



Regulation Committee

Tuesday 3rd September 2019

7.00 pm or at the conclusion of the Area West Committee meeting

**The Guildhall
Chard TA20 1PH**

(disabled access and a hearing loop are available at this meeting venue)



Members listed on the following page are requested to attend the Area West Committee meeting **at 6.00pm** to hear the officers presentation prior to the Regulation Committee meeting.

The public and press are welcome to attend.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462011 or democracy@southsomerset.gov.uk

This Agenda was issued on Thursday 22 August 2019.

Alex Parmley, *Chief Executive Officer*



This information is also available on our website www.southsomerset.gov.uk or via the mod.gov app

Regulation Committee Membership

The following members are requested to attend the meeting:

Chairman: Peter Gubbins
Vice-chairman: Tony Capozzoli

Jason Baker
Neil Bloomfield
Adam Dance
Karl Gill
Henry Hobhouse

Tony Lock
Sue Osborne
Crispin Raikes
David Recardo
Paul Rowsell

Andy Soughton
Linda Vijeh
William Wallace
Colin Winder

Information for the Public

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 3 of the Council's Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the chairman of the committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- County Council, Town or Parish Council Representative

- Objectors
- Supporters
- Applicant and/or Agent

Ward members, if not members of the Regulation Committee, will speak after the town/parish representative.

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Recording and photography at council meetings

This meeting will be audio recorded to ensure the accuracy of the minutes.

Public recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Regulation Committee

Tuesday 3 September 2019

Agenda

Preliminary Items

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Public Question Time**
4. **Planning Application: 19/01630/FUL - Land North of Boden Mill, Boden Street, Chard (Pages 5 - 15)**
5. **Planning Application: 19/01631/LBC - Land North of Boden Mill, Boden Street, Chard (Pages 16 - 23)**
6. **Date of Next Meeting**

The next scheduled meeting of the Regulation Committee will be held on Tuesday 17th September 2019 at 10.00am.

Agenda Item 4

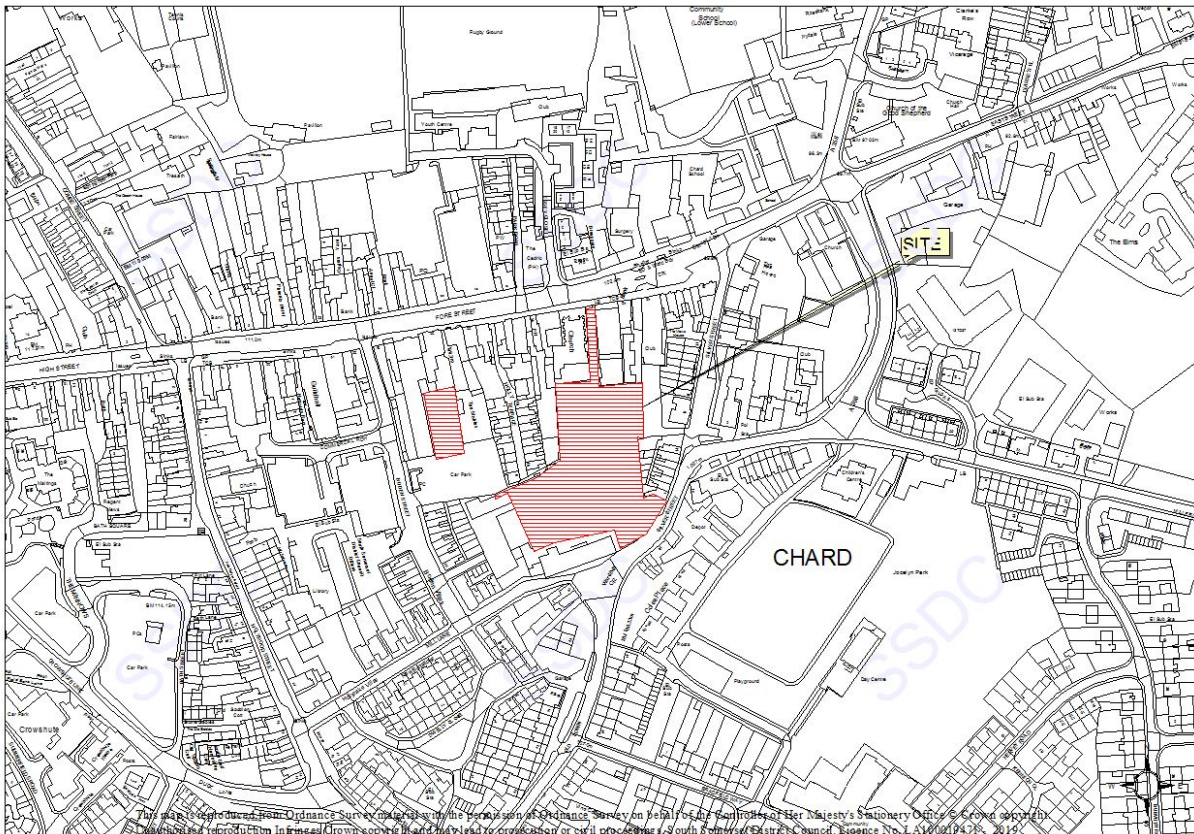
Officer Report on Planning Application: 19/01630/FUL

