

THE SHERBORNE AND DISTRICT SOCIETY

James Lytton-Travers, Case Officer
West Dorset District Council,
South Walks House,
South Walks Road,
Dorchester,
DORSET DT1 1UZ

13 December 2018

Dear Mr Lytton-Trevers,

LAND SOUTH OF PADDOCK GARDENS / THE PADDOCK PROJECT **Application No. WD/D/18/002619**

The CPRE Sherborne and District Society Committee has met several times and has unanimously agreed to ask me as Chairman to write to you setting out our serious concerns about the above Application concerning the Paddock project – “the Project”. Our comments come under various headings as follows:

1. Parking and loss of parking spaces for a major tourist attraction

The Local Development Plan was adopted in October 2015 and has as Policy ECON 5 iii) the following:

Major tourist attractions should preferably be located within the town and will be expected to provide adequate visitor facilities such as parking and toilets rather than relying on community facilities in the area.

The Project seems to us to be a major tourist attraction in that Arup in their Transport Statement mention 70,000 day and 5,000 evening visitors per annum to the Project. Accordingly the Project should provide adequate visitor facilities. Whilst the Project probably has enough lavatories, it takes away at least 15 parking places from the Old Market Car Park and provides none for visitors or staff. This ignores the above Policy totally.

The LDP is under review and what has been published so far reiterates the above Policy. This Policy and the one mentioned next are not mentioned by Arup.

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The Campaign to protect Rural England exists to promote the beauty, tranquillity and diversity of rural England by encouraging the sustainable use of land and other natural resources in town and country.

2. No business plan – major tourist attraction

Paragraph 4.5.8 of the Local Development Plan (abbreviated) reads as follows:

...The information required in support of an applicationshould normally include:

The nature of the visits expected, how many they will be, how long and when they will occur, what

- seasonal fluctuation is likely, and the extent to which there may be synergy with other activities in the locality..*
- The longer term viability of the enterprise, levels of spend and the amount of money expected to be drawn into the local economy, and likely impact on the vitality and viability of nearby town or local centres.*

To date nothing at all has been produced. We do not know, for example, the nature of the visits expected, the level of spend, the impact on the vitality or viability of Cheap Street. The Sherborne Society and Sherborne Town Council have repeatedly asked for a business plan but nothing has been produced. The promoters of the Project ignore the above Policy totally..

In the absence of such a study, shops and restaurants in nearby Cheap Street do not know whether the Project will enhance or damage their trading prospects. Certainly the loss of parking space and the utilisation by visitors and staff of parking space in the locality will reduce footfall in Cheap Street severely and hence damage the local economy and employment.

3. AEA Consulting Feasibility Study

According to Arup a feasibility study has been prepared by AEA Consulting. On the AEA website at <https://aeaconsulting.com/projects>, is a worldwide list of projects. For Sherborne, they advise of a retainer to deliver an Operating Feasibility Study for The Paddock Project. A description of the study is given with a drawing of a design for the Project (this building is not the subject of this Application incidentally which indicates that the AEA study might have been done utilising a different or previous building design!). However AEA say (as at 2.12.2018) that AEA have:

.... detailed the programming strategy and facility utilisation plan; indicated the business, organisational, and financial requirements to operate the venue professionally and sustainably; and highlighted key project success and risk factors to ensure a sound and robust business case.

Arup have had access to this study but the public, WDDC, DCC and Sherborne Town Council have not. Arup quote and accept AEA's work but it is not what the LDP Planning Procedure or local business requires. Nonetheless some figures stand out:

...70,000 day visitors and 5,000 evening visitors per annum based on a 2.3% penetration rate.

So the audience or travelling population considered is over 3 million. Dorset including Bournemouth and Poole, Somerset and Devon have a combined population of just over 2 million. The extra one million people must therefore come from Bristol and Wiltshire. Not having had sight of AEA's suggestions of attractions, our view is that the figures are over-optimistic because of the sparse population, the large area and hence the long return travel times to Sherborne on poor roads. The consequence is that the Project will fail.

Accordingly in our view it is wrong for WDDC (or for example Sherborne Town Council) to recommend grant of permission without seeing a proper financial feasibility study. To risk the Paddock Gardens and the green heart of one of this country's most attractive small historic towns without financial planning and security is folly and a gross breach of planning procedure.

It would also be imprudent of Sherborne Town Council to enter into a lease for part of Paddock Gardens (as proposed) without making sure the lessee is financially sound and able to meet the cost of maintaining the Project after it is built for a period of, say, five years or the length of the lease whichever is longer.

5. Destruction of green space – Paddock Gardens

A comparison of the existing site plan and the proposed landscape Project plan shows that approximately 400 square metres of Paddock Gardens will be subsumed into the Project, being the Southern wall and beds and then over half the Western wall and beds. Whilst the proposal to lease part of these Gardens by Sherborne Town Council may include provisions for reinstatement, during the construction period we expect (in the absence of a proper Site Clearance Plan – see below), that following the destruction of the West wall of Paddock Gardens the construction process will involve the storage of building materials, WCs, plant and sheds on this site. Not just the 400 square metres but the whole of the southern section of the Gardens. For users of Paddock Gardens which include many with young children, the peace and security of the Gardens will disappear and there will be just half the current space. This is against Policy COM 5 in the agreed Local Development Plan. The future proposed use of Paddock Gardens involving a sizable destruction will not improve the recreational value of the Garden at all.

In the absence of any indication of the time it will take to develop the site and then reinstate the lower lawn and flower beds, it would seem that this destruction is a development on valuable open space and the area diminishes at the outset and thereafter. The suggestion that this is not relevant because, for example, the utilisation is short-term or temporary and there is provision for re-instatement, is not tenable because there is no timescale given for the works and further, without financial security (and a business plan), no guarantee of completion.

Turning to the Project plans prepared by the architects, it would seem that their design changes the whole character of the Garden. Visitors to the Gardens will be subjected to articulated trucks backing down the west side track (if they don't what is the point of this construction?), and then they will be under view of visitors to the Paddock Gallery. The peace and quiet of a Garden designed specifically as a restful walled garden will disappear for good. This is an unacceptable loss or change of a much loved amenity contrary to Policy COM5.

6. Visual aspect & Impact on Sherborne House

Amongst the objections that we have to the present application is the fact that it affects the setting of Sherborne House. This is a Grade I listed Georgian building, arguably the most important secular historic building in the town after Sherborne New Castle. It occupies a very prominent site, seen by probably hundreds of people every day, whether passers-by along Newland, users of the adjacent car parks, or of the Paddock Garden. The future of the building has been of concern to Sherborne residents ever since the school that occupied it for many years closed in 1992, and it was the subject of an unsuccessful Lottery bid to turn it into an arts centre in 2009. If that had been successful, then the present application would not have arisen.

After a quarter of a century in limbo, Sherborne House has recently been acquired by Mr Mike Cannon, whose promised funding underpins this proposal for the new arts centre, but as yet there has been no news as to what future is proposed for it.

What is relevant in the context of this application is that Sherborne House stands on rising ground and looks directly south across Paddock Garden – which was itself formerly part of the garden of Sherborne House – to the proposed development site. The two – the Grade I building and the proposed new arts centre building – would indeed be on axis with each other. It can therefore be argued that although the development is not within the actual curtilage of the listed building, it would very much impinge on its setting. This makes it of interest to both Historic England and the Georgian Group. A material consideration for both those statutory bodies will be the likely effect of the new building on the setting, and this in turn will depend a good deal on the nature and quality of the design. In a previous incarnation the arts centre scheme was at least partially concealed from Sherborne House by the retention of the high stone wall between Paddock Garden and the development site. As redesigned that is no longer the case, and the new building now is built on part of Paddock Garden. This might matter less if the design of the new building was better. However, in the judgement of the CPRE Sherborne & District Society the design is third rate and undistinguished, and simply not good enough for the very heart of one of this country's most attractive small historic towns.

In terms of WDDC's Local Development Plan Sherborne House is most definitely a Heritage Asset and hence Policy ENV4 has to be looked at. We consider (see i)) that the Application shows no evidence of an assessment of the impact of the Project on Sherborne House. As far as we are concerned the Project does not either conserve or enhance the significance of Sherborne House. Then (see ii)), as Sherborne House is within the setting of the Project we need evidence that there is a positive contribution to Sherborne House's conservation. There is none and further the rest of Policy ENV4 has been ignored in this Application. From the preceding paragraph it is clear that in our view Policy ENV12 on the Design and Positioning of Buildings has been ignored to the detriment of Sherborne.

Finally on design, one of the interesting design factors emphasised by the aerial photographs in the Design and Access Statement is that flat roofs are an exception – only Waitrose, the Digby Hall, Sainsbury's and odd extensions are flat. The local characteristic is for a steeply pitched or gabled roof. Since the proposal uses cladding of local stone to match local buildings, we wonder whether it should follow the vernacular of Sherborne and have a pitched roof particularly as it is located in the centre of the Sherborne Conservation area.

7. Policy SHER2

We refer again to the Local Development Plan and particularly a central policy for Sherborne – SHER2 entitled Future Town Centre Expansion. This reads that:

Land at Newland Car Park North and Newland Car Park South, as identified on the Proposals Map, will be the preferred location for future expansion of the town centre area. Any scheme will need to retain the existing level of public car parking.

The proposals are situated in part on land in the proposals area to the extent that 15 car parking spaces are in the Old Market Car Park. The rest of the proposed development is situated on land contiguous with the land in the Proposals Map. The Application by taking out 15 car parking spaces clearly runs contrary to SHER2. Further a scheme of this nature intrinsically inhibits and prevents development within the area covered by SHER2 and hence potentially inhibits the economic growth of Sherborne Town Centre itself.

8. The Arup transport Survey.

This document is deeply flawed and is the subject of analysis by a Committee member of the Sherborne Society and local resident Mr. Ray Hartley. He highlights failure of the Arup Transport Survey to take account of the industry standard of 85% space utilisation in car parks. Above this figure drivers block each other whether coming in or out and also then clog access routes hunting for spaces elsewhere. This industry standard was incidentally developed, we believe, by Arup itself.

In addition we draw attention to his finding that the assumed stay time seems to be one hour. This is an absurd assumption and hence flawed. Would someone drive for an hour or so merely to pop into the Paddock Gallery, visit the facilities and then leave all within an hour? With this assumption there is no time for any economic activity in Sherborne either.

On parking the obvious fallacy of the results of the Survey are easily demonstrated by looking closely at the aerial photograph in the Design and Access Statement on Page 9. This shows that every single car space in each car park in that view is full. The rhetorical question to this is where would cars have parked had the Gallery been open on that day at that time which we assume was randomly chosen as a sunny day?

9. Site Clearance Statement

In the Plan section is a so-called site clearance statement. This does reflect the areas of Paddock Gardens which are to be destroyed, car parking spaces which are to be terminated, trees which are to be cut down and walls abutting Nos. 43 and other properties in Hound Street which are to be increased in height.

However the statement does not show any estimate or plan for the volume of earth and spoil which has to be excavated from the Project land to get tenable foundations. Nor does it show the passage of drainage to make sure the basement lavatories do not flood the gallery on the lower floor. Nor is there a timetable to advise how long the initial ground work will go on for. During this time trucks carrying spoil will be travelling through the Market car park and out via Hound Street and Newland. Inevitably they will conflict with traffic travelling into Sherborne and Cheap Street – congestion and aggravation will be inevitable.

The next phase is construction when concrete lorries (and a large number of them) will travel from, say, Wincanton to site. Further construction workers and their motor vehicles will be on site and will take up long stay parking or will park on uncontrolled areas of Sherborne. The building has a large amount of steel and stone and other materials which will have to be, presumably, stored on site pending use. This process will take time and further congestion and aggravation will be inevitable.

The final phase of the Project will be fitting out where different trades visit the site in fleets of vans parking at will as near as possible to the site to ship in kit and tools.

In order to evaluate this Project a proper site Clearance and construction schedule is needed -. This would give WDDC the opportunity to decide on constraints on working times and also lorry / van movements etc. The point here is to cause the least damage to Cheap Street and Sherborne.

10. Agreements and consents

The Application Form indicates agreement by the developers with various parties as follows:

Qu. 6 – re demolition of walls and occupation of Garden agreement with Sherborne Town Council. To the best of our knowledge and belief there is no agreement. Solicitors have exchanged letters on the form of a lease but nothing is agreed.

Qu. 9 – re rights of way to site and over 15 car parking spaces agreement with WDDC. Again, to the best of our knowledge and belief there is no agreement. We think solicitors have not exchanged letters on this surrender of spaces and access.

We wish to bring this to the attention of WDDC as they may not be aware that the agreements do not exist.

11. Responses to consultation

On the website is a response from a Consultee – The Highways Department of Dorset County Council. It is simple and brief “No highway objection.” This is, of course, a valid response to the Highways maintained by Dorset County Council of which the nearest is the A30 around 500 metres away.

Comment is therefore needed by from WDDC or DCC and the person(s) who actually manages the car park owned by WDDC and the contiguous roads again owned by WDDC. We understand that WDDC actually sub contracts management of car parking to an inter-council consortium led by DCC which then subcontracts to a third-party operator who collects parking dues, issues notices and such like. Absent comments from these owners regarding the loss of spaces, access, rights of way we feel the consultation is incomplete.

One other consultee is the Listed Building / Conservation Officer. To date he or she has not posted a response. Accordingly we suggest that comments quoted by the Paddock Project team in their supporting documents should be considered as follows:

Part 2 The Proposals - 3.0 Pre-application consultation response - *The Conservation Officer expressed concerns about the form of the building during the pre-application process, stating that the proposals were ‘an alien shape/form/roofscape, it does not promote or reinforce local distinctiveness and in my opinion it detrimentally impacts on the setting of an important Grade I listed building, a wider group of Listed Buildings and the Sherborne Conservation Area*

To which the Paddock Project team responded: *..... planning policy should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to confirm [sic] to certain development forms or styles*

As it happens we think it is correct that planning policy should not impose styles except where, as here, the building is in a Conservation Area and in the setting of a Grade 1 listed building. The idea that the building proposed is either innovative or original is deluded and self-boasting.

12. The concept of an Arts Centre

In objecting to these particular aspect of the application – others will address other aspects – we should emphasise that the Sherborne Society is very much not against the concept of an arts centre *per se* – on the contrary, in the right location, for instance at Sherborne House, we would be strongly supportive. But this scheme lacks documentation, is poorly designed, in the wrong place and we have to oppose it.

13. Disclaimer

Whilst we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.

14. Conclusion

Taking all the above comments under the various headings into account we have to object strongly to the Application. It should be refused.

In addition we feel that the failure of the Applicant to follow the Local Development Plan in respect of production of a business plan and parking spaces means that the Application should not have been accepted as validly made on submission.

Yours sincerely

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