

Date of Meeting	1 November 2018
Application Number	18/07000/FUL
Site Address	Land to the rear of Trinity Cottage, Castle Grounds, Snails Lane, Devizes SN10 1DB
Proposal	Proposed dwelling on site of former horticultural buildings.
Applicant	Mr & Mrs R Smart
Town/Parish Council	DEVIZES
Electoral Division	DEVIZES AND ROUNDWAY SOUTH – Cllr Sue Evans
Grid Ref	400331 161217
Type of application	Full Planning
Case Officer	Nick Clark

Reason for the application being considered by Committee

The application is being reported to the planning committee for consideration at the request of Councillor Evans, who considers that:

‘The proposal is carefully designed it is a significant improvement on the previous application it is lower down the sloping site and is on the same footprint as the existing former brick and glass structures’.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be refused.

2. Report Summary

The application follows a previous proposal considered by the Committee in October 2017. As with that proposal, the main issues to be considered are the impact of the development on the setting of Devizes Castle as a Scheduled Monument and the grade 1 listed Victorian castle, the associated grade 2 castle walls and the nearby grade 1 St John’s Church and grade II Sexton Cottage, and impacts in terms of the archaeological potential of the site and the Devizes Area of Minimum Change.

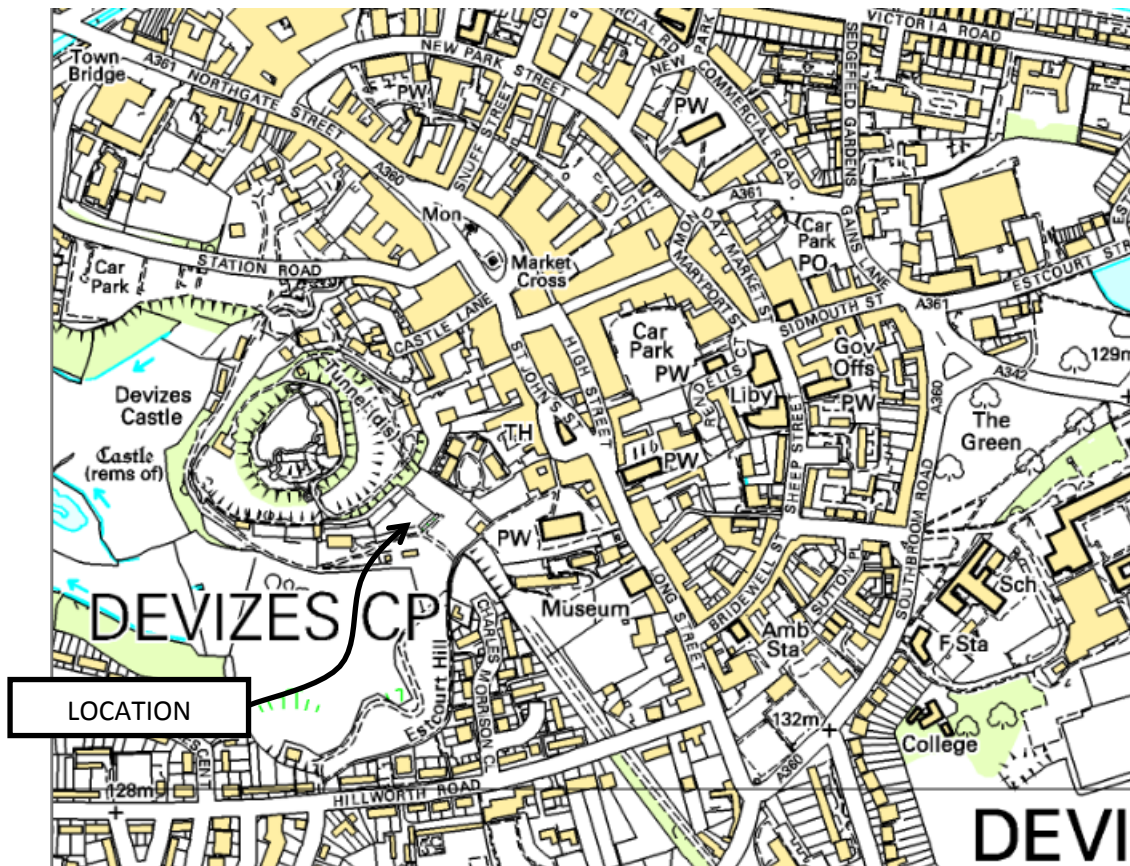
In these respects, the report concludes in agreement with objections received from Historic England, the Conservation Officer and the Assistant County Archaeologist, that the proposed house will have an adverse impact on the significance of designated heritage assets; principally the Scheduled Monument and grade 1 listed castle and associated walls but also in terms of its position between the castle and the grade I Church of St John the Baptist, with which the castle has strong historic associations.

Furthermore the development would be detrimental to the character of the town's designated Area of Minimum Change.

The NPPF advises that development resulting in harm to heritage assets cannot be approved unless the harm is outweighed by public benefits. With no such public benefits identified, the report recommends refusal of the application.

3. Site Description

The application site is within the setting of Devizes Castle; being on slopes at the foot of the castle mound currently occupied by the remains of glass houses.



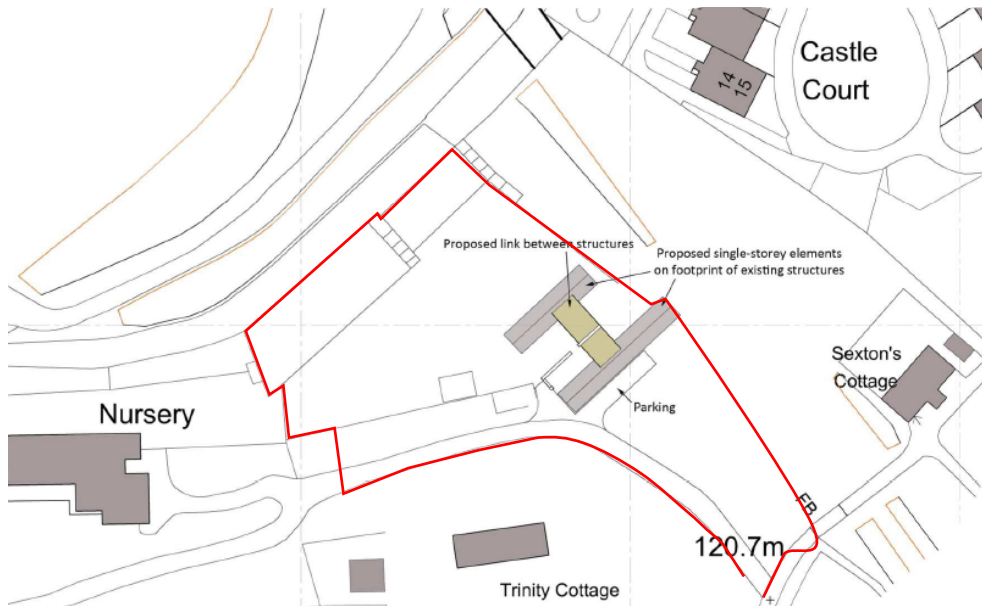
The original castle and mound are designated as a Scheduled Monument. The Victorian castle is grade I listed (including glass house walls and garden walls encircling the west side of mound). The castle walls and gates are grade II listed. The grade I listed St John's Church and grade II Sexton Cottage are in close proximity and the site lies adjacent to the boundary of the Devizes Conservation Area, and within the Area of Minimum Change designated around the castle.

4. Planning History

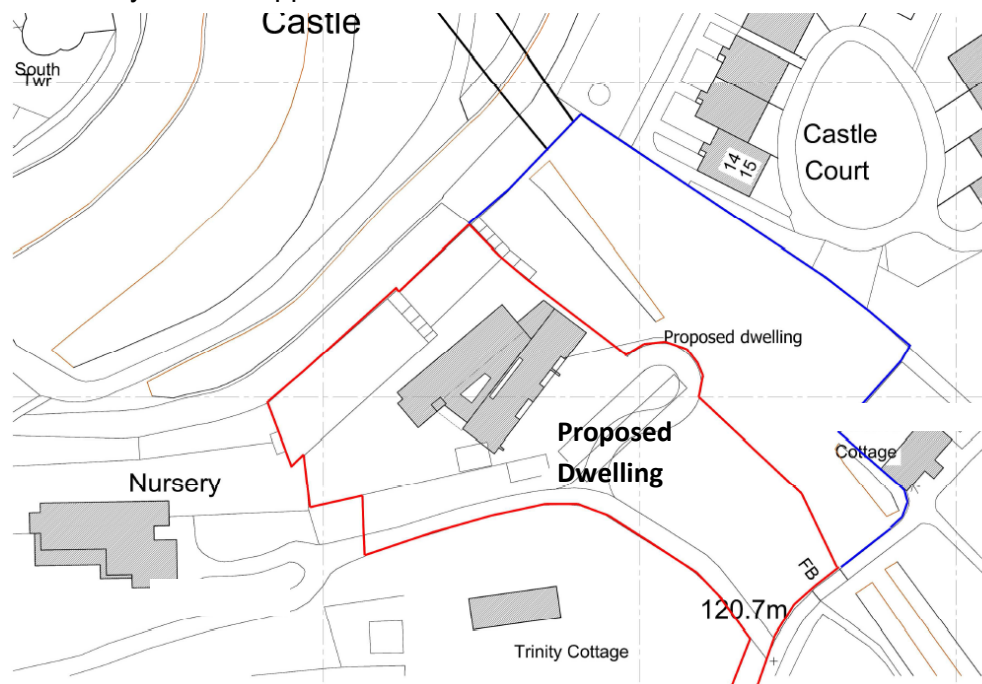
17/06842/FUL Proposed dwelling on site of former horticultural buildings Committee refusal
5th October 2017