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:	9th September 2019
Applicant:	South Somerset District Council
Agent: (no agent if blank)	Collier Planning 2 Chartfield House Castle Street Taunton TA1 4AS
Application Type:	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO AREA WEST AND REGULATION COMMITTEE

The applicant is South Somerset District Council (SSDC) and it 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's 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 planning application and associated listed building 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 listed building application - 19/01631/LBC.

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 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)

SD1 - Sustainable Development

SS5 - Delivering new Housing Growth

SS6 - Infrastructure Delivery

EP15 - Protection and Provision of Local Shops, Community Facilities and Services

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ7 - Pollution Control

Other Relevant Material Considerations.

National Planning Policy Framework

Somerset County Council adopted Parking Standards

CONSULTATIONS

Chard Town Council:

Recommend that this application should be approved.

Highway Authority:

Comments are awaited. An oral update in regard to any response received will be given to members at committee.

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.

Environment Agency: (summary)

The Environment Agency have objected due to the risk of pollution to controlled waters. Concern has been raised that due to the historical industrial uses of the site, there is a risk of pollution to the underlying aquifer during demolition/construction works. An assessment is required to be submitted to demonstrate how this risk can be managed. This has been undertaken and a report submitted to the Environment Agency. An oral update will be given at committee.

Lead Local Flood Authority: (LLFA) (summary)

The LLFA are currently discussing the drainage strategy with the developer and will provide a response after further correspondence with them. An oral update will be given at committee.

Sport England: (summary)

The proposal is consistent with the Sports Facility Strategy in that the proposal would deliver a new swimming pool for Chard. Sport England, therefore, considers this proposal addresses an identified need for this facility type and has the potential to be of benefit to the development of sport and active lifestyles in Chard and its wider catchment area. We would wish to see this accorded an appropriate weight in the decision that is reached on this application.

Ecologist:

In the period between 28/06/18 and 28/09/18, First Ecology carried out a preliminary ecological appraisal, reptile surveys and dusk emergence and dawn re-entry bat surveys of an area of land located to the south of Fore Street, Chard, Somerset, TA20 1PY. The site is primarily composed of buildings and hardstanding with some scrub and scattered trees.

South Somerset District Council is seeking planning permission and demolition consent for the demolition of an existing building complex to create modern community facilities and the retention and redevelopment of an existing workshop and three Grade II listed buildings. The plans also include the development of an existing unused public open space into an outdoor play area.

The findings of the ecological works are as follows:

- Bats are considered absent from all buildings except the building complex which is used as a night roost by one common pipistrelle and a night and feeding roost used by low numbers of brown long-eared bat.
- An active collared dove nest was recorded at the north western area of site.
- Three inactive mammal burrows were recorded at the north western area of the site.

Officer comment:

The ecologist has raised no objection and has recommended a number of conditions and informatives to be attached to any consent. These include bat mitigation measures, submission of the European protected species licence to the Council, control/details of artificial lighting, control of any vegetation removal during the 1st March and 31st August to protect nesting birds, badger and reptile mitigation measures, and biodiversity enhancement and compensation measures.

Natural England:

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Somerset Wildlife Trust:

We have noted the above mentioned Planning Application as well as the supporting report provided by First Ecology. We would fully support the findings in that report as well as the recommendations which should be included in the Planning Conditions if it is decided to grant Planning Permission.

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 although concerns were raised on a number of issues. The responses are outlined below:

1 resident making representations commented as follows:

The principle of development is welcomed. However the loss of on street parking at the Junction of Mill Lane where it joins the A358 Silver Street /Old town is not welcomed and should be avoided in the interests of local residents. These residents have little or no parking around their homes. These residents also safeguard the local area and would continue to do so when the development is completed. Therefore it would be in the interest of the developer to retain local parking for these residents in the interest of community safety. Landscaping would not be in the interest of the public realm as it would require maintenance which would create unnecessary additional expense throughout the life of the scheme. In effect the scheme takes away much needed on street and residential parking and does nothing to replace this lost parking. Furthermore in addition to this the whole scheme needs clarity as to what, and who would have the residential parking within the site. Therefore I would appreciate that this matter is addressed in the interest of the local community.

Another writer making representations was concerned about the loss of so many car parking spaces at the bottom end of town. Many businesses use this car park for business parking, staff, customers and visitors to business during week days. On road provision - main street - is already insufficient due to demand to support number of drivers using this part of the town during the daytime. This includes GP surgery, pharmacy, daytime take-away, two public houses, & a restaurant. The loss of so many parking places will potentially negatively impact business efficiency & customer access at the lower end of Fore St.

One objector made the following comments:

They need to implement double yellow lines along Boden Street directly outside Whites fish and chips shop to stop all those selfishly parking there and causing traffic obstructions. Cars will park along this section and will even park directly on the corner junction leading to Lidl car park making it difficult for cars to pull out onto Boden Street from this area. It should be zero parking from Whites fish and chips shop leading past the flower shop towards the High Street. A single yellow line is being ignored and insufficient where a double yellow is warranted. It is

illegal to park a car so close to a turning junction yet many still flout this law in this zone.

2 letters/emails received from the same writer. Whilst largely supportive, do have concerns about the impact on the access next to the Church and sorting office from Fore Street, impact during construction, no mention of made about the Methodist Church in the Heritage Assessment, concern about the impact regarding closure of Marketfield car park during construction, and potential loss of privacy to the church hall and garden.

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

CONSIDERATIONS

Principle

The site is located in the centre of Chard, the second largest settlement in the district. The town benefits from a large number of services and facilities and is considered to be a very sustainable location for development. Redevelopment of this site has been a key aim of the District Council for a number of years and forms a key part of the wider regeneration proposals for the town. For these reasons, and given the central location of the application site, the principle of redeveloping the site is considered to be acceptable.

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.

Highways impact

The application was supported by a Transport Assessment (TA) which is being assessed by the Highway Authority. An oral update will be given to members in regard to any response received from the Highway Authority.

The TA has been produced to provide the necessary information for the local highway and planning authorities to consider the merits of the development in terms of accessibility, highway safety and the impact of the development traffic on the local highway network. The TA is supported by a Framework Travel Plan.

The main findings of the TA are that the site is located in a sustainable location, within Chard town centre within walking and cycling distance of a large part of Chard. This makes the proposed leisure centre highly accessible to prospective future users. Furthermore, the Boden Street bus stop is within close proximity to the site. For future residents, being located in the town centre, the site is within close proximity to a wide range of local services and facilities. The proposed site access arrangements have been designed in accordance with the relevant design standards and are capable of accommodating both the existing traffic flows on the local highway network, and those flows generated by the development.

A detailed trip generation and junction capacity assessment exercise has been undertaken. The conclusions of the junction capacity assessment demonstrate that the net development impact across the network is positive at some junctions, and at those junctions where an impact is forecast, the level of change is negligible. The capacity assessment has not identified the need for mitigation at any of the junctions assessed as a direct result of the traffic impact of the proposals. Accordingly, it is not considered that the proposed development would have a severe impact upon the operation of the local highway network in the future assessment year, taking account of committed development traffic.

Concern has been received about the impact on current parking and future parking arrangements on site. In general, there is capacity in Chard's existing car parks. Clarification regarding car parking and measures to mitigate loss of current spaces on site has been sought and an oral update will be given to committee.

Residential amenity

A couple of concerns has been raised about the potential for loss of privacy through overlooking. In regard to Building 11, there are some existing obscure glazed panels that will prevent overlooking and in cases where these have been broken or missing, appropriate replacements will be installed. Again, in regard to the Methodist Church, obscure glazing will be installed to ensure that no harmful overlooking will occur. Overall, it is considered that the design of the new leisure centre building and library building has been carefully undertaken to ensure that no adverse overlooking or over dominance occurs to adjoining residents.

Ecology

A full ecological survey was undertaken and a report submitted with the application. A summary of the findings is as follows:

The bat survey revealed roosting bats are likely absent within the standalone public toilet block, library, mill and workshop buildings but did confirm that the building complex is a roost used as a night roost by one common pipistrelle and a night and feeding roost used by low numbers of brown long-eared bat. In ecological terms, permission for the scheme is required before the end of September to meet the licence requirements of Natural England for the demolition works.

Within the public open space an active bird nest was recorded in addition to three inactive mammal burrows. The public open space also has the potential to support various species of reptile; however, artificial refuge search surveys confirmed the likely absence of reptile species and therefore no further survey or mitigation is required in relation to reptiles at this time. Ecological mitigation measures are proposed and will be conditioned accordingly.

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:

Some consultee responses and hence a number of recommended conditions are still awaited from consultees. A full list of conditions shall be forwarded to members and placed on the website prior to the meeting.

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, would provide a safe means of vehicular and pedestrian access, would not adversely harm residential amenity or ecological interests and would provide appropriate drainage measures. The scheme is in accord with Policies SD1, SS5, SS6, EP15, TA5, TA6, HW1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan, the NPPF and the Somerset County Council adopted Parking Standards.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

Agenda Item 5

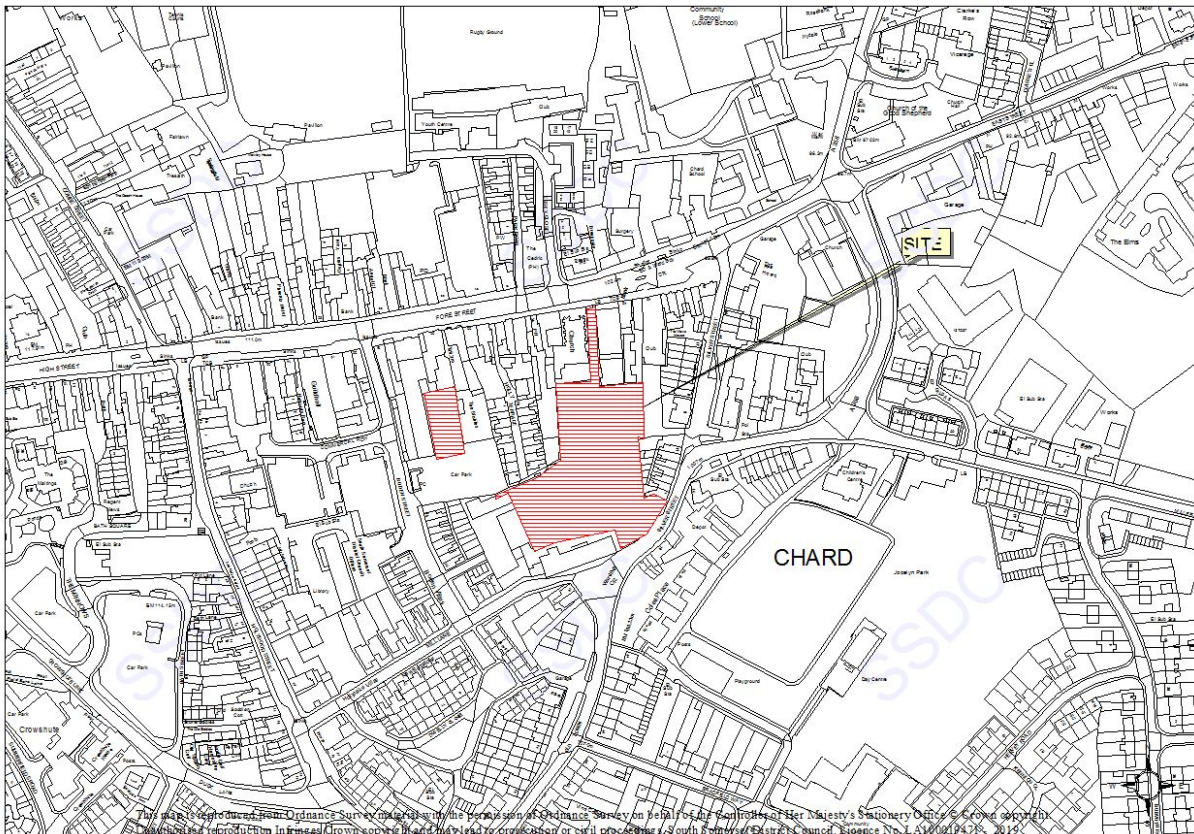
Officer Report on Planning Application: 19/01631/LBC

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: