

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	10 th March 2016
Application Number	15/12705/FUL
Site Address	Land at West View House, St Johns Court, Devizes, Wiltshire SN10 1BU
Proposal	Proposed new dwelling (new design to replace previously approved)
Applicant	Mr & Mrs R Jackson
Town/Parish Council	DEVIZES
Electoral Division	DEVIZES NORTH
Grid Ref	400473 161293
Type of application	Full Planning
Case Officer	Jonathan James

Reason for the application being considered by Committee

The application has been called to committee at the request of Cllr. Sue Evans. The key issues for justifying the call in are the impact on the character and setting of the conservation area and the listed buildings and the relationship with the site and the castle and the church.

1. Purpose of Report

To consider the recommendation that the application be refused.

2. Report Summary

The main issues to be considered are the impact of the proposal on heritage assets (the nearby listed buildings, particularly the church and West View House and the Devizes Conservation Area and buried archaeology) and highway safety/parking.

3. Site Description

The site is located in the centre of Devizes. It is situated within the designated conservation area, adjacent to a Grade II listed building (West View House). Running along the southern boundary of the site is a public right of way (DEV11).

The Grade II listed building (Westview House) dominates the north-east boundary of the site, with the topography of the land sloping down from West View to the south-west. The land

changes level significantly up from the existing garden area to the adjacent churchyard to the south/south-east of the site. The site is bounded by a mixture of brick and stone walling. Within the site there is an existing tree which is protected by a Tree Preservation Order (TPO).

To the north of the site is an existing modern cul-de-sac (Castle Court) which shares access to this site via a narrow lane onto the nearby highway adjacent to the town hall.



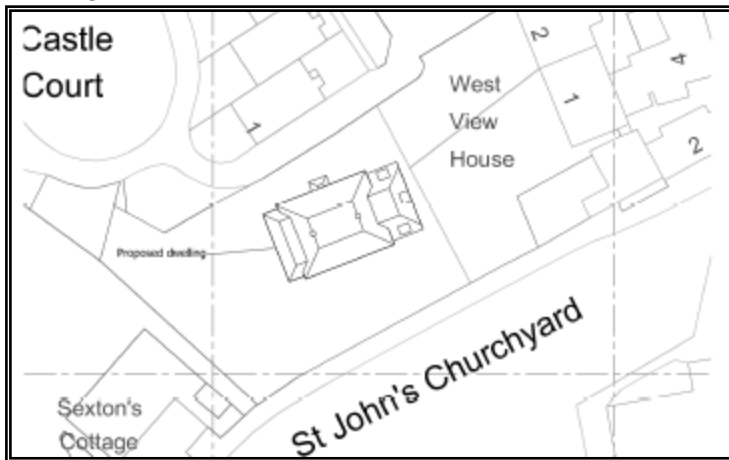
Site Location Plan

4. Planning History

K/39627/L	Removal of 5m section of listed wall, erection of brick pillars and wooden gates.
K/39639	Replacement of section of wall with wooden brick pillars and wooden gates
K/46771/O	Erection of three single storey sheltered bungalows.
K/58395/F	Change of use of former liberal club to 2 no. dwellings and erection of 1 no. new dwelling
E/11/0068/FUL	Proposed new dwelling (amendments to K/58395/F).

5. The Proposal

The application is for the erection of a new dwelling with integral garage and associated parking.



Proposed site plan

The proposed dwelling would measure approximately 17.9m long by 9.9m wide, with an eaves height of approximately 6.0m and a ridge height of approximately 9.0m. The proposed dwelling would be finished in orange-red facing brick to the walls, dark brown plain clay tiles to the roof, traditional sash and flush-casement timber windows and doors, brick and stone walls and paving and brick/cobbles to external hardstanding areas.

6. Local Planning Policy

The Wiltshire Core Strategy (2015) is the determining development plan for the area. It was formally adopted in January 2015 and has been found sound and robust by the Planning Inspectorate. The site is located within the defined Limits of Development (LoD) for Devizes. The following policies are pertinent to the determination of applications at this site:

Kennet Local Plan (2011) saved policy:

- ED19 – Devizes and Marlborough Town Centres

Wiltshire Core strategy (2105):

- Core Policy 1 Settlement Strategy
- Core Policy 2 Delivery Strategy
- Core Policy 12 Spatial Strategy for the Devizes Community Area
- Core Policy 41 Sustainable Construction and Low Carbon Energy
- Core Policy 45 Meeting Wiltshire's Housing Needs
- Core Policy 50 Biodiversity and Geodiversity
- Core Policy 57 Ensuring high quality design and place shaping
- Core Policy 58 Ensuring the conservation of the historic environment
- Core Policy 61 Transport and Development

Neighbourhood Planning:

The Devizes Neighbourhood Plan is now 'made'; it has undergone the necessary procedures to reach this stage and has been found, subject to the modifications recommended in the Inspector's report, to meet the basic conditions as set out in Schedule 4B to the Town and Country Act 1990 (as amended), it does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

National Planning Policy context:

The NPPF describes the presumption in favour of sustainable development as the "golden thread" running through plan-making and decision taking. The following paragraphs are considered pertinent from the National Planning Policy Framework (NPPF) (2012):

- Section 7 Requiring good design
- Section 12 Conserving and enhancing the historic environment

7. Summary of consultation responses

Devizes Town Council: No objections.

Wiltshire Council Ecologist: Supports. All retained trees within the site and immediately adjacent to the site (within a potential zone of influence) should be protected during construction in line with BS:5837:2012 – Trees in relation to construction.

Wiltshire Council Archaeologist: Support subject to conditions ie. a programme of archaeological investigation.

Wiltshire Council Highways: Object as the application fails to demonstrate that adequate parking can be provided on site.

Wiltshire Council Conservation Officer: objects on the grounds that the proposal would have an adverse impact on the setting of nearby listed buildings and the character and appearance of the conservation area.

Historic England: Does not wish to offer any comment on this occasion. Suggests that the application is determined in accordance with national and local policy guidance and on the basis of the Council's own specialist conservation advice.

Wiltshire Fire and Rescue: Standard advice applies. Consideration is to be given to ensure access to the site, for the purpose of fire fighting, is adequate for the size and nature of the development. Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and the specific advice of this Authority on the location of fire hydrants.

8. Publicity

The application has been advertised through site notice, letters to neighbouring properties and through the local press. The following is a summary of the third party comments received.

- The Dore map of 1759 shows the Town Ditch running across the site. The survey for the drainage system in 1988 traced a stone-lined medieval culvert that appears to follow the same line. The applicant should ensure that this is not damaged during any works.

9. Planning Considerations

The principle of development:

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The Devizes Neighbourhood Plan is 'made' and is therefore a material consideration in the determination of applications within the Devizes area.

Devizes is identified in Core Policy 1 as a market town, the second level within the settlement strategy, which *'have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.'*

The Neighbourhood Plan very specifically seeks to prioritise the development of previously developed land and limits the development of greenfield sites, which is entirely in line with Core Policy 2. In that regard, the neighbourhood plan is in full conformity with Core Policy 2. The proposed development would be within the garden area of West View House in the town centre of Devizes and would therefore constitute sustainable development in terms of location.

Planning permission was granted for a new dwelling on this site under application reference E/11/0068/FUL on 9 March 2011; this consent lasted 3 years and has now expired. However, on 26 June 2008, planning permission and listed building consent were granted (under references K/58395/F and K/58396/LBC) for the change of use of the former Liberal Club (West View House) to two dwellings and the erection of one new dwelling in the vacant plot to the rear of the existing premises (which is the application site). As West View House has been converted to two dwellings these consents remain extant and the principle of a new dwelling on this site is therefore established. However, whilst the development is held to be acceptable in terms of principle, consideration must be given to all material planning matters.

Highway Safety/Parking

Comments received from the Highways Officer note that the principle of a dwelling on this site has been established under historical consent.

It is identified that this application changes the layout of the parking arrangement. It is acknowledged that the parking arrangement for West View House stays the same, as previously approved. However, the parking for the new property has been amended due to its re-siting. The Highways Officer has expressed concern that the required three parking spaces for a property of this size have not been accommodated. The garage, though adequate in width, is not long enough to accommodate two cars end on. Concern is also raised that the position of the garage is not accessible from the angle the car will be entering the parking area. Also, the sloping parking area is narrow and there are concerns regarding how practical it will be to use.

In summary, based on the information provided, the Highways Officer is not satisfied that an adequate parking arrangement can be provided within the site and therefore raises an objection on that basis.

Turning to the plans provided, the concerns raised by the Highways Officer are acknowledged. However, it is considered that the plans could clearly demonstrate the capability to provide for an appropriate level of car parking on site to meet highways standards as there is sufficient space to do so. This could reasonably be resolved through an appropriately worded condition. It is also considered that as this is a town centre location a more pragmatic and flexible approach could be adopted, as there are a several car parks off the town centre that could provide parking opportunities as well. As such, whilst the concerns are acknowledged they would not constitute a robust reason for refusal in this instance.

Impact on Heritage Assets

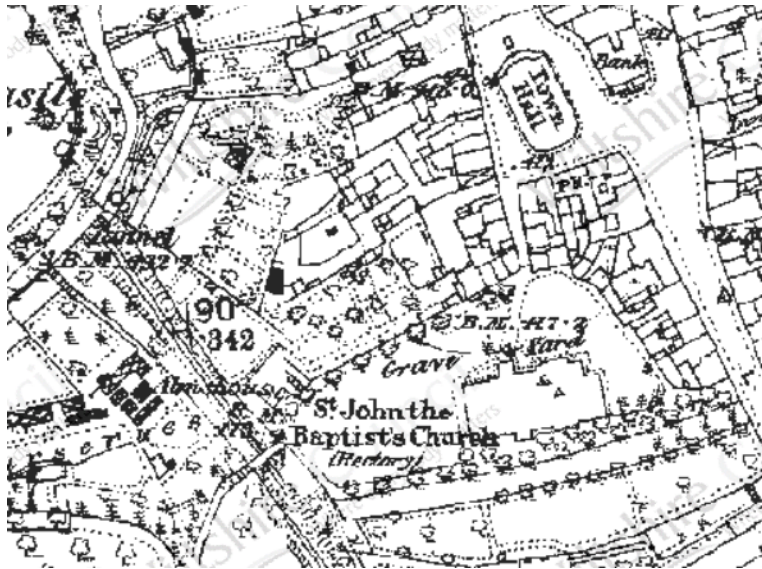
Comments on the application have been received from both the Council's Archaeologist and Conservation Officer. Historic England have also provided comments indicating that the decision should be made in accordance with national and local policy guidance, and on the basis of the Councils specialist conservation advice.

Turning firstly to the potential archaeology on the site, the previous application was approved subject to a condition requiring the undertaking of an archaeological watching brief. A Written Scheme of Investigation (WSI) was approved by the Council in July 2013 and an interim report on the observation of a single foundation trench has been submitted with this new planning application. In line with the Archaeologist's previous response, it is recommended that an archaeological watching brief is maintained during all construction groundwork, including landscaping details. As development plans have changed, a new WSI will need to be agreed by the Council. This could be conditioned in the event that planning permission is granted.

Comments received from the Council's Conservation Officer identify that the application site is located on land to the west of West View House. West View previously formed part of the

Liberal Club, which is a grade II listed building. This section of the property dates from the 19th century however the frontage building onto St John's Court is much older with medieval origins.

The proposal site was originally part of the outer bailey associated with the Norman Castle. It then formed a plot associated with the medieval properties of St John's Court with the Church and Churchyard of St John the Baptist to the south. The first edition OS map of the late 19th century below clearly shows the site as a garden with formal paths and trees.



1st edition OS late 19th century

As mentioned above, West View House is grade II listed and there are a number of other highly graded designated heritage assets in the vicinity. In consideration of the previous scheme for the site, the constraints and sensitivities of the surrounding area were highlighted particularly:

“The churchyard, which constitutes a setting of exceptional historic sensitivity and quality to the Grade I listed St John the Baptist's Church and surrounding listed structure. The views between the church, churchyard and the castle and its earthworks to the north west are highlighted as amongst the most important within Devizes, and it is essential that these be maintained”.

Devizes Castle, its earthworks and walls are all designated as a scheduled monument and a grade I listed building. The list description states that the *rich parklands of the Old Park form with the Castle Mound a fine piece of landscape which should always be preserved.*

In addition, 1 and 2 St John's Churchyard and Sexton's Cottage are other grade II listed buildings adjacent to the site.

The proximity of the site to the castle, church and the medieval core of the town makes the area also sensitive in terms of potential archaeology and this is covered under the archaeologist's comments.

In terms of the historic environment, the primary consideration is the duty placed on the Council under sections 66 of the Planning (Listed Building and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The site is also located within the Devizes Conservation Area and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The NPPF outlines government policy towards the historic environment. Section 12 "Conserving and Enhancing the Historic Environment" sets out an overall aspiration for conserving heritage assets. In particular, paragraph 132 which states: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*

Core Policy CP58 relates to Ensuring the Conservation of the Historic Environment and states that *designated heritage assets and their settings will be conserved*. Core Policy 57 relates to design for new developments.

It is acknowledged that there are two historical planning permissions for a dwelling on this site, one of which is still extant. The 2011 scheme (E/11/0068/FUL) was essentially a revised proposal in order to accommodate a mains drain on the site. This application was also for one dwelling but of considerably greater height, bulk and architectural status than the previously approved scheme.

In commenting on the previous scheme, the conservation officer stated that this is not an obvious development plot. This view is concurred with - as stated above, this area has been open land and in the 19th century was clearly a relatively formal garden. However, the previous permissions have allowed the principle of a dwelling on the site. The key consideration (aside from the highways implications already discussed) is therefore whether the current proposal is acceptable in terms of its impact on the designated heritage assets.

The Design and Access Statement accompanying this application contends that this scheme is of a higher quality and architectural presence than the previously approved scheme. The proposal is for a larger house with a more rectangular plan, two storey instead of single storey with a bedroom in the roof. The proposed house under the current scheme has a much greater height, mass, bulk and architectural status than the previously approved scheme.

In the Design and Access Statement accompanying the approved scheme the following assessment and design justification was given:

"Single storey proposed in order that the dwelling will not interrupt important views into and across the site and will appear very unobtrusive in the context of the churchyard and the general setting of the grade I listed church.

The form of the dwelling will ensure that it is seen as being subordinate to the historic building and will reflect the sense that the new building will appear as if it were ancillary to the main building”.

The Design and Access Statement accompanying this application states the revised scheme is a significant improvement on the approved design in respect of its appropriateness to the setting of the application site and suggests that it has a higher quality of architectural presence.

The application does identify that the visual relationship between the castle and church is highly significant and the fact it cuts across the application site, there is consequently a need to scrutinise the impact of on any development on this view. It also mentions the need to conserve the setting of listed buildings and the conservation area.



Aerial view of the site, showing the visual relationship (yellow arrow), between the Castle and St John's Church.

The comparison photograph with the existing view and the proposed is useful and whilst the view to the actual castle itself is maintained there will be a visual impact on the setting of the church and views to the castle walls and grounds. The churchyard is an important green space within the conservation area and provides a green and peaceful setting to the church. The photograph below also shows that from the churchyard there are wider landscape views to not just the castle but its trees, walls, gate, earthworks and parkland (originally a deer park). It also shows the impact that the roofs of the Castle Court properties have had on the setting, with the intrusion of built form into the view. A new property set closer to the boundary of the churchyard with considerable height and bulk will have a significant visual impact. The rear walls and roof will be highly visible instead of views to the castle grounds in the background.



View towards castle in winter after trees have been pollarded.

This view shows the castle and the castle walls and gateway.



In the photomontage, the ridge height of the new house is shown higher than the terrace of Castle Court in the distance. The views to the castle and vice versa would be significantly reduced through the creation of the proposed dwelling at this site.



View from churchyard of Tower Lee with a view towards the castle walls.

The new house will obscure much of the view of the castle wall and will be highly visible behind the wall. The vistas enjoyed in either direction would be detrimentally obscured by the proposed development, thereby impacting on the sense of place and the quality of the environment.

In a more local view from the road servicing the Castle Court properties, there is a good view of the church. It is considered that the views to the church from this location would be mostly obscured; most of the nave would be obscured from view and this view of the church would be significantly compromised. At present the church tower is seen in conjunction with the body of the church, however, if the new house were to be built the nave of the church would be obscured so the tower would rise above the house and would no longer be seen in association with the rest of the church.



The ridge height of the proposed house is approximately the same height as the eaves of West View.

The design intent for this application has been to copy the high status buildings of the Market Place and refer to the architectural status of Westview house. However, this is a backland site and the development of Devizes is characterised by the high status buildings (in terms of size and architectural style) being located on the principal streets and smaller lower status buildings in the smaller streets and burgage plots. The previous scheme acknowledged that form of development which characterises the Devizes Conservation Area, thus it was kept low in height, mass and architectural pretensions. The previous application appeared more as a lodge type house rather than a large house.

Core Policy 57 of the Wiltshire Core Strategy emphasises that high quality design should:

“Respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials streetscape and rooflines to effectively integrate the building into its setting”.

It is considered that the current scheme due to its height, bulk, rooflines and design is less appropriate than the approved scheme in terms of its impact on the Devizes Conservation Area. It does not follow the established architectural hierarchy of the town. It is further noted that in order to keep the ridge low, the pitch is truncated with flat roofs; on the side wings these appear as an untraditional form. In addition, it will start to compete in terms of height and bulk with West View House whereas it is considered that the new building should be subordinate to the historic building and should reflect the sense that the new building will appear as if it were ancillary to the main building.

In conclusion, the proposed new house due to its height, mass, bulk and design would have an adverse impact on the setting of the listed buildings, particularly the church and West

View House and on the character and appearance of the Devizes Conservation Area. It is considered that this harm would be less than substantial and would not be outweighed by any public benefit. It would therefore be contrary to policies 132, 134 and 137 of the NPPF and Core Policies 57 and 58 of the Wiltshire Core Strategy.

10. Conclusion

Whilst a new dwelling in this location would be acceptable in principle it is considered that the proposal for consideration would have an adverse impact on both the setting of the listed buildings and the conservation area and as such should be refused.

RECOMMENDATION

That the application be refused planning permission for the following reason:

- 1) The proposed new house, due to its height, mass, bulk and design, would have an adverse impact on both the setting of nearby listed buildings, in particular the church and West View House, and the character and appearance of the Devizes Conservation Area. There are no public benefits which would outweigh the less than substantial harm caused. The proposal would therefore be contrary to Sections 7 'Requiring Good Design' and 12 'Conserving and Enhancing the Historic Environment' of the NPPF and policies CP57 and CP58 of the Wiltshire Core Strategy.