5. The Proposal

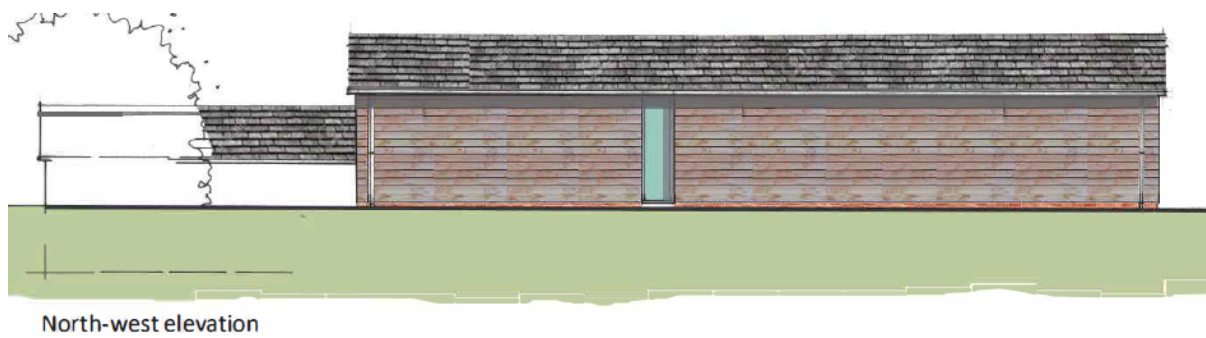
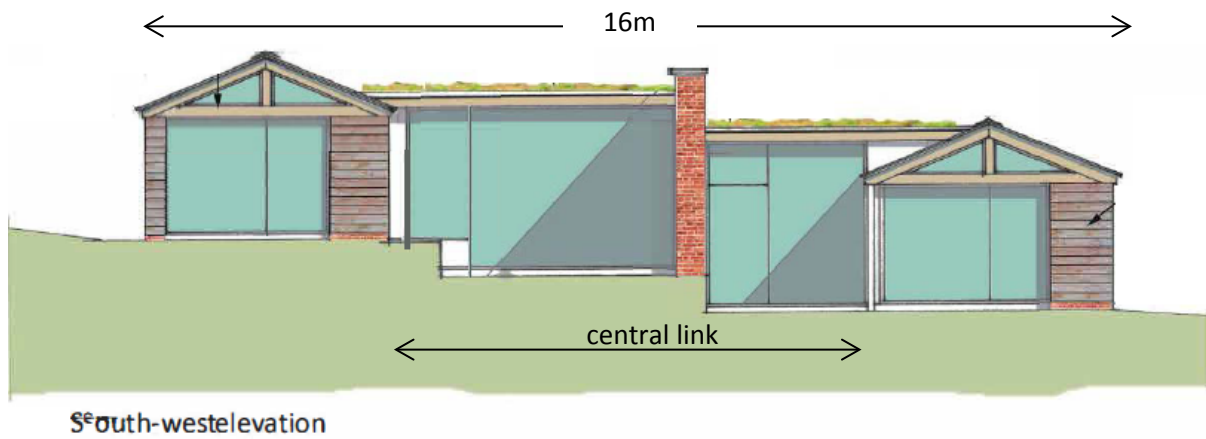
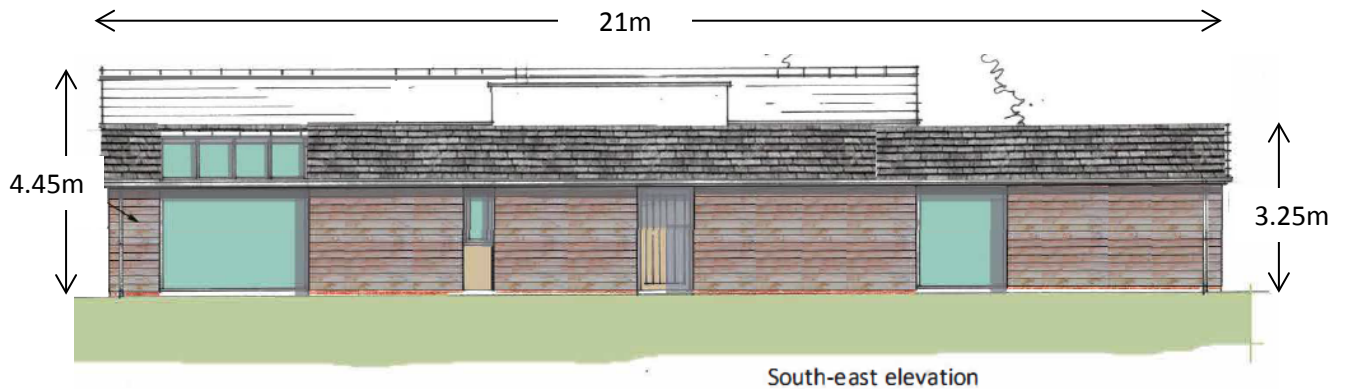
The application proposes a detached single storey dwelling on the site located as below:

