

43/11/0116

MENDIP ESTATES

**DEMOLITION OF SOUTHERN DRY HOUSE, DEMOLITION OF SINGLE STOREY EXTENSIONS TO BOILER HOUSE, DEMOLITION OF SINGLE STOREY EXTENSION TO STEAMING ROOM, RAISING OF GROUND FLOOR LEVEL OF DYE HOUSE AND STORE, CONSTRUCTION OF ROOF TO DYE HOUSE AND STORE, ALTERATIONS TO TENTERING ROOM/NORTHERN DRY HOUSE, FORMATION OF ADDITIONAL VEHICULAR ACCESS AND LAYING OF HARDSTANDING TO SERVE TENTERING ROOM/NORTHERN DRY HOUSE AND ALTERATIONS AT TONE MILL, MILVERTON ROAD, WELLINGTON**

Grid Reference: 312606.121843

Full Planning Permission

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### **RECOMMENDATION AND REASON(S)**

Subject to:

- The views of the Highway Authority;
- Resolution to grant 43/11/0080 [and the applicant entering into a S106 that no works will commence until the heritage funds are available under the terms of 43/11/0080];
- Receipt of amended plans to satisfy the Heritage Lead and English Heritage,

Planning Permission be granted.

Recommended Decision: Conditional Approval

Whilst it is accepted that the proposals would cause some harm the significance of this historic asset, the proposed alterations will be a continuation of the way in which the buildings have previously been adapted to serve the original purpose of the Mill. [Any harm will be outweighed by the heritage benefits delivered from achieving a reuse of this site which is highly sympathetic to its original function and giving it the prospect of a viable future. The proposals would therefore be in line with Policy HE9 of PPS5 and due regard has been paid to the statutory duty imposed by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **RECOMMENDED CONDITION(S) (if applicable)**

Conditions will be imposed to cover the following matters:

Time limit; schedule of plans; archaeology / building reporting and monitoring; contamination monitoring; heritage; contract let for the approved refurbishment and conversion work; detailed schedule, including specified materials, for repairs and alterations, cross - referenced to scaled drawings, no machinery or artefacts, shall be removed, relocated or destroyed, until they have been fully recorded, in accordance with a brief, which shall first be agreed in writing by the Local Planning

Authority; contamination.

Note: re flood defence consent / pollution control.

Notes for compliance

## **PROPOSAL**

Planning permission is sought for the following works:

- Demolition of Southern Dry House;
- Demolition of Single Storey Extensions to Boiler House;
- Demolition of Single Storey Extension to Steaming Room;
- Raising of ground floor level of Dye House and Store;
- Construction of roof to Dye House and Store;
- Alterations to tentering room/northern dry house
- Hardstanding for car parking and new vehicular access

The works are sought to facilitate the re-use of the buildings and site to meet modern standards for use i.e. fit for purpose by Fox. Bros. The proposal provides a modern weaving shed within the existing buildings which will be adapted. The floor of the weaving shed will be raised to take the development out of the 1:100 flood event. This has necessitated the provision of a new roof because of the minimum internal heights required for the weaving shed area. The roof will be marginally higher than the existing.

## **SITE DESCRIPTION AND HISTORY**

Tone Works is the cloth-finishing part of Tonedale Mill, which, at the time of its listing in 2000, was one of the best-preserved historic textile manufacturing complexes in England. Fox Brothers and Co. were still continuing to use the works to dye and finish the woollen and worsted cloths woven at the company's mills using traditional machinery until late 1990's. When the Works finally closed, a consequence of its long working life was the exceptionally good preservation of buildings and mechanical features. These included a complete set of traditional dyeing and finishing machinery, an extensive process-water system, intact late 19<sup>th</sup> Century line shafting and most of the water, steam and early DC electric power systems.

The site has a complex layout comprising a large number of attached and detached one and two-storey buildings. These include a wide variety of plan types and roof structures which reflect the developing range of functions carried out at the works. Modifications to the course of the River Tone have influenced the development complex, which included the construction of a series of reservoirs and settling ponds to the west of the site. Ample water supplies are an important requirement for textile finishing sites, and this was probably the main reason for locating the works some distance from the manufacturing site at Tonedale Mills.

### History

The previous attempt to bring forward the re-development of the site was a comprehensive proposal in 2007, reference 43/07/0059 (& 060LB), for a mixed use development. The scheme comprised:

*The erection of 140 dwellings, in two sectors, either side of Milverton Road; new industrial units in the south east sector of the site; flood mitigation works; restoration and conversion of the Mill Buildings; renewable energy centre; creative industry/craft quarter; museum; café and bar.*

The specific flood modelling for the site, however, identified that the western side of Milverton Road [the mill complex] was located within Flood Zone 3 (b) – functional flood plain. This put a block on residential development to the west of Milverton Road due to the high risk of flooding. The viability of the wider project needed to be re-visited. The costs of undertaking the restoration of the buildings are considerable, together with other constraints affecting the site such as flooding, significant ground contamination and asbestos within some of the buildings.

The historical significance of Tone Works and agreement on its value is firmly established, but the future remains far from secure unless a sympathetic and economically viable use for the site can be achieved. Tone Works Trust, a charitable building preservation trust, supported by the Princess Regeneration Trust (PRT) and English Heritage, took an active role in seeking to initiate heritage-led regeneration of the site. The PRT considers the site to be of European Significance.

The complex of buildings is now derelict and in an increasingly perilous condition [the machinery and parts have also been prone to burglaries]. This application therefore seeks to reverse this situation and forms part of the wider package of applications to secure the asset.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*TOWN COUNCIL* - Supports the application subject to the Conservation Officer being happy with the proposals.

*HERITAGE LEAD* – Comments as follows:

1. Subject to 43/11/0080 being approved first;
2. the receipt of further amending plans, which delete the hydro-electric turbine and archimedes screw from the wheel pit in the wet finishing works and the works shown to the north drying sheds;
3. the receipt of cross sections for the emergency exit walkway (proving that such will not result in any damage to fixtures within the wet finishing works).

In addition to standard conditions, the following should also be included:

A) no demolition shall take place until a contract has been let for the approved refurbishment and conversion works.

B) prior to works commencing, a detailed schedule, including specified materials, for repairs and alterations, cross - referenced to scaled drawings, shall be submitted to and approved in writing by the Local Planning Authority, with such approved schedule, being strictly adhered to the execution of the repairs/ alterations, unless any variation thereto is first agreed in writing by the Local Planning Authority.

C) the buildings for which demolition is hereby granted, shall not be removed, in whole or in part, until they have been fully recorded, in accordance with a brief, which shall first be agreed in writing by the Local Planning Authority.

D) no machinery or artefacts, shall be removed, relocated or destroyed, until they have been fully recorded, in accordance with a brief, which shall first be agreed in writing by the Local Planning Authority.

*ENGLISH HERITAGE* - Tone Works is the cloth-finishing part of Tonedale Mill, which, at the time of its listing in 2000, was one of the best-preserved historic textile manufacturing complexes in England. Its significance derives from the longevity of the original use persisting on the two sites from the late eighteenth century to the late twentieth century in the same family ownership, and from the full extent of textile manufacturing processes that are represented in an astonishing range of buildings and engineered water works.

Unfortunately, however, since the cessation of cloth production on site in the late 1990s the condition of buildings – some of which were already starting to fall into disrepair – has seriously deteriorated. Tone Works, in particular, has been subject to repeated break-in attempts and theft of metalwork which have started to erode the significance of the site. Whilst English Heritage has grant-aided Taunton Deane Council in undertaking urgent protection works to the buildings, the complex form of the roofs and presence of extensive asbestos contamination within certain buildings make their ongoing temporary protection very problematic.

Since the vacation of the buildings by Fox Bros. and the listing of the majority of them at grade II\*, English Heritage has been trying to safeguard their future preservation. However, it quickly became evident that due to the physical constraints of the overall site and individual buildings and the costs of repair, their comprehensive restoration and reuse would not prove commercially viable. It would therefore be necessary for such scheme to be subsidised either by an 'enabling' form of development or by public funds. The site itself offers very limited opportunities for development since it is situated in functional floodplain land and two applications for residential development to the south of the principle listed buildings have failed.

A long-term objective of setting up a dedicate building preservation trust to save the site with public funding, which was heavily supported by the Prince's Regeneration Trust, has made some progress towards establishing its eligibility for heritage lottery funding. However, due to the complexities of the project and the lead-in time needed to make the necessary funding applications it has not come to fruition so far, meanwhile the buildings continue to deteriorate. The degree of risk now faced by Tone Works and its significance to the industrial heritage means that it has been identified by English Heritage as one of our top ten most important heritage at risk sites within SW England, which makes finding a solution for it one of our highest

regional priorities.

Listed industrial buildings are more at risk than almost any other kind of heritage, according to a major research project recently carried out by English Heritage. 10.6% of industrial grade 1 and II\* listed buildings are at risk, making industrial buildings over three times more likely to be at risk than the national average for grade I and II\* listed buildings. The average estimated conservation deficit (cost of repair in excess of end value of industrial buildings at risk) is twice that of non-industrial buildings at risk. Resolving the very uncertain future of industrial sites which are on our Heritage at Risk Register is now one of the highest priorities for English Heritage and it can require the intensive application of both financial and staff resources to achieve lasting solutions. The problems facing such sites can be particularly intractable and often include high flood risk, extensive contamination and very constrained locations in addition to complex repair problems and the limited adaptability of individual buildings to economic uses.

Finding an instant or 'once and for all' solution is a therefore rare occurrence with such sites and our experience nationally suggests that it is often necessary to accept phased solutions, sometimes stretching over a number of years, as a more realistic delivery mechanism. When such solutions involve a commercial use of the site rather than a purely heritage solution it is sometimes necessary to accept compromises in order to make a site operationally viable and give it a sustainable future. This is the situation currently being faced at Tone Mill, where consent is being sought for some quite drastic works to some of the listed buildings in order to make the site suitable for re-use by Fox Bros. and provide flood-resistant buildings. The issues are very finely balanced as to whether the demolition of certain elements of the listed structures can be justified on that basis. However, given the extreme level of risk that the buildings currently face, the absence of any other viable solution after several years of investigating options, and the commitment shown by the owner to develop the scheme with Fox Bros. to this point, we believe that the proposals should be supported – with a few amendments and certain safeguards.

Advice - The proposed reuse of Tone Works involves a number of alterations to adapt the buildings for textile production by Fox Bros. These alterations have been the subject of extensive negotiations at pre-application stage and during the life-time of this application to try to minimise the harm to the historic significance of the site. The most extensive areas of alteration are to a large part of the Dyeworks buildings which would be substantially reconstructed as a modern structure and covering. In negotiations we have sought to minimise the impact of this work on the externally visible areas of the building. The structures on the east of the Dyeworks, alongside the river, have been specifically excluded from this conversion because of the significance of their roof form and the fact that they are likely to date from an earlier phase of industrial operation. Equally, the gable ended buildings that face into the courtyard and incorporate a reused C18th datestone, will be retained largely in their existing form externally, with only the upper floors in office use. We have requested the applicant to also retain the slate roof-covering on these ranges and omit the rooflights which would be visible externally.

We understand that the hydro-electric turbine and Archimedes screw proposed for the wheelpit is now not proposed and this should be clearly withdrawn from the application. If the opportunity arises for such an installation in the future then we suggest that locations outside of the building should be investigated since the wheelpit is highly sensitive in historic terms as one of the earliest survivals on site.

Cross-section drawings will need to be provided of the emergency exit walkway between the dyeworks and the drying sheds to the north to ensure it will not cause damage to any internal fixtures within the wet-finishing works building. We have also suggested that any other physical alterations to the northern drying sheds should be omitted until the necessity for those works have been proven, which is unlikely to be in the first phase of the reuse of the site. We have sought to minimise demolition elsewhere on the site and within the II\* listed buildings it is now limited to lean to/single storey additions rather than principal buildings, in order to provide necessary on-site parking. The boiler house – which was previously proposed for demolition – is now being retained for that purpose.

Where demolition is taking place there should be a requirement for archaeological recording to be undertaken to an agreed Brief, since, within the Dye Works in particular, contamination of buildings has previously prevented full access and there are known to be structural elements which may relate to earlier phases of the site and require recording and interpretation. We have had to accept the extensive loss of wooden elements of machinery and artefacts within the Dyeworks will occur during the process of asbestos removal. All removal or relocation of historic machinery/artefacts should be covered by a specific condition controlling the level of recording and the ultimate fate or destination of such elements once that process commences. A detailed specification of works to cover both repairs and alterations to buildings should also be required for prior approval before work commences and no demolition should be permitted before a contract for refurbishment works and conversion has been let. This would be to ensure that the demolition works could not be undertaken in isolation from the refurbishment works.

Recommendation - Overall, whilst it has to be accepted that this application will result in harm to the significance of the historic asset at Tone Works, we consider that the nature of the alterations is a continuation of the way in which buildings here have been previously adapted to continue serving their original purpose. The harm to the significance would be outweighed by the heritage benefits delivered in achieving the reuse of the site highly sympathetic to its original function and giving it the prospect of a viable future. It would therefore be in line with Policy HE9 of PPS5.

It is vital, however, that that as well as the provisos including in the preceding paragraph, consent for the reuse of, and alterations to, Tone Works is not granted unless planning permission for the related Greaseworks development on which we have previously commented is first granted. This is because it is that scheme which would provide the funding being secured for the necessary refurbishment works to accompany the conversion. Without that funding being secured there is a risk that damaging alterations could be undertaken without the resources being available to complete this phase of works intended to safeguard the listed buildings, which would be disastrous for the long-term survival of this important site.

#### *SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY*

We fully support the principle of re-using the Wet Works and Dye Works for Fox Bros continuing manufacturing process and recognise that a certain amount of adaption of existing buildings is necessary for this to happen. We also fully support the principle of enabling development on the Greaseworks site providing funds to conserve the historic listed buildings at the Wet Works and Dye works. There are certain elements

of the scheme

which we think are particularly good including the combined 'flooding escape route'/viewing platform, the retention of existing equipment in situ in the wet works, and the use of the boiler house building for parking.

However we do have a number of comments as follow:

We do not accept that a good case has been made for demolition of building B to improve access. There appears to be sufficient room between buildings B and C for a two-lane access. We would like to see more detailed analysis of options including vehicle tracking diagrams and plans of safe pedestrian routes to show what is or is not possible. If demolition of a building is shown to be necessary we believe it should be building C which has less architectural and historical interest than building B –see the English Heritage report of 2007 which shows that building C is early 20th century whereas building B originated prior to 1886 and shows a number of modifications and extensions

- It is not clear which elements of the proposals are being funded through the enabling development. We appreciate this may well be covered in confidential papers submitted with the Planning Application but a descriptive overview would be useful. If everything goes according to plan this point may not be important but in the event of encountering unexpected conditions during the works it would be essential to know precisely what was being funded
- The need to provide a new roof is driven by the floor levels calculated from the Flood Risk Assessment (FRA). We are not clear if the proposed compliance with floor 2 levels from the FRA is a requirement of Fox Bros or their insurers, in which case the proposals are understandable. However if the floor levels are solely an Environment Agency requirement we wondered whether some sort of derogation might be available for continuing use of historic listed buildings for the same industry. If that was the case a lower roof may be possible involving less visible alteration to the listed buildings
- We are unclear as to timescales for the development and its relationship to the programme for the enabling works on the Greaseworks site. How much do these proposals depend on construction progress on the Greaseworks site?
- Timescales within this development are also unclear. This uncertainty is compounded by the difference in dates quoted in the Design and Access statement in paras 2.03.1 and 2.03.3 (11). Also reference is made to the advantages of conversion of building P (improved security etc) but the conversion will not apparently take place until uses are found for buildings Q, M and N. This may be some time and negates the advantages postulated
- What is to happen to the tenting machine referred to in the D&S statement at 2.03.5.10?
- The Works schedules refer to an archaeological watching brief (2.05.1). We would like this to include full recording of any features discovered that have not already been recorded. This is particularly important for some buildings where full access has not been possible previously due to asbestos or unsafe structures
- Whilst we follow the logic of the areas chosen for continuing manufacturing we do

have concerns about the future for building V. This would appear to be completely landlocked and consequently to have no conceivable future use. In those circumstances, sooner or later, it will cease to be maintained and the integrity of the eastern facade will be lost. Has this aspect been thought about?

- We are not entirely convinced that building J needs to be demolished. There appears to be adequate room for access to the remainder of the parking area without loss of this building.

We are supportive of these proposals and believe that both applications should be approved. Our comments are not intended to be major criticisms of the proposals but suggestions for minor amendments or clarifications and we trust that you will find our comments constructive.

*ENVIRONMENT AGENCY* - We understand that planning permission is only required for the works set out in the agent's email of 20 December 2011 and that no planning permission is sought for any change of use or to raise the floor levels of the buildings.

On this basis, we have no objections subject to the imposition of a condition relating to contamination and an extensive note re flood defence consent / pollution control.

*NATURAL ENGLAND* - There are records of bats including Lesser Horseshoes and Pipistrelle bats in the area: All species of bat are fully protected under the Habitats and Species Regulations 2010. Any works to the buildings they occupy requires a European Protected Species Licence from Natural England. Natural England would expect a robust mitigation strategy. However, we note that the buildings have not been surveyed for Health and Safety Reasons. We advise that activity bat surveys where the surveyors do not need to enter the building should be undertaken before the application is determined.

Taunton Deane Council as the planning authority has to have a due regard to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 9(5) of the 2010 Habitats Regulations. In determining the application, the authority must be satisfied that the derogation tests are met. There is currently not enough information and we are not comfortable with the surveys being conditioned.

*NATURE CONSERVATION OFFICER* - I confirm that the proposed mitigation identified in the recently granted bat licence for buildings R,S,T,W and X is satisfactory. Subject to full implementation of proposed mitigation, Favourable Conservation status for bats can be achieved.

Please note however that this licence only covers five of the twenty five buildings on site. Further surveys taken at the correct time of year are needed to determine the use of the remaining buildings on site.

*ARCHAEOLOGY OFFICER* - This proposal will impact on historic industrial buildings.

For this reason I recommend that the applicant be required to provide a building record and archaeological monitoring as well as a report, as laid out in PPS5 (Policy HE12.3). This should be secured by the use of model condition 55 attached to any permission granted:

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of work involving building recording and archaeological monitoring in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

## **Representations**

None

## **PLANNING POLICIES**

The statutory background for the protection of listed buildings is found within the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the Act states the key responsibility of the LPA is to have 'special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses'.

PPS1 - Delivering Sustainable Development,  
PPS 5 - PPS5 Planning for the Historic Environment,  
STR1 - Sustainable Development,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
PPS9 - Biodiversity and Geological Conservation,  
PPS25 - Development and Flood Risk,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The principle issues for determination relates to the impact of the works on the listed building and ecology.

### Heritage Asset

The proposed conversion works are sought to secure a viable reuse of the heritage asset for economic purposes. The Best Practice Guide to PPS5 acknowledges that 'sometimes change will be desirable to facilitate viable uses that can provide for their long term conservation'. The response of English Heritage sets out the position clearly.

In essence, both English Heritage and the Heritage Lead accept that the proposed works would, in isolation, have a negative impact on the listed building. Policy HE9 of PPS5 – Planning for the Historic Environment, states the decision-maker should have regard to:

- Weighing the public benefit of the proposal (for example, that it helps to secure

the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and

- Recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

Officers believe (with the support of English Heritage) that whilst it has to be accepted that the application would result in harm to the significance of the historic asset at Tone Works, the nature of the alterations represent a continuation of the way in which the buildings there have previously been adapted to continue serving their original purpose. The harm to the significance would be clearly outweighed by the heritage benefits delivered in achieving a reuse of the site highly sympathetic to its original function and giving it the prospect of a viable future. It therefore accord with the provisions of Policy HE9 of PPS5.

It is therefore concluded that the proposed development would accord with the aims of national and local plan policy.

### Ecology

The applicant has secured a European Protected Species License for those buildings that are currently subject to asbestos. However, the proposed works will impact on other buildings within the heritage site where no survey work has been undertaken. In order to fulfil the duty imposed on the Local Planning Authority under the Habitats Directive [having regard to the reasonable likelihood of Bats', it is recommended that further survey work is undertaken in order to carryout the derogation tests, prior to determination.

### Flooding

The Environment Agency does not raise any objection to the proposed works.

### Conclusion

Subject to the receipt of further ecological surveys [and passing the derogation tests] it is recommended that permission be granted to facilitate a long term viable use for the heritage asset. It is recommended that a S106 be required to ensure that no works are commenced until the wider benefits [heritage monies] derived from the enabling development, 43/11/0080, have been secured. This is because the proposed works are viewed as part of the wider restoration package.

Bringing forward the restoration of the Mill to economic use will also generate additional employment opportunities for the town and help regenerate this part of Wellington.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

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