

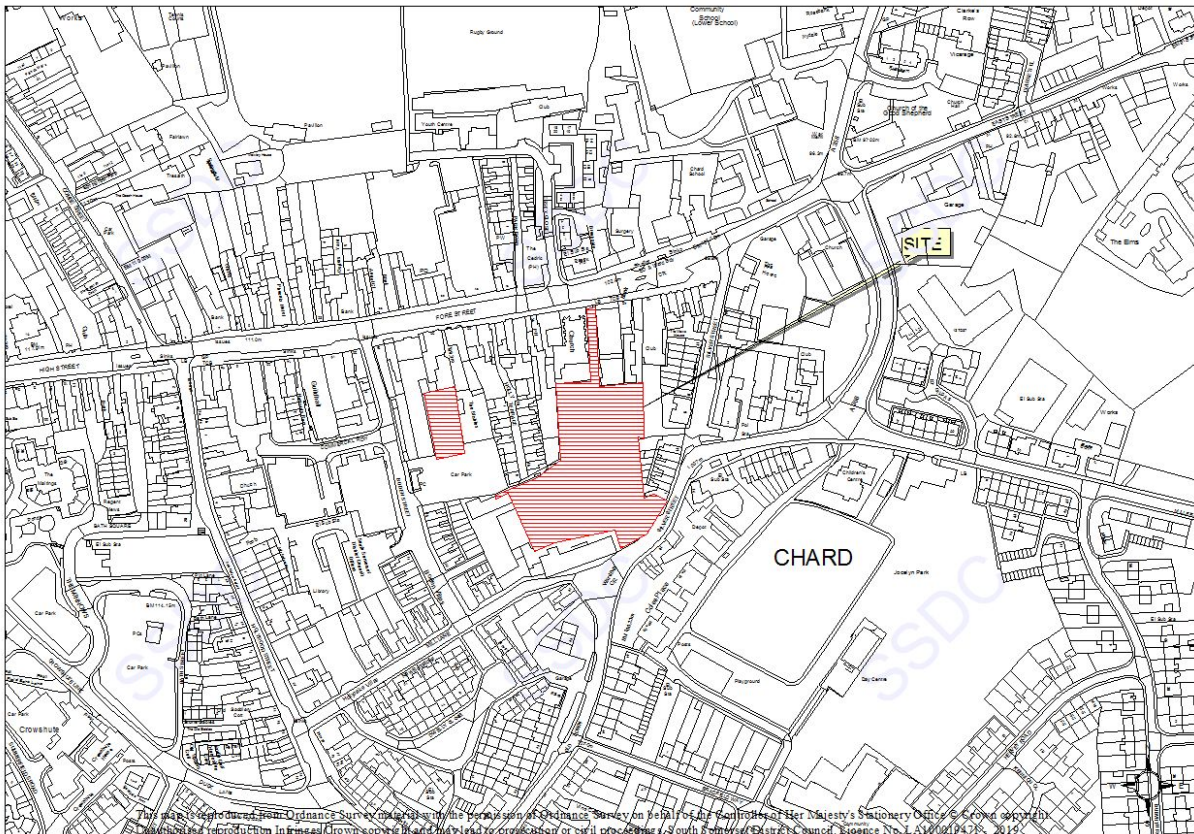
Officer Report on Planning Application: 19/01631/LBC

Proposal:	Erection of a leisure centre (D2 use class) and associated works, conversion and extension of a building to a library (D1 use class) and demolition of (and remedial works to) some existing curtilage listed buildings.
Site Address:	Land North of Boden Mill, Boden Street, Chard TA20 2AX
Parish:	Chard
CHARD HOLYROOD Ward (SSDC Member)	Cllr Jason Baker
Recommending Case Officer:	Andrew Gunn
Target date:	5th August 2019
Applicant:	South Somerset District Council
Agent: (no agent if blank)	Collier Planning, 2 Chartfield House Castle Street Taunton TA1 4AS
Application Type :	Other LBC Alteration

REASON FOR REFERRAL TO AREA WEST AND REGULATION COMMITTEE

The applicant is South Somerset District Council (SSDC) and is a major application. Under the Scheme of delegation, the application must therefore be considered by both the Area West Committee and Regulation Committee.





SITE DESCRIPTION

The former industrial site is located in the centre of Chard with Fore Street to the north, Boden Street to the west, Mill Lane and Silver Street to the south and east. The site comprises a range of former industrial buildings including the listed Boden Mill and archway building. Two District Council car parks currently occupy parts of the site - Boden and Market Field car parks respectively. The site largely adjoins a range of residential properties along with commercial uses and the Methodist Church along Fore Street.

PROPOSAL

This listed building application and associated planning application seeks consent for the redevelopment of the Boden Mill site within the town centre of Chard. The whole redevelopment of the site along with the Lace Mill will be phased. This first phase includes the erection of a new leisure centre, conversion and extension of an existing building (known as Building 11) to create a new library and community use, and demolition of existing industrial buildings. Future phases will include proposals for housing, commercial units, and public realm improvements.

The redevelopment of this site has been a clear ambition of the District Council for a number of years and forms a key part of the wider regeneration proposals for the town. The District Council is working in partnership with Alliance Leisure to provide the new leisure centre, and along with the range of other facilities will attract people to the town centre. It will also improve pedestrian links to and from the site as well as to other local services and facilities.

In addition to the plans, the application has been supported by a number of reports and assessments. These include a Transport Assessment, Ecological Assessment, Flood Risk Assessment, Design and Access Statement, Heritage Assessment, and a Noise Impact Assessment.

HISTORY

There is an associated pending planning application - 19/01630/FUL.

There have been a number of other planning applications dating back to the 1950's in relation to its various commercial uses, although none particularly relevant to this current proposal.

POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building; park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application:

Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)
EQ3 - Historic Environment

Other Relevant Material Considerations.
National Planning Policy Framework

CONSULTATIONS

Chard Town Council:

Recommend that this application should be approved.

Historic England:

Officer comment:

Historic England submitted a very detailed response to the application proposals. Their response is attached as an appendix to this report. Their recommendation is included below:

Recommendation

Historic England has concerns regarding the applications on heritage grounds.

We appreciate that the Boden Mill site offers an exciting opportunity to start the process of bringing back a vacant historic mill site into beneficial use as well as allowing for more wide reaching benefits in the regeneration of Chard.

We have identified a number of areas that raise concerns regarding the proposed implementation of the scheme. This includes the harm caused by the loss of key buildings, primarily building no. 1 and the boiler house. We also have concerns regarding the architectural response to the new build civic elements of the site, due to its impact on the character and experience of the site as well as adjacent buildings (11). We feel steps could be taken to

address these elements allowing for a more positive and sensitive response to be undertaken (Para 190, NPPF). We would welcome the opportunity to continue these discussions further with the council and the applicant in order to bring forward the proposed benefits of the scheme while providing a more sympathetic response to the historic environment.

In determining the application the council must be compelled that there is clear and convincing justification for the proposed harm (Para 194, NPPF). They should be satisfied that the same benefits could not be achieved through a less harmful solution (Para 190, NPPF). If the harm can be justified then any justified harm needs to be outweighed demonstrable by the public benefits offered by the scheme (Para 196, NPPF).

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Officer comment: Following receipt of the above comments, the Chard Regeneration team and architects have carefully assessed the response and advice. In particular, various options have been explored in regard to Building 11. As outlined in more detail later in this report, a letter has been sent to Historic England explaining why it is not feasible to retain Building 11. The Boiler House however, will now be retained. An oral update will be given to members in regard to any response received from Historic England.

Specialist (Conservation)

I welcome the Heritage Vision report on the mill site. It has given us an excellent basis to determine the application.

This report makes it clear that the site represents a process which can be regarded as a single Heritage Asset. It is a process rather than a set of disparate Listed Buildings.

I welcome the decision to retain the Boiler House. The associated public benefit with its demolition was not strong so I believe that this is the correct decision.

The main issue outstanding is the demolition of Building 1. This is identified in the Heritage Vision report as having high significance. Both myself and Historic England have encouraged the applicants to make every attempt to retain and integrate the building into the scheme, but it has not proved to be possible in both economic and practical terms as it severely impacts on the legibility of the new scheme and makes it unviable.

The policy framework is as follows:

The National Planning Policy Framework Chapter 16 'Conserving and enhancing the historic environment' requires us to assess the impact that development will have on a heritage asset.

Paragraph 185 states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 192 states:

In determining planning applications, local planning authorities should take account of:
the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

In particular Paragraph 196 states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 198 states:

Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Local Plan Policy EQ3 reflects the NPPF guidance. Heritage assets must be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. In addition Policy EQ2 requires all new development proposals to be designed to achieve a high quality which promotes the District's local distinctiveness and preserves or enhances the character and appearance of the District.

I welcome the intention to retain much of the historic fabric and the Mill buildings. The new buildings have been sensitively designed and the subject of scrutiny by the South West Design Review Panel. The design is as good as it can be within the financial constraints of the development.

The demolition of Building 1 is a particular issue. If it was considered in isolation, it could be considered to be Substantial Harm so unacceptable. However I take the view that it is part of a process on the site. Accordingly I consider it under NPPF Chapter 196. It represents 'Less than Substantial Harm' in the highest category. For this to be acceptable, there will need to be clear evidence that there is sufficient public benefit derived from the scheme to offset this harm

If you consider that there is sufficient public benefit, it is very important that we retain a comprehensive record of the building and have on site interpretation that explains the building that has been removed and how it worked in the context of the surrounding buildings. Historic England publish detailed guidance on this:

<https://historicengland.org.uk/images-books/publications/understanding-historic-buildings/heag099-understanding-historic-buildings/>

It would be appropriate to specify Level 4 as the standard for recording.

The records should then be published in accordance with the current Somerset Archaeological Handbook:

https://www.somersetheritage.org.uk/downloads/publications/Somerset_Archaeological_Handbook_2017-6.pdf

My formal recommendation has to be that I Object to this application based on the level of harm. I do recognise that the ultimate recommendation needs to be a balance of my view and the public benefits identified by the Development Management Specialist and the Committee.

REPRESENTATIONS

8 letters/emails had been received at the time of writing this report. An oral update will be given in regard to any additional comments received at the committee meeting. Most of the writers were generally in support of the scheme, with only 1 writer commenting upon specific listed building issues in regard to the setting of the Methodist Church.

1 writer stated that they fully support the application as it is just what the town needs.

CONSIDERATIONS

Heritage Impact

It is clear that the key planning issue associated with this application is the impact on the heritage assets within the site. As outlined above, the site contains listed buildings as well as curtilage listed buildings that have been thoroughly assessed and identified as having varying levels of heritage significance. The District Council has worked closely with Historic England on this project, including site visits. The Council also commissioned a full heritage appraisal of the site to gain a full understanding of the heritage assets and the significance of those buildings. Heritage Vision submitted a very detailed report which gave a very clear appraisal and understanding of the buildings. This report, helped to inform the detailed proposals for the site. Importantly, it has enabled the Council to address those aspects of the scheme that have been identified as having a harmful impact to some of the heritage assets on site.

As members will note from their detailed response, Historic England have raised concerns about certain aspects of the proposals. Primarily, the harm caused by the loss of key buildings, including building no. 1 and the boiler house. In addition, concerns have been raised regarding the design proposals for the new build civic elements of the site, due to its impact on the character and experience of the site as well as adjacent buildings (11). Historic England consider that steps could be taken to address these elements allowing for a more positive and sensitive response to be undertaken. They would welcome the opportunity to continue these discussions further with the council and the applicant in order to bring forward the proposed benefits of the scheme while providing a more sympathetic response to the historic environment.

The Chard Regeneration team and its appointed architects have given very careful consideration to the concerns raised by Historic England. The Council has written to Historic England outlining its response. Following consideration of the Historic England advice, the Council has agreed to the retention of the Boiler House. Whilst outside the scope of this application, the Council acknowledges the significance of the former role of this building and its significance as an integral element as the power source for the site processes. On this basis

any future applications dealing with the Boden Mill will show the retention of the boiler house, and its close integration with future proposals. The retention of the boiler house will lead to a scaling back of the proposals for the Western site access to both encourage pedestrian access as well as respecting the setting of the boiler house.

In regard to heritage issues, Building 1 has created by far most discussion, assessment and debate. It has clearly been identified as having high heritage significance due to its architectural design and significant role in the commercial history of the site. However, in regard to the Council's proposals, due to its central location within the site, it does occupy a key area of the site where the new leisure centre would be located.

The Council fully acknowledges the importance of Building 1. The project team undertook many option appraisals to consider the retention of building 1 as a whole or in part, and as part of the leisure centre, or public library as is illustrated in the design and access statement. Unfortunately building 1 in its current layout does act as an impediment to connectivity between the North and South sections of the site.

Many of the options considered featured a rather truncated version of building 1, undermining the existing relationship to the main mill building. Partial retention of building 1 as part of the library has been considered, however the extension required to meet the floor space requirements combined with the reduction of the length of the building would conspire to undermine both the relationship with the mill, and the relationship with building 11. The options for partial retention have been re-explored, including in the manner identified, but the same conclusions have had to be drawn.

For these reasons, it is considered that it is not feasible to retain all or part of the building.

The correct assessment to take therefore, as outlined above by both Historic England and the Council's Conservation Specialist is to weigh the harm caused to the heritage asset against the public benefits of the proposal, including securing its optimum viable use. Moreover, if it is concluded that the public benefit does outweigh the loss of the building, the NPPF advises that planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

In judging the loss versus the public benefit, it is concluded that when taking into account, the totality of the proposals for this site and the closely linked Council's wider regeneration plans for the town, the public benefits do outweigh the loss of Building 1. Since the closure of CRESTA, the town no longer has a swimming pool and those residents that are able have to travel to other pools at Crewkerne and Yeovil to swim. This is not an acceptable position for the second largest town in the district. The new leisure centre plus the other new community, commercial and residential uses along with public realm enhancements are considered to offer significant public benefit that outweigh the identified harm to the heritage assets. Moreover, through the Council's partnership with Alliance Leisure, it is considered that the Council has taken all reasonable steps to ensure that the leisure centre will proceed after the demolition of building 1.

The project team have also carefully considered the other areas of concern raised by Historic England, in particular the extension to building 11. It is considered that the design of the extension has been subject to much careful assessment of its impact on the heritage asset and its setting. It is concluded that the design of the extension is acceptable and will enable a positive use for building 1, which given its narrow form, does not easily transfer to a viable use without its extension. Again, it is concluded that the public benefit of this proposal outweighs the identified harm.

SECTION 106 PLANNING OBLIGATION/DEVELOPMENT AGREEMENT

Discussions are currently taking place about the appropriate mechanism to secure the delivery of the site in an appropriate manner. The agreement would cover issues such as the marketing of the mill buildings, timing of future planning /listed building applications for the rest of the site, alternative options for delivery of the residential conversions if there was no developer interest and ensuring an appropriate agreement is in place for the construction of the leisure centre, and a mechanism for the future management and maintenance of public realm areas of the site. An oral update will be given to members at the committee.

RECOMMENDATION

Grant permission.

Officer note:

A full list of conditions will be forwarded to members prior to the meeting and posted on the website.

01. The proposed development will enable the regeneration of an important town centre site, providing a new leisure centre for the town and a range of other community, commercial and residential uses along with public realm enhancements. It is concluded that the public benefit of the scheme would outweigh the identified harm to heritage assets. The scheme is in accord with Policies EQ3 of the South Somerset Local Plan and the NPPF.

SUBJECT TO THE FOLLOWING: