

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held at **The Guidhall - Chard** on **Tuesday 3 September 2019**.

(7.20 - 7.40 pm)

Present:

Members: Councillor Peter Gubbins (Chairman)

Jason Baker	Kevin Messenger
Robin Bastable	Crispin Raikes
Tony Capozzoli	Andy Soughton
Karl Gill	Mike Stanton
Henry Hobhouse	Linda Vijeh

Officers:

Alex Parmley	Chief Executive
Andrew Gunn	Specialist (Development Management)
Angela Watson	Monitoring Officer
Dan Bennett	Property and Development Project Manager
Rebecca McElliott	Property and Development Project Manager
Angela Cox	Democratic Services Specialist

74. Apologies for Absence (Agenda Item 1)

Apologies for absence were received from Councillors Neil Bloomfield, Adam Dance, Tony Lock, Sue Osborne, David Recardo, Paul; Rowsell, William Wallace and Colin Winder.

It was noted that Councillors Kevin Messenger, Karl Gill, Mike Stanton, Robin Bastable and Linda Vijeh were attending as substitutes for Councillors tending their apologies.

75. Declarations of Interest (Agenda Item 2)

Councillor Jason Baker declared a personal interest as a member of the Chard Regeneration Board.

Councillor Linda Vijeh noted that she was also a member of the Area West Committee who had previously considered the application.

76. Public Question Time (Agenda Item 3)

There were no questions from members of the public present.

77. Planning Application: 19/01630/FUL - Land North of Boden Mill, Boden Street, Chard (Agenda Item 4)

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.

The Chairman noted that the Committee had been present during the officer's presentation of the planning application to the Area West Committee meeting held immediately prior to the Regulation Committee meeting. That presentation included the following information:-

The Specialist (Development Management) then presented the application with the aid of a power point presentation showing the various buildings to be retained or demolished and the proposed redevelopment of the site. He noted that Historic England raised concerns about the loss of Building 1 and the Boiler House. In respect of Building 1, a number of different options were explored which included both full and partial retention of it. It was explained that after a very careful assessment of the options and having taken into account Historic England's concerns, the project team concluded that it was not viable to use all or retain part of the building. The key points were outlined in a letter from the Development Manager to Historic England. The Specialist (Development Management) outlined that very careful consideration had been given to Historic England's concerns about the loss of Building 1. Given the practical issues with retaining all or part of the building, the only option was to fully remove the building. The next key step was then to assess whether it could be demonstrated that the substantial harm or total loss was necessary to achieve substantial public benefits that outweighed that harm or loss. The officer concluded that in this case, it was considered that there were substantial public benefits to the scheme that outweighed the loss of building 1. The scheme would provide a much needed new leisure centre and associated public facilities and public realm enhancements. It would provide economic, social, and environmental benefits to the town and form a key part of the regeneration plans for the town.

In regard to the Boiler House, the Project team had fully taken on board Historic England's advice and decided to retain this building.

In order to comply with the requirements of the NPPF and Historic England advice in regard to seeking assurances that Phase 2 did take place following the demolition of Building 1, the Council's Development Manager submitted a letter of comfort to the case officer. The case officer stated that the letter of comfort was submitted instead of seeking a s106 legal agreement as the Council cannot contract against itself.

The Letter of Comfort included the following assurances:

- No demolition to occur until a framework agreement has been entered into for the design and construction of the leisure centre.
- The first planning applications and listed building consent applications for future phases (as shown in the masterplan) are to be submitted within 12 months (of the date of the obligation)
- Boden Mill and Holyrood Mill to be marketed for residential conversion within 6 months (of the date of the obligation);
- If there is no developer interest in the mills within 6 months of the marketing commencing, the Council will produce alternative options for delivery of the

residential conversions, including a minimum of two costed options to be presented to the project board for progression.

- Newly created public realm within the leisure centre site to be managed and maintained by SSDC until the master plan is complete and any adoptions are finalised.

He concluded that the main considerations of the applications were the public benefit of the scheme outweighing the demolition of listed buildings, the highway improvements, the impact on the residential amenity of nearby properties and the ecology (bats) present at the site. He said his recommendation was to grant permission subject to conditions.

In response to questions from Members, the Specialist (Development Management), the Property and Development Project Manager and the Chief Executive confirmed:-

- The proposal would have some impact on highway junctions within the town.
- Photovoltaic panels would be installed on the roof of the leisure centre to maximise energy generation at the site.
- A local food producers market did not form part of the application but was part of the wider regeneration plans for the town.
- A Changing Places toilet was not currently part of the scheme but it would be looked at and if within scope would be included.
- The library team had been engaged in the Regeneration Board and were aware of the proposals for the library building which included wider literary events.
- The inclusion of access ramps to the pool would be investigated.

The Property and Development Project Manager confirmed that the Council had a legal obligation under the Equality Act 2010 to consider the rights of access to all sections of the community and the comments made by the public during the earlier Area West Committee meeting relating to access ramps into the pool and Changing Places toilets would be considered in the final designs. He also confirmed that the works planned for phase 1 would not impact upon future phases.

