

until an occupier had been confirmed. Given the stated objective of the application to provide the employment on site Officers were concerned that this limited refurbishment work could hinder or delay the prospects of letting the buildings as significant further work would be required to bring the buildings up to a condition suitable for final tenant fit out and occupation.

- 8 The applicant's reluctance to commit significant speculative investment in the buildings without a known occupier is understood however it is considered that a more extensive refurbishment specification is appropriate and reasonable including for example replacement of existing windows and provision of services to each floor of the building. It is accepted that internal fit out, which would be specific to the individual requirements of tenants, would be undertaken once the occupier is known.
- 9 In the light of the issues raised by Officers the applicant is now proposing a refurbishment specification comprising the reinstatement of the rear walls (rather than just temporary watertight covering) and provision of services to the edge of the building. Other items such as replacement of all external windows, service and utility connections to each floor, service cores, new entrance screens/doors and screed floors, and external security lighting, landscaping and parking arrangements would only be undertaken once the occupier was known.
- 10 Whilst Officers remain concerned at the scope of this work, if despite efforts to market the buildings they are not let then it is appropriate that should alternative proposals come forward for these buildings that the developer makes a financial contribution to the delivery of employment off site. This 'fallback' position would be reflected in the s.106 agreement with an agreed financial review mechanism to establish the level of payment.
- 11 This approach is different from that presented in the 25th September Committee report which assumed a specification for the building refurbishment works would be agreed and included in the s.106 agreement. Providing the employment space on site, with the potential to provide around 1,000 jobs, remains the primary objective however the approach now proposed seeks to ensure that should circumstances transpire that the retained buildings are not used for employment purposes the development will contribute towards the delivery of employment off site.

RECOMMENDATION

That the Planning and Environmental Law Manager be authorised to secure an Agreement under s.106 of the Town and Country Planning Act 1990 to secure amongst other matters

- a) the fit out and delivery of employment space on the site to an agreed specification and programme
- b) provision of a financial contribution towards the delivery of employment off site should Buildings B and/or C not be refurbished and occupied within an agreed timescale [5 years] and an alternative use be proposed for the use of the buildings or land.