

APPLICATION NUMBER: WD/D/18/002619

APPLICATION SITE: LAND SOUTH OF THE PADDOCK GARDEN, OLD MARKET PLACE, SHERBORNE

PROPOSAL: Partial demolition of stone boundary wall to the west of the site, demolition of the stone boundary wall to the north of the site and erection of visual arts venue

APPLICANT: Sherborne Arts Trust

CASE OFFICER: James Lytton-Trevers

WARD MEMBER(S): Cllr T Farmer, Cllr D Elliot

RECOMMENDATION SUMMARY: Approve

1. DESCRIPTION OF SITE:

The site is located immediately south of Paddock Garden and adjacent to Old Market car park in the town centre. It is enclosed by stone walls separating it from Paddock Garden erected when the garden was created c.1995. The site was formerly tennis courts and is now overgrown. There are two large trees: an ash tree growing next to the wall in the car park and a Horse Chestnut tree. The rest is scrub. There is an existing locked gated entrance in the north-west corner into Paddock Garden. There is a natural fall across the site from north to south disguised by the existing wall next to the car park which is partially retaining.

The land and buildings surrounding the site comprise to the west and south the car park which borders Waitrose, a telephone exchange, public toilets, pet shop and garage blocks. To the north the Grade I listed Sherborne House and to the east by the rear gardens of houses fronting Hound Street.

It is within the Conservation Area.

2. DESCRIPTION OF DEVELOPMENT:

The Paddock Project has been developed over 3 years through consultation with local stakeholders, the community and wider interested parties.

The building would be located at the north end of the site and be double fronted facing both the car park and Paddock Garden. The building would be on two floors: the galleries would be on the upper ground floor accessed from Paddock Garden and the main reception, tourist information centre, shop, food and drink facilities, toilets and cloaks located on the lower ground level fronting the Old Market car park.

It would be contemporary in design with the main gallery forming the tallest element, flat roofed in sedum, with a letter box window opening and clad in ashlar stone facing the car park. The remainder of the building would be single storey bronze metal clad with an intensive green roof facing Paddock Garden. New boundary walls would be constructed in rubble stone. Windows, doors and curtain walling would be bronze anodised aluminium. There would also be feature glazing by a specialist artist.

The main entrance would be from the car park, where 15 car parking spaces would be removed and resurfaced to allow for an unobstructed entrance with unloading and disabled access. An additional new access would be formed in the west wall of Paddock Garden facing the car park entrance road to provide occasional access to the main gallery space for the delivery of large artefacts.

The modern stone wall and a flower bed at the south end of Paddock Garden would be removed to form a glazed frontage to the building to overlook Paddock Garden.

A new garden called Chestnut Tree garden would be formed on the south end of the site around the tree. It would provide seating and exhibition of outdoor artwork.

Finally, the existing stone wall along the east boundary would be increased in height to match that of the stone wall to the eastern side of Paddock Garden.

The building would be a multi-function cultural venue:

- Art and sculpture galleries
- Auditorium/digital gallery
- Reception and Tourist Information Centre
- Ancillary shop
- Ancillary food and drink facilities
- Associated kitchen and storage facilities
- Toilets and baby change facilities at both levels
- Mechanical and electrical plant rooms
- Educational activity areas (2 No)

3. RELEVANT PLANNING HISTORY:

Application No.	Application Description	Decision	Date of decision
1/D/11/000249	New community arts centre building (D1 use). Raise height of boundary walls & form new vehicular access	A	14 April 2011

The site had relatively recent planning approval in 2011 for a community arts centre building which has since lapsed. It was located up to the edge of Paddock Garden with clerestory windows on top of the existing wall.

RELEVANT PLANNING POLICIES:

4.1 National Planning Policy Framework

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
7. Ensuring the vitality of town centre
8. Promoting healthy and safe communities
9. Promoting Sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.2 Adopted West Dorset and Weymouth & Portland Local Plan (2015) West Dorset, Weymouth & Portland Local Plan 2015-2031

- INT 1. Presumption in favour of sustainable development
- ENV 2. WILDLIFE AND HABITATS
- ENV 4. HERITAGE ASSETS
- ENV 5. FLOOD RISK
- ENV 10. THE LANDSCAPE AND TOWNSCAPE SETTING
- ENV 11. THE PATTERN OF STREETS AND SPACES
- ENV 12. THE DESIGN AND POSITIONING OF BUILDINGS
- ENV 13. ACHIEVING HIGH LEVELS OF ENVIRONMENTAL PERFORMANCE
- ENV 15. EFFICIENT AND APPROPRIATE USE OF LAND

- ENV 16. AMENITY
- ECON 1. PROVISION OF EMPLOYMENT
- ECON 5. TOURISM ATTRACTIONS AND FACILITIES
- COM 2. NEW OR IMPROVED LOCAL COMMUNITY BUILDINGS AND STRUCTURES
- COM 5. THE RETENTION OF OPEN SPACE AND RECREATIONAL FACILITIES
- COM 6. THE PROVISION OF EDUCATION AND TRAINING FACILITIES
- COM 9. PARKING STANDARDS IN NEW DEVELOPMENT

5. OTHER MATERIAL PLANNING CONSIDERATIONS:

5.1 Design and sustainable development planning guidelines SPD

6. HUMAN RIGHTS:

6.1 Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

7. PUBLIC SECTOR EQUALITIES DUTY:

7.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED

8. CONSULTATIONS:

8.1 Sherborne Town Council – Support the concept with the following comments:

Owing to concerns raised request Committee consideration.

i) The lack of consideration within the ARUP report to the 85% criteria for car park use.

- ii) Reference to ECON5(iii) and ECON9 (officer comment: COM9 rather than ECON9 is likely what is meant) with regards to the provision of car parking space for tourist attractions.
- iii) The lack of a Business Plan contrary to paragraph 4.5.8 and 4.5.10 of the Local Plan.
- iv) Clarification of drainage proposals.
- v) Non compliance with ENV12 (i -iii).
- vi) Non compliance with ENV14 (i-ii).
- vii) Clarity for disabled access.
- viii) Details in the site clearance plan regarding effect on operation of the car parks and Paddock Garden.
- ix) The design of the building is considered to be of poor quality in such close proximity to a Grade 1 Listed Building, Sherborne House.
- x) Clarity regarding timing within the ecology survey limiting plant movement not to be between March and August of the given year.

8.2 Highways Officer – No objection

8.3 Flood Risk Management - No Objection.

Conditional for a surface water management scheme and details of maintenance & management it.

8.4 Conservation Officer- Objection

This proposal follows an approved scheme in 2011 despite strong objections by the Conservation Officer at the time.

The public fronting face onto Paddock Garden and the provision of temporary access for large exhibits, would involve a change to the tranquillity of the gardens and as it forms part of the original designed landscape, would be detrimental to the setting of Sherborne House.

The building form, angular roofs cape and palette of materials would not fit into the historic townscape of Sherborne.

There are also car parking issues and competition with Cheap Street.

8.5 Dorset Wildlife Trust- Comments

A Biodiversity Mitigation and Enhancement Plan (BMEP) should be sent to the Natural Environment Team.

The ecology survey does not give appropriate weight to the loss of the woodland habitat present.

8.6 Historic England – No objection in principle, but make comments.

Given the nature of other flat-roofed modern buildings surrounding the car park, the use of a contemporary design approach is not one we would resist in principal. This scheme is of a more assertively monolithic form than the previous one, with roofs that are entirely monopitch or flat, rising up asymmetrically at the north-west corner to make a bold statement with a large expanse of glazing on the elevation facing Old Market car park.

The principal concern relates to the visual and physical impact of this scheme on Paddock Garden. In this scheme, the southern wall of the garden will be completely lost, and the art centre building extended into the garden with a fully glazed elevation, faced with a timber colonnade. This will create a very different - and more noticeable - facade to face immediately towards the grade I listed building, particularly when it is internally illuminated. The sense of Sherborne House overlooking a tranquil walled garden will be considerably altered.

Also, the setting of Sherborne House and the sense of enclosure in Paddock Garden would be diluted by the creation of a vehicle access in its west wall.

Are open-minded about the principle of a new building and suggest alternative designs.

8.7 Georgian Group - Objection

Harmful to the setting of the Grade I listed building and a lack of robust justification for the chosen site or design.

Demolition of the historic wall to allow for access for lorries.

The historic link between Sherborne House and the site has significance.

8.8 Environmental Health Officer – No objection

Subject to conditions relating to noise and odour.

8.9 County Archaeologist – No reply

9. REPRESENTATIONS:

From members of the public and the Civic Society.

104 support

46 object

14 comment

9.1 Objection

Loss of 15 parking spaces in the Old Market Car Park;

No staff parking;

Major tourist attractions should provide adequate visitor facilities such as parking and toilets;

The proposed access through the west wall of the Paddock Gardens will endanger road users and pedestrians using the garden;

Comment is needed from WDDC or DCC who manage the car park;

Inappropriate and unenduring design with a mix of styles and should have a pitched roof;

Loss of trees, walls and planting;

Harm to Sherborne Conservation Area and listed buildings including Sherborne House;

A business plan has not been produced of the nature of the visitors, the amount of spend and impact on the vitality of Cheap Street;

70,000 day visitors and 5,000 evening visitors per annum are optimistic, fewer than half more likely;

Will not attract visitors to the town;

If visitors only stay an hour they will not go anywhere else;

Long term viability questioned;

No need and will be underused as the Digby Hall in Hound Street seats regularly 400 people for the Historical society lectures and talks, the Digby Memorial Hall in Digby Road holds all sorts of assemblies including films on a monthly basis whereby up to 300 attend, the cinema auditorium in Abbey Road was used for the Film Society in autumn last year, art classes and courses are available at the Memorial Hall in Digby Road and there are in excess of 40 eating and coffee establishments in the town.

The land should be a public park;

The appearance of the site would be much enhanced were the pet shop, garages and car park redeveloped.

The land was gifted at a valuation of £500,000 by Dorset County Council to the Sherborne Community Arts Centre Trust, then Sherborne Arts Trust and could be sold and the revenue used for a different site;

Should be somewhere else such as on new housing estates on the edge of town;

Sherborne House should be used instead;

Spoil the seclusion of Paddock Gardens;

Newlyweds would be unable to pose for photographs in the gardens;

Should not only display modern art;

no information on the nature of the chosen exhibitions;

Loss of wildlife;

The site is overgrown and underused due to wanton neglect;

The restaurant would compete with others in the town;

Food odours will be experienced by visitors;

No details of earth and spoil to be excavated;

No drainage details;
No construction work details;
No archaeological investigation has been done;

9.2 Support

There is adequate parking in Sherborne which is full of empty car parks;
Given there are 620 public parking spaces in Sherborne, the removal of 15 parking spaces is not considered to be significant;

The design is sophisticated and suitable;
The proposed stone facing of the building will complement the existing town;
It would be inappropriate to make it a pastiche of older buildings;
The land is disused scrubland and in an area dominated by car parking and commerce;
It is ironic that objections are being raised to a building that is so close to the visual catastrophe that is Waitrose;
It will not have any adverse effect on the listed buildings, gardens or character of the town;

Community benefit;
Will help local schools and art groups;
Inclusive all ages;
Will provide art, design and performance;
Will be a cultural hub, which the town currently lacks;
Will increase the county's ability to host touring visual arts exhibitions;
Will provide local artists a purpose built exhibitions platform and a place to connect with each other;
Arts and culture contributes to community cohesion, health and well-being and discourse between people and community groups;

Will bring new vitality to the town;
Will benefit the economy of Sherborne;
Will boost declining Cheap Street;
Will be a world class art gallery;
Will increase the tourism in the area;
Will bring trade to rural areas as well as the town through the use of pubs, restaurants and accommodation;
Data from the Arts Council shows that for every £1 of GVA generated by the arts and culture industry, an additional £1.30 of GVA is generated in the wider economy;
Comparable to Hauser & Wirth in Bruton and Messums in Tisbury and the regenerative effect that this has had on those towns but also the wider area;

More people will use the paddock garden which is usually empty;

Paddock Gardens are let down by the view to the south which would be enhanced by the flow through to the gallery;

Sherborne House is unsuitable for a gallery;

Sherborne House will be an intrinsic part of the overall project, providing facilities for events, conferences, education and workshops that cannot be accommodated within the new building;

The reasons to support this far outweigh the objections;

A small but vociferous minority of critics should not ruin this exciting opportunity;

The enormous benefits for the town far outweigh the cons;

It is privately funded and at no public cost.

10. PLANNING ISSUES:

- Principle
- Character and appearance of the Conservation Area
- Setting of listed buildings
- Access and parking
- Amenity
- Biodiversity
- Drainage
- Other matters

11. PLANNING ASSESSMENT:

Principle

Planning permission was granted for a community arts centre on this site in 2011 and although that permission was not implemented and has now lapsed, it does establish a principle that the use and a building in this location are acceptable and it is therefore a material consideration. It is acknowledged that since then the Local Plan changed in 2015, but at the time it was allocated as within an area allocated for “comprehensive mixed-use development” by Local Plan policy NA4 (SHERBORNE HOUSE, NEULAND MIXED USE DEVELOPMENT AREA) which included “*community and recreational facilities*” amongst the uses which are to be included in any development. The *Sherborne House Mixed Use Area Concept Statement* (the “Concept Statement”) stated that “*the site could accommodate some residential use, a mix of commercial and residential uses, or further car parking.*”

Having regard to the current local plan, the site is within a town centre location and considered sustainable to support development given the close proximity of transportation links and other town centre uses. The land is brownfield, having been

previously been developed. The proposal complies with policy INT1 where it is considered to be a sustainable form of development.

Policy ECON5 promotes proposals for tourist attractions and facilities. The policy seeks to encourage proposals that would lead to wider community benefit as well as visitors and the diversity of the offer and any benefits to the local economy. This proposal would be for a multi-function cultural venue which would include art galleries, a Tourist Information Centre and educational activity areas. These are both tourist and community uses which are supported by policy ECON5. There is little question that the additional visitors would contribute to the wider economy in terms of using other facilities within Sherborne as well as outside in such activities as spending in local shops, businesses and accommodation.

There has been concern expressed about the viability of the proposal given the private funding and absence of a business plan. It is asserted that this is in conflict with paragraphs 4.5.8 and 4.5.10 of the Local Plan. In fact a business plan was developed by the applicant but owing to commercial sensitivity was not disclosed publicly. The applicant appointed AEA Consulting on a Feasibility Study and Operating Model for the proposal.

The current Operating Feasibility Study shows that 70,000 visitors p.a. are projected in year 3 of operation. The projected visitor figures were benchmarked against 24 national galleries and museums. The projected peak attendance & duration of visit would be highest in the summer months with average visit lasting 2 hours. Special exhibitions would take 3 hours.

Often when an art gallery first opens it draws additional attention with large numbers of visitors. In the second year, there will be a dip in attendance before a stable year is reached in year 3.

The applicant's Business Model demonstrates income sources through membership and patrons, legacies, trusts and foundations and other funding bodies. The benefactor has agreed to contribute towards the operating costs for the first 3 years. In year 3, costs will have evened out, audience development be established and a small surplus is forecast from year 4 onwards.

The applicant has supplied data for 3 comparable galleries to this and how these have contributed to the local economy, which is expected to be the case in Sherborne too. Other benefits to Sherborne and the region identified are cultural, social, place-making making an anchor destination for the town centre and regeneration of the area. A risk analysis was also carried out. Given the findings of this, there was confidence in the proposal and that it could deliver benefits to tourism and the community.

Whilst other facilities in the form of halls and so on exist elsewhere in the town, these have different offerings and usage. This proposal would be a purpose built facility for

the proposed uses which could not be accommodated in existing facilities, including Sherborne House.

While the appearance of the site and surroundings would be enhanced were the pet shop, garages and car park and other buildings redeveloped, such a proposal is not before the Council and cannot be requested of this scheme.

Locating this scheme on the outskirts of town, even were a site available, would not be within the spirit of sustainable development and could draw visitors away from the town centre.

The content of exhibitions or type of art displayed would not be a matter for the Council to dictate.

The potential for competition (or not) of the proposed shop or restaurant with others in the town is not within the control of the Council who cannot prevent competition. A shop and restaurant are typically found in such proposals and considered necessary.

11.2 Character and appearance of the Conservation Area

This scheme proposes a part two storey building facing the car park containing the main entrance and gallery and a part single storey located on the north side facing paddock garden housing a restaurant. The whole would be set into the sloping site. The single storey part would have a sedum roof and windows facing into Paddock Garden. The upper gallery space would be set at an angle to the single storey section, with Sherborne stone cladding, bronze framed glazing, and a mono-pitch roof of meadow planting, offering a bold and angular design statement to the site. The dual level nature of the design not only accommodates the differing levels across the site but also reduces the scale of the building when viewed from Paddock Garden.

This part of the Conservation Area's character is derived principally from the car park and overgrown application site and the immediate area which consist of the rear elevations of a large number of poor quality 20th century developments. It is noted in the Conservation Area appraisal the negative attributes of this area and the benefits that frontage development might bring. The proposal brings the opportunity to add a sense of place to this part of the town and to bring enhancement through the enclosure of the car park and inclusion of the paddock garden into the design to embrace the public realm. The Paddock garden is underused, partly owing to its single entrance and lack of surveillance and bringing activity into view of it would enhance its use and setting. This side of the car park which also forms its main entrance where the tourist information board is located would add some punctuation to a hitherto bland part of the town which has merely become a car dominated environment where pedestrian footfall has been ousted.

It is desirable for a public building to be prominent and to attract attention and the proposed design would be considered to achieve this with its principle elevations embracing the public realm.

The design is considered to be coherent in its legibility with the use of natural stone for the main body and contemporary metal framing. The design would clearly be understood to be a public building and it would be inappropriate to attempt to use an architectural language to suggest anything else. It is not considered overly bold or assertive in its modest scale and in relation to its surroundings and whilst tastes vary, it is considered to be appropriate to use a contemporary approach for this proposal, as is often the preferred choice in a number of modern public buildings in Sherborne such as for the school, some of which are in much more prominent locations than this.

The inclusion of landscaped areas would enhance the public realm where re-surfacing of the car park would be undertaken across the entrance and the addition of Chestnut Garden as a dual propose exhibition space and a place for recreation, which would bring about structured landscape planting abutting the currently unappealing large expanse of car park.

In these respects the proposal would comply with Policies ENV5 and ENV12 where developments enhance the Conservation Area and contribute positively to local identity, distinctiveness, character of the site and the surrounding built environment and its landscape setting.

11.3 Setting of listed buildings

The site lies in part of the town containing a number of listed buildings, including Grade I Sherborne House. The proposal site forms part of the grounds laid out for Sherborne House in 1735. Some have intimated that this outlook should be preserved in perpetuity.

However, it does not form part of the grounds any more and more prominent developments including the widened access road to the car park, the car park itself, Waitrose, the telephone exchange, toilets, pet shop, garages and housing dominate the surroundings of Sherborne House rather than this piece of land. The scheme has been designed with the outlook of Sherborne House in mind and which led the elevation facing it to be single storey, only slightly taller than the existing modern wall that extends along the back of Paddock Garden and with a green sedum roof to mitigate its appearance. All that would be seen would be the glazed frontage behind trees and shrubs and some distance away. The intervening gap is 100 metres and includes a road, Newland, as well as Paddock Gardens and its boundary walls.

The inclusive nature of the proposal having an active frontage with the Paddock Garden is also seen as a positive attribute as well as allowing views toward Sherborne House for visitors to better appreciate its significance. It would bring

about greater use of Paddock Garden whose visitors would be able to appreciate Sherborne House.

The proposal would not directly affect the setting of Sherborne House when observed from the car park or the rear windows and gardens of houses in Hound Street.

It has been suggested that houses on the application site were demolished for the benefit of Sherborne House, but this is incorrect as these houses stood in a different location. These cottages were located in Newland and demolished in 1735.

The 2011 permission for an art centre scheme did not have ground floor windows facing Paddock Garden but did have high level clerestory windows and a multi-pitched roof, similar to that found on a factory, facing Sherborne House, which would have been more prominent than that now proposed.

In terms of listed buildings in Hound Street, the single storey design would mitigate the impact of the development well. In views from Hound Street, where the majority of the nearest listed buildings are located, the building would not be part of the backdrop, and even then only really glimpsed between gaps in the terraces. It would not appear above any of the existing buildings when viewed from this direction. At 43-45 Hound Street the existing garden walls would be slightly raised slightly and the proposed gallery roof would be lowest closest to these houses to reduce the impact of the building on the setting.

11.4 Access and parking

A Transport Statement was prepared by ARUP to support the proposal. The scope and methodology of the Transport Statement was agreed with Dorset County Council as the Local Highways Authority. It included the following:

The transport policy context for the Paddock Project;
The trip making methodology and subsequent trip rates;
The access arrangement for all users including patrons and deliveries; and
The examination of the existing parking capacity in the proximity of the site, together with an assessment of the impact on the future capacity.
A Framework Travel Plan has also been provided in accordance with national and local requirements to commit to encouraging a shift towards sustainable transport.

The car park occupancy survey data was collected in December to coincide with the festive period and reflect peak demand. Additional survey data was collected to inform the Sherborne Parking Review 2016/2017 and to forecast demand on car parking from the proposal. The applicant should not be expected to make provision for a strategy for the whole town.

Some have raised concern that the proposal would lead to the loss of 15 car parking spaces in one of the busiest car parks, that the additional visitors to the proposal would not be able to park and that it would reduce the parking for visitors to the town centre. The ARUP assessment makes a comparison between the existing and proposed peak demand on car parking to demonstrate the proposals can be accommodated within the overall parking stock of Sherborne. It suggests a daily average 41 visitor parking requirement. It would mean that the car park would be busy for periods. The Town Council raise concern over the lack of consideration within the ARUP report to the 85% criteria for car park use. The utilisation threshold of 85% is not considered to be appropriate in this case. An utilisation threshold of 85% was used in an ARUP report prepared for Stroud District Council to inform the wider parking strategy for the 37 car parks operated by the District Council and therefore it was appropriate to consider the utilisation of each individual car park. It should be noted that a busy car park is not intrinsically an issue as whilst it may mean it takes longer to park, a space does normally come available and seldom do people leave for lack of parking and if they do it is to find parking elsewhere.

The proposal is in a highly sustainable town centre location with access to more forms of transport than only the car, including rail, walking and other forms of public transport such as buses and coaches. In addition the likelihood of linked trips is highly likely with visitors to other attractions in the town as well as the proposal. The car park is currently short stay, for up to 2 hours, and with average visits to the proposal being up to 2 hours it is likely that visitors would use this car park, but if more time was needed and the intention was to visit other attractions such as the abbey, pupils and shops, visitors would likely use the long stay car parks in the town and walk between each venue.

Dorset County Council as Highways Authority have completed analysis of the Transport Statement and much of the detail is correct but fails to provide any real balance as to likely overall car parking availability in the area of the Town Centre. When DCC Highways notices errors of either statement or calculation, it has to determine if seeking amendments to the TS is worthwhile and in its view it was not. The NPPF gives guidance on this:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” The DCC Highways view is that it would be unlikely to be able to sustain a refusal of this application on grounds of inadequate parking.

Coach drop offs would not be allowed in the car park as these would affect the operation of the car park. Some provision would be made in Newlands but encouragement would be given to use Culverhayes Car Park from which there are walking routes through to the town and proposal.

Large deliveries to the proposal of exhibits would take place through a new side entrance into Paddock Garden through locked gates under agreement with the Town

Council who own it. Other deliveries and bin emptying would take place using the car park entrance and at the rear of Chestnut Garden and would require agreement with the West Dorset District Council.

The entrance to the proposal where there are currently 15 spaces would only be allowed for unloading/disabled access and the building would make provision for disabled access, as is required by Building Regulations.

It is not implicit under policy that new tourist facilities must make provision for car parking when located within an existing car park which is shown to be adequate and in this respect the proposal complies with policies ECON5 and COM9.

The new access into the side of Paddock Garden would not endanger road users as its use would be infrequent and only then would be supervised during the operation.

There is no requirement to provide staff parking in a sustainable location and where car parking and other means of transport already exist.

The applicant is in discussion with other land owners (including owners of Paddock Garden and the car park) regarding the implementation of these proposals to avoid any disruption.

It cannot be required of the applicant to provide a public car park on this land instead.

11.5 Amenity

The odour assessment outlines that the applicants are aware of the requirement for the control of odour and details the guidelines to be followed. It does not indicate what is intended to be installed. This would be dealt with by condition.

The site adjoins a number of residential properties to the east whose amenity could be adversely affected by outdoor activities associated with the Chestnut Garden. The use of the building would police itself, although the statutory nuisance controls under the Environmental Protection Act would remain available. It is not anticipated that the proposal would lead to additional noise greater than existing background noise created mainly by the car park. The proposal to raise the boundary wall would help protect the amenity of the neighbours.

The gallery and associated support spaces would be air conditioned to prevent damage to artefacts. In other cases, natural ventilation would be employed.

The external lighting would comprise façade lighting and some external ground lighting.

Some of the tranquillity of the Paddock Gardens would be lost, but the enjoyment of the gardens by the likely increase in visitor numbers using it would far outweigh this. It would not prevent newlyweds posing for photographs.

11.6 Biodiversity

Policy ENV4 proposes that developments should provide green infrastructure and biodiversity enhancements. A biodiversity report has been agreed with the Natural Environment Team at DCC.

The site does not have any special designation with regard to biodiversity but currently supports large areas of scrub and trees. Clearance of existing scrub and selective removal of trees would take place outside of the bird nesting season by a suitably qualified ecologist. The proposals would have a net gain for biodiversity through the proposals for a green roof, planting and the provision of bird & bat boxes. It is envisaged that biodiversity improvements would seek to provide a link between ecology and the arts.

The ecology enhancements would be:

384 sqm native grassland green roof;

424 sqm sedum roof;

21m native species hedge and 40 sqm grass verge;

Retention of the horse chestnut tree;

5 house sparrow/swift nest boxes, 2 swift boxes, 10 nesting crevices/boxes, 12 boxes for bats, 20 solitary bee/wasp nesting opportunities;

A Management Plan, Advisory Group, Monitoring Programme,

Education Programme and a Landscape and Environment Plan (LEMP).

Concern about the timing of plant movement which is limited to within Paddock Garden is in the ownership of Sherborne Town Council which would stipulate that the plants are not to be moved between March and August.

11.7 Drainage

To overcome flood risk, with coverage of the site with a building and a root protection zone for the chestnut tree there would be no remaining space on the proposed site to accommodate soakaways. It would also not be possible to reduce the size of the building as it would make the scheme unviable. Additional measures including an increase in depth of green roof or adding further blue roof areas, an increase in subbase to permeable paving or providing over-sized pipework generally are proposed.

The drainage proposals are shown on the drainage strategy plan prepared by ARUP. It shows that none of the foul sewage would pass through Paddock Garden. There is a small element of surface water attenuation proposed to be located below a footpath in Paddock Garden.

11.8 Other matters

Trees

A tree survey has been carried out for the site. The only tree for retention would be a mature Horse Chestnut tree which is a prominent feature and would form the foundation for 'Chestnut Tree Garden'. The mature Ash tree on the site boundary within the car park is causing damage to the existing stone boundary wall. The selective removal of low quality, self-sown scrub, growing within the area of the former tennis court, would be removed.

Ground stability/contamination

A Geo-Environmental Desk Study was prepared by ARUP and identified the potentially contaminative features, including heavy metals, asbestos and hydrocarbon contamination. A condition would be needed.

Construction management plan.

A plan secured by condition would ensure that any construction operations would not cause undue inconvenience.

Archaeology

Previous investigations carried out within the gardens in 2000 have produced evidence of medieval settlements. The county archaeologist confirmed to the applicant that this work was sufficient to enable an informed planning decision to be made now.

12. CONCLUSION/SUMMARY:

12.1 The proposal would provide significant public benefit, regenerate brownfield land, in a highly sustainable town centre location where it would also result in economic, environmental and social objectives supported by the NPPF core principles. The design is considered appropriate to the function and would enhance the character and appearance of the Conservation Area and would not harm the setting of listed buildings. There would be adequate access through various means of transport and if traveling by car would be adequate parking provision. There would be no implications for public amenity, archaeology, trees, biodiversity or drainage. The proposals' benefits outweigh any perceived harm.

13. RECOMMENDATION:

Grant permission subject to the following conditions:

- 1 PLAN The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and Site Plan - Existing - Drawing Number 15065 L 01.00 received on 08/11/2018
 Site Plan/Block Plan Proposed - Drawing Number 15065 L 01.01 received on 08/11/2018
 Illustrative Site Plan - Drawing Number 15065 L 01.02 received on 08/11/2018
 Lower Ground Floor Plan - Drawing Number 15065 L 02.00 received on 08/11/2018
 Upper Ground Floor Plan - Drawing Number 15065 L 02.01 received on 08/11/2018
 Roof Plan - Drawing Number 15065 L 02.02 received on 08/11/2018
 Proposed North and South Elevations - Drawing Number 15065 L 04.00 received on 08/11/2018
 Proposed East and West Elevations - Drawing Number 15065 L 04.01 received on 08/11/2018
 Proposed Sections AA and BB - Drawing Number 15065 L 03.01 received on 08/11/2018
 Proposed Sections CC and DD - Drawing Number 15065 L 03.02 received on 08/11/2018
 Proposed Illustrative Elevations - Drawing Number 15065 L 04.03 received on 08/11/2018
 Proposed Illustrative Elevations - Drawing Number 15065 L 04.02 received on 08/11/2018
 Site Clearance Plan - Drawing Number 15065 L91.01 received on 08/11/2018
 Landscape Master Plan - Drawing Number 15065 L 93.01 received on 08/11/2018
 Tree Constraint Plan - Drawing Number 04677 TCP REV A received on 08/11/2018

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

- 2 K10A The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

- 3 NS No development above damp proof course shall commence until details and samples of all external walling and roofing materials to be used in the construction of the building hereby approved have been submitted to, and approved in writing by, the local planning authority. Thereafter the development shall be completed in accordance with the materials that have been approved or such other materials as shall first have been submitted to, and approved in writing by, the local planning authority.

REASON: To safeguard the character of the area.

- 4 NS The existing chestnut tree shown on the approved plan to be retained, shall be fully safeguarded during the course of site works and building operations. No works shall commence for the digging of foundations on site until all trees to be protected on and immediately adjoining the site shall be protected from damage for the duration of works on the site to the satisfaction (to be confirmed in writing) of the Local Planning Authority in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any new Standard that may be in force at the time that development commences. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s). Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.

REASON: To safeguard the trees on the site which are shown to be retained.

- 5 NS The development hereby approved shall be undertaken in accordance with the recommendations of the BIODIVERSITY MITIGATION & ENHANCEMENT PLAN dated 20/02/2019 submitted in support of the planning application.

REASON: To safeguard protected species on the site.

- 6 NS Before the development is brought into use a hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall include: (i) planting plans; (ii) written specifications and schedules of proposed plants noting species, planting sizes, proposed numbers/densities and - where appropriate - implementation timetables; (iii) a schedule of landscape maintenance proposals for a period of not less than five years from the date of completion of the scheme; (iv) full details of any level changes; and (v) full details of the positions, materials and proposed construction methods for all paths and other hard surfaces. Thereafter, unless otherwise approved in writing by the local planning authority, the approved landscaping scheme shall be implemented in the planting season November – March immediately following the commencement of development.

REASON: To safeguard the character of the area.

- 7 NS Any external lighting shall be installed and maintained in accordance with the lighting statement dated 17/10/2018.
- REASON: To safeguard the amenity of the area.
- 8 NS The development shall not be occupied until further details clarifying precisely how the proposed raising in height of the boundary walls is to be implemented have been submitted to, and approved in writing by, the local planning authority. Thereafter, use of the building hereby approved shall not commence until the height of the boundary walls has been raised in accordance with such details as has been agreed.
- REASON: In the interests of safeguarding the amenity of adjoining residents and setting of listed buildings.
- 9 NS Prior to the occupation of the development, information regarding the operating noise levels of specific equipment to be installed shall be submitted to the planning authority, along with the calculated effect upon nearby properties. Suitable mitigation should be included should the parameters within the noise report be exceeded to prevent loss of amenity. The installations shall be agreed in writing by the planning authority. If operation is to cease for example during night time periods a suitable timer to control the hours of operation shall be installed to prevent human error i.e. to prevent unwarranted operation.
- REASON: To safeguard amenity.
- 10 NS Prior to the occupation of the development, the building operator shall submit a site-specific written odour risk assessment surrounding the emissions of odour or particulates from the proposed development. This shall include the nature of the suitable mitigation to be installed for the control of odour from the kitchen area. This shall be agreed in writing by the planning authority.
- REASON: To safeguard amenity.
- 11 NS No development above damp proof course shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented

in accordance with the submitted details before the development is completed.

REASON: To prevent the increased risk of flooding & associated nuisance, to improve and protect water quality, and to improve habitat and amenity.

- 12 NS No development above damp proof course shall take place until details of maintenance & management of both the surface water sustainable drainage scheme and adjacent receiving system have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

REASON: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

- 13 H122 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.

Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

- 14 NS All on-site working, including deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard amenity.

NOTES TO APPLICANT

1. **National Planning Policy Framework Statement**

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

1. offering a pre-application advice service, and
2. as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.

2. **DRAINAGE**

Detailed proposals and finalised supporting calculations will need to be supplied and approved in respect of subsequent submissions and discharge of the conditions requested in respect of the surface water management.

Any detailed design supplied with regard to the above conditions must demonstrate that best practice are fully complied with, and critically, that no off-site worsening will result. To this end the previously requested clarification of the receiving system and downstream structures will be required in support and substantiation of the detailed design.