

Item No. 11

APPLICATION NUMBER	CB/12/02837/CA
LOCATION	Kingdom Hall, 5 Shortmead Street, Biggleswade, SG18 0AT
PROPOSAL	Brownfield development seeking demolition of existing outdated building and upgrade with a new building.
PARISH	Biggleswade
WARD	Biggleswade North
WARD COUNCILLORS	Cllrs Jones & Mrs Lawrence
CASE OFFICER	Amy Lack
DATE REGISTERED	14 September 2012
EXPIRY DATE	09 November 2012
APPLICANT	Biggleswade Congregation of Jehovah's Witnesses
AGENT	RBC (London & Home Counties)
REASON FOR COMMITTEE TO DETERMINE	Called to Committee by Cllr Jane Lawrence who has been asked to do so by the Town Council who wishes to refuse permission on the same grounds as before e.g. a historic building within the Conservation Area paid for by public subscription as a memorial to the fallen in the 1914-1918 war.
RECOMMENDED DECISION	Conservation Area - Granted

Site Location:

The application site, fronting Shortmead Street to the east, is located on a corner plot with Ivel Gardens to the south, comprising a single storey building and associated car parking to the rear. Built in 1923/24 as the St. Andrews Church Memorial Hall to commemorate the fallen of Biggleswade in the First World War, the building, black and white mock Tudor in design was renamed the Kingdom Hall in 1978 and used as a place of worship (Use Class D1 - Non-residential institutions.) occupied by a Jehovah's Witnesses.

The site falls within the Biggleswade's Conservation Area and on this corner plot is prominently sited within the streetscene. The building is not listed. The development along Shortmead Street and wider surrounding area is varied in nature and is characterised by a mix of uses, mainly commercial.

The existing building was bought in the 1970s when it was extensively refurbished to serve as a place of worship. Whilst it has been well maintained to date the building does not provide inclusive access for all, suffers from damp and is energy inefficient.

The Application:

This application seeks Conservation Area Consent for demolition of the exiting building.

This application for consent is submitted in conjunction with an application for full planning permission, application reference CB/12/02838/FULL which proposes the erection of a replacement building for the purposes of worship.

RELEVANT POLICIES:

National Guidance

National Planning Policy Framework (March 2012)
Circular 11/95 - The use of Conditions in Planning Permissions

Regional Spatial Strategy East of England Plan (May 2008)

ENV6: The Historic Environment

Core Strategy and Development Management Policies (November 2009)

CS15 Heritage
DM13 Heritage in development

Planning History

CB/11/01495/FULL	Demolition of existing building and erection of replacement single storey building (place of worship). W/D
CB/11/01496/CA	Conservation Area Consent: Demolition of building. W/D
CB/12/02838/FULL	Brownfield development seeking demolition of existing outdated building and upgrade with a new building. Pending.

Representations: (Parish & Neighbours)

Biggleswade Town Council	Strongly object. The approval of this application would result in the loss of a historical Building and grounds and is located within a Conservation Area. This application should go before the Development Management Committee for its consideration.
Neighbours	A number of representations has been received with reference to the proposed development of the site under planning application reference CB/12/02838/FULL. The owner/occupiers of the following addresses have made representations that either commented on the demolition of the existing building or specifically referenced this Conservation Area Consent application:

- 8 Broadmead
- 3 Ivel Gardens
- 4 Ivel Gardens

The representations can be summarised as follows:

- The existing building has particular historic and architectural merit.
 - The existing building makes a positive contribution to the Conservation Area.
 - The demolition and construction phases of the proposals for this sit will result in nuisance, noise and disturbance
- The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file

Publicity

Site notice	02.10.2012
Local press advertisement	05.10.2012

Consultations/Publicity responses

English Heritage	No objection subject to planning permission for a replacement building and a contract has been signed for the construction of the replacement building.
Conservation	<p>No objection. It is accepted that the Kingdom Hall is an undesignated heritage asset and part of the historic development of Shortmead Street but it is not eligible for listing or identified in the 2005 Conservation Area Appraisal.</p> <p>Demolition is considered acceptable subject to a suitable replacement.</p>
Trees and Landscape	<p>No objection.</p> <p>A comprehensive tree report was submitted as part of the application and subject to a condition to ensure that the recommendations, methods and working practices in detailed in the Tree Report are adhered to in full the proposal is acceptable.</p>
Highways	No comment with respect to demolition of existing building.

Biggleswade
Society

History The existing building is of great historic importance for the Town of Biggleswade. The modernisation and refurbishment of the existing building would be a better use of funds than total demolition and re-build and retain this important building.

The replacement building proposed by this application is considered an improvement on the previous proposal, but it is still considered of little architectural merit and not sympathetic to the character of its surroundings.

The untimely manner of the proposal in light of the centenary of the beginning of WW1 in 2014 is in sensitive.

The society wishes to disassociate itself with any decision to destroy the existing building.

Public protection.

No objections. Mindful of the comments made by nearby occupier to the previously withdrawn applications for this site it is still considered that issues of construction noise etc. can be dealt with through existing legislation.

Archaeologist

No objection. Given the nature and location of the proposed development it is unlikely that any serious harm will be caused to any surviving archaeological deposits within the application area. Therefore a Heritage Asset Assessment is not required.

Determining Issues

From the consultation responses, representations received and an inspection of the site and surroundings the main considerations of the application are;

1. Impact of the loss of the building upon the heritage asset.
2. The merits of the alternative proposal for the site
3. Third party representations

Considerations

1. Impact of the loss of the building upon the heritage asset.

This application for Conservation Area Consent and the application for full planning permission submitted in conjunction with this application are supported by a Heritage Statement as required by paragraph 128 of the National Planning Policy Framework (NPPF) 2012. The Conservation Officer consulted on the application and the response from English Heritage have not raised any concerns about this analysis and support the whole-sale redevelopment of the site subject to the imposition of planning conditions to address matters of detail

on the Full planning application to ensure that the proposed replacement building is appropriate given this prominent site in the Conservation Area.

The NPPF (2012) refers to heritage assets as a building, monument, site or area, which is identified as having a degree of significance meriting considerations in planning decisions, because of its heritage interest. They are valued components of the historic environment and include assets identified by the local planning authority. It goes on to advise in paragraph 132 that the more important the asset the greater the weight that should be placed upon the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The NPPF includes a provision of a presumption in favour of the conservation of heritage assets. In this instance the Kingdom Hall is not a designated heritage asset but the Conservation Area within which it is located is and weight should also be given to the setting of nearby listed buildings St. Andrew's Church and No.s 36, 38 and 40 Shortmead street. As such, the presumption in favour of conservation is relevant.

In dealing with the wholesale redevelopment of the site which could potentially lead to substantial harm to a designated heritage asset, in this case the Biggleswade Conservation Area and setting of nearby listed buildings the NPPF (2012) advises that:

Local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site;
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible;
- the harm or loss is outweighed by the benefit of bringing the site back into use.

The applicant states that the demolition of the existing building and its replacement is the only viable option available to provide a place of worship that is 'fit for purpose' for use by the Jehovah's' Witnesses congregation. Further to this the existing building is generally regarded as a building of no architectural merit that has, at best a neutral impact upon the surrounding Conservation Area. This a view is also held by both the Conservation Officer and consultee at English Heritage. As such, the demolition of the existing building would not bring about an adverse change to the character and appearance of this part of the Biggleswade Conservation Area and its demolition is considered acceptable, according with Local Plan policy DM13 and guidance provided by Central Government in the form of the NPPF (2012).

2. The merits of the alternative proposal for the site

The proposals for redevelopment of the site submitted under planning application reference CB/12/02838/FULL have been recommended to the Development Management Committee for approval. If planning permission is granted then this provides justification for the removal of the building because the development cannot proceed if it is retained. In the event that planning permission is refused it would be logical to also refuse the application for Conservation Area Consent.

A condition is recommended to require that the existing building be retained until such time as redevelopment of the site as permitted by planning application reference CB/12/02838/FULL is to be implemented in conjunction with the demolition of the existing building (condition 2). This will serve to avoid the possibility of the early demolition of the existing building and the potential for the site to be vacant which would have a more detrimental impact upon the surrounding Conservation Area and street scene than the presence of the current building.

3. Third Party Representations

The concerns raised with respect to the historical and architectural importance of the existing building have been addressed above under the headings 'Impact of the loss of the building upon the heritage asset' and 'The merits of the alternative proposal for the site'. Whilst mindful and sympathetic to the local importance of the existing building and what it represents to Biggleswade and its residents unfortunately these attachments are not material in determining whether or not the demolition of the building is acceptable. This assessment must only be made with respect to the impact the loss of the building would have upon the surrounding Conservation Area and setting of nearby listed buildings. The building itself is not listed and of not architectural merit. For these reasons its retention by refusal of this application would be unjustified.

The Environmental Health Officer consulted on the redevelopment of the site is satisfied that the concerns expressed with respect to the impact of noise and disturbance during the demolition and construction phases of the development can be dealt with through existing legislation. As such, it is not considered necessary to impose conditions that will duplicate such legislation.

4. Conclusion

The existing building is not considered to make a positive contribution to the surrounding Conservation Area. Its removal should be permitted to enable the proposed replacement to be built.

The proposed replacement building will be a positive asset to this part of the Conservation Area for the reasons set out in the report to Committee for the planning application. This view is shared by the Conservation Officer and English Heritage.

Approval is recommended.

Recommendation

Conservation Area Consent be granted subject to the following conditions:

- 1 The works shall begin not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The demolition works hereby approved shall only be carried out in connection with the redevelopment of the site as permitted by planning permission reference CB/12/02838/FULL and the two permissions shall be implemented as a single continuous development scheme.

Reason: To ensure that an unsightly cleared site is not created to the detriment of the character and amenities of the area.

- 3 All Arboricultural works shall be carried out by a competent tree contractor, proficient in both root-zone and aerial arboricultural work and shall follow strictly the agreed method statements and specifications set out in the 'Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement' reference 1882.Biggleswade.TAG.AIA submitted with this application. The developer's arboriculturalist shall monitor, record and confirm the implementation and maintenance of tree protection measures as set out in this approved document.

Reason: To protect the health and welfare of the trees to be retained on the site.

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [216/PL2/100; 216/PL2/101; 216/PL2/102; 216/PL2/103; 216/PL2/202/A; 216/PL2/300/A; 216/PL2/301/A; 216/PL2/302/A and 1882.Biggleswade.TAG.AIA].

Reason: For the avoidance of doubt.

Reasons for Granting

The loss of the existing building would not cause any detrimental harm to the character and appearance of the Conservation Area of the setting of nearby listed buildings as designated heritage assets, subject to a suitable replacement which has been granted planning consent under planning application reference CB/12/02838/FULL. The proposal accords with the guidance contained within the National Planning Policy Framework (2012) and policies CS15 and DM13 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

Notes to Applicant

1. The applicant is advised that a Section 80 notice should be served to Building Control not more than 28 days before the intended date of demolition.

DECISION

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