The Committee were then addressed by 3 members of the public. Their comments included:

- There was a need for a hydrotherapy unit in Chard and to incorporate it into this scheme would be appreciated by the local community.
- The pool should not have transparent glass windows so the public outside could view swimmers entering and exiting the pool.
- To support local businesses, there should not be a coffee shop at the pool, but only a vending machine.
- There was no need to extend the car parks as most people lived within walking or cycling distance of the site.
- Suggest the Boden Mill be converted to a hotel in Phase 2 as it would increase visitors to the town.

The Ward Member, Councillor Jason Baker, said the proposal was a great opportunity for the town and it was supported by local people. He proposed the officer's recommendation that planning permission be granted. This was seconded by Councillor Crispin Raikes.

Councillor Linda Vjeh, who had not been present for the whole of the officer's presentation, voiced her support for the scheme but said that she would abstain from voting because of her absence.

At the conclusion of the debate, the proposal to grant permission was carried by 9 votes in favour, 0 against and 1 abstention.

RESOLVED: That Planning Application No. 19/01630/FUL be GRANTED permission for the following reason:-

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 CONDITION(S):

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.

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

Drawing numbers: CLC-AHR-S0-ZZ-DR-A-90-003 Rev P03, D1, CLC-AHR-LC-ZZ-DR-A-20-151, 152, 153 Rev P03, P1, CLC-AHR-LC-RF-DR-A-20-051 Rev P03 P1, 90-002, 003, 004, 005, 006, 007, 008, 010, 011, 021,022, 023, 24, 025, 253, 254 051, 55,-P01,P1.

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

03. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of historic building recording and archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the building recording and archaeological excavation/monitoring of groundworks and the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure that appropriate archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework is undertaken.

04. No building shall be occupied until the site archaeological investigation and the building recording work has been completed and post-excavation analysis has been

initiated in accordance with Written Scheme of Investigation approved under the condition and the provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: To ensure that appropriate archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework is undertaken.

05. Other than the demolition works hereby approved, no other work shall be commenced until a programme showing the phasing of the development is submitted to and approved in writing by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

06. No development other than demolition shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- On-site vehicle wheel washing facilities

Reason: In the interests of highway safety and residential amenity to accord with Policies TA5 and EQ2 of the South Somerset Local Plan.

07. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before development hereby approved is first brought into use and thereafter maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

08. The development hereby permitted shall not be first occupied until the parking and turning facilities as detailed in the submitted information have been provided and constructed within the site to the satisfaction of the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

09. Other than demolition of the buildings hereby approved, the new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To encourage the use of sustainable modes of transport to and from the site to accord with the NPPF and Policy TA1 of the South Somerset Local Plan.

10. Prior to first use of the development hereby approved, the package of mitigation measures shall be provided in their entirety to the satisfaction of the Local Planning Authority. This shall include;

- Footway to the north of the Boden Street car park access to provide a connection into the existing network
- Access to Boden Street resident's parking spaces
- Boden Street becoming one way southbound from the car park access
- Upgrade of Market Street car park access to priority junction on Fore Street, footway improvements dropped kerbs and tactile paving, widening to facilitate vehicles passing in the access, and build-outs to improve visibility splays at the access
- Access from the A358 Millfield to be improved to increase visibility and provide in/out arrangements and a proposed pick-up/drop-off area, and dropped kerbs and tactiles to improve the pedestrian infrastructure
- Vehicle cross-over point from Mill Lane to serve a parking court

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

11. Prior to the first use of the development hereby approved, all vehicle access points shall be provided with vehicle visibility splays which accord to current policy standards in accordance with details which will have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

12. No demolition shall take place to Building 1 until a comprehensive and analytical record of the building has taken place in accordance with level 4 of Historic England's advice contained in the document Understanding Historic Buildings. A display showing the interpretation of the historic significance of the building should then be made available on site. The records should then be published in accordance with the current Somerset Archaeological Handbook.

Reason: To ensure that a comprehensive record of the building is undertaken and have an interpretation of the building that explains how it worked in the context of the surrounding buildings to accord with the NPPF and English Heritage advice.

13. Prior to the commencement of any works a Bat Mitigation and Compensation Strategy comprised of timing of works and number, type, design and location of roost compensation features, shall be submitted to and approved in writing by South Somerset District Council. The Strategy shall be based on up to date survey information of potential roost sites. In summary it is considered that mitigation measures will be comprised of retaining and protecting roosts, providing alternative roosting provision for bats, minimising any potential disturbance to acceptable levels and maintaining the favourable conservation status of the species present. Recommended mitigation measures include: carrying out works under an ecological watching brief and providing alternative roosting provision within the new dwellings, e.g., through use of bat lofts, integrated bat boxes/bat tubes or use of bat slates. Under no circumstances should a breathable roofing membrane (BRM) be used to line the roofs of any new extensions if bat roosting provision is provided in these roofs. The long fibres that make up BRMs have a tendency to be pulled out by roosting bats and pose an entanglement threat to them. A copy of the European protected species licence will be submitted to South Somerset District Council prior to work commencing on site.

Reason: In the interests of the strict protection afforded to European protected species to accord with the NPPF and policy EQ4 of the South Somerset Local Plan.

14. No artificial lighting associated with the development will illuminate the boundary habitats, newly created habitats, or any proposed bat boxes. A lighting scheme showing how this would be achieved should be submitted to the Local Planning Authority prior to the first use of the development hereby approved.

Reason: All bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservations Status as defined under Article 1 of the Habitats Directive 1992 and to accord with Policy EQ4 of the South Somerset Local Plan.

15. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended).

16. A walk over survey of the public open space will be undertaken by a suitably qualified ecologist immediately prior to development works commencing, to inspect for any new evidence of activity associated with the mammal burrows. A letter with the results of this will be forwarded to the local planning authority.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4, and the National Planning Policy Framework paragraphs 170 and 175.

17. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- i. creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- ii. open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To ensure that important biodiversity is conserved and in accordance with Local Plan Policy EQ4, and the National Planning Policy Framework paragraphs 170 and 175.

18. No development hereby approved shall be constructed above base course level until details of all external materials including walls, roofs, doors, windows and rainwater goods have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to preserve the setting of listed buildings and the Conservation Area to accord with Policies EQ2 and EQ3 of the South Somerset Local Plan and the NPPF.

19. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

20. No development shall take place until a preliminary risk assessment which includes a desk study, conceptual model and initial risk assessment has been submitted. This information must demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

Reason: To ensure that the risks of pollution to controlled waters are acceptable, or can be appropriately managed to accord with the NPPF.

21. The use of Building 11 hereby approved shall not be first brought into use until the lower sections of the windows on all floors of the eastern elevation are fitted with obscure glazing, details of which shall be first submitted to and approved in writing by the Local Planning Authority. Once installed, the windows shall be permanently retained and maintained thereafter.

Reason: In interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.

22. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be

completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is adequately drained to accord with the NPPF.

23. No development shall commence until details of the programme of works, including the phasing of the whole development, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with paragraph 198 of the NPPF.

(Voting: 9 in favour, 0 against, 1 abstention)

78. Planning Application: 19/01631/LBC - Land North of Boden Mill, Boden Street, Chard (Agenda Item 5)

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.

This application was presented and considered with the concurrent full application which was the previous report on the agenda for 19/01630/FUL - Land North of Boden Mill, Boden Street, Chard.

The Specialist (Development Management) advised that although the proposal would mean the loss of some listed buildings within the town, there was substantial public benefit in allowing the scheme which outweighed the harm.

At the conclusion of the debate, the proposal to grant permission was carried by 9 votes in favour, 0 against and 1 abstention.

RESOLVED: That Planning Application No. 19/01631/LBC be GRANTED permission for the following reason:-

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 demonstrably outweigh the identified harm to heritage assets. Moreover, it will bring back into positive use a number of listed buildings and associated buildings within the site. The scheme is in accord with Policies EQ3 of the South Somerset Local Plan and the NPPF.

SUBJECT TO THE FOLLOWING CONDITIONS:

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of historic building recording and archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the building recording and archaeological excavation/monitoring of groundworks and the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure that appropriate archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework is undertaken.

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

Drawing numbers: CLC-AHR-S0-ZZ-DR-A-90-003 Rev P03, D1, CLC-AHR-LC-ZZ-DR-A-20-151, 152, 153 Rev P03, P1, CLC-AHR-LC-RF-DR-A-20-051 Rev P03 P1, 90-002, 003, 004, 005, 006, 007, 008, 010, 011, 021,022, 023, 24, 025, 253, 254 051, 55,-P01,P1.

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

04. No building shall be occupied until the site archaeological investigation and the building recording work has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the condition and the provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: To ensure that appropriate archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework is undertaken.

05. No demolition shall take place to Building 1 until a comprehensive and analytical record of the building has taken place in accordance with level 4 of Historic England's advice contained in the document Understanding Historic Buildings. A display showing the interpretation of the historic significance of the building should then be made available on site. The records should then be published in accordance with the current Somerset Archaeological Handbook.

Reason: To ensure that a comprehensive record of the building is undertaken and have an interpretation of the building that explains how it worked in the context of the surrounding buildings to accord with the NPPF and English Heritage advice.

06. Within 1 month of the commencement of demolition of the buildings hereby approved, details shall be submitted to and approved by the Local Planning Authority in respect of the making good of any external and internal walls/roofs that shall remain following the demolition of any adjoining building/structure. The submitted details shall include a timetable for the making good of those walls/roofs.

Reason: To ensure that listed buildings are appropriately protected and/or repaired following demolition of adjoining buildings/structures.

07. No work shall start on the conversion and extension to Building 11 until 1) full details of all external materials have been submitted to and approved in writing by the local Planning Authority and 2) details of all interior and exterior works to building 11 shall also be submitted and approved by the Local Planning Authority.

Reason: To protect the character and appearance of the heritage asset to accord with the NPPF.

(Voting: 9 in favour, 0 against, 1 abstention)

79. Date of Next Meeting (Agenda Item 6)

Members noted that the next scheduled meeting of the Regulation Committee would be held on Tuesday 17th September 2019 at 10.00am.

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Chairman

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Date