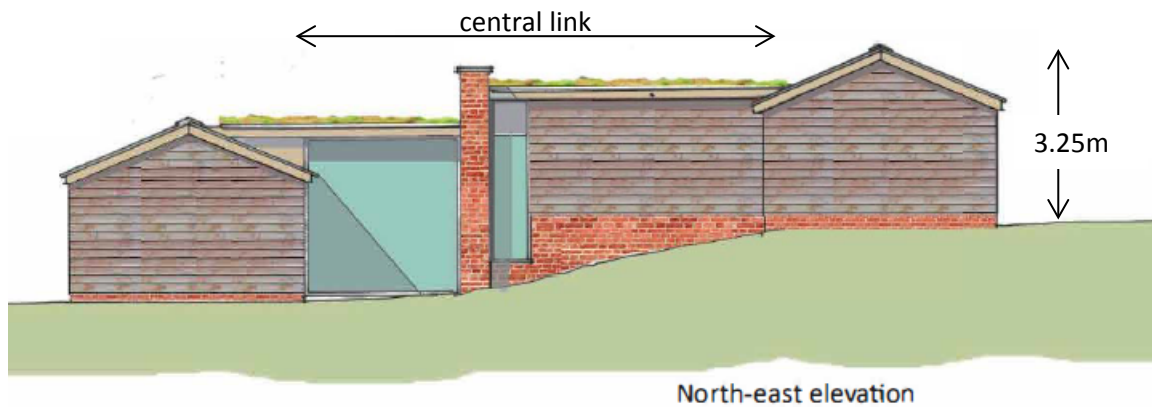


Previously refused application for reference:



The dwelling would be of H-shaped plan form, set on 2 levels with a central link, a footprint of c. 190m², a width of 21m and a total height of 4.45m, to create a 3-bedroom dwelling with attached garden store/ cycle shed:





The 2 main parallel elements of the building would have dual-pitched slate roofing. The central link would have a green roof. External walls would be variously glazed or timber-clad. The site would be accessed from Hillworth Road to the south west by an existing driveway that is included within the application site.

6. Local Planning Policy

The development plan so far as is relevant comprises the Wiltshire Core Strategy (2015) and saved policies of the Kennet Local Plan.

The following policies of the Wiltshire Core Strategy are of particular relevance to the proposal:

- CP57 Ensuring high quality design and place shaping
- CP58 Historic environment

The following saved policy of the Kennet Local Plan is also key, as the site lies within a designated Area of Minimum Change

- HH10 Areas of Minimum Change

Government policy for 'conserving and enhancing the historic environment' is set out in section 16 of the National Planning Policy Framework and needs to be read together with other policies of the Framework.

7. Summary of consultation responses (responses in full [online](#))

Devizes Town Council: "whilst the committee did not raise any objections to this application, it would not like to see any further development on the site which would lead to an overdevelopment."

Historic England: A building in this location, in addition to the necessary access, hard landscaping and domestic associations (patios, bin stores etc), will fundamentally alter the character of what is currently former garden land associated with the castle. It also forms an important, unspoilt setting (a visual connection) between the castle and church which reinforces the strong relationship between the two.

Whilst we accept that some modern development has occurred in proximity to the site, we do not consider this to form an acceptable precedent, and does not preclude the merits of this individual plot which still forms a vestige of the historic relationship between the church and castle. We are currently not convinced that the principle of siting development on this plot can be implemented without significantly, and adversely, diminishing the contribution that this open space adds to the setting and relationship of church and castle.

Further, it is possible that the application site may lie over archaeological deposits associated with the castle, including a ditch. Such deposits may be regarded as of high sensitivity.

We therefore conclude that, whilst this proposal has reduced the impact from the 2017 application, less than substantial harm will still be inflicted, and that paragraph 196 is resultantly engaged; the harm should be weighed against the public benefits of the proposal.

Trust for Devises:	No objection
WC Archaeologist:	Objection due to the impact within the landscape setting of the Ancient Monument.
WC Conservation Officer:	Objection: 'adverse impact on the significance of the designated heritage assets principally the Scheduled and listed Castle and associated walls but also the strong historic associations and visual connections with the grade I Church of St John the Baptist'.
WC Highway Officer:	No objection
Other:	2 letters of support received from individuals: <ul style="list-style-type: none">• sympathetic to the historic setting• very unobtrusive and would blend in well - improvement

8. Planning Considerations

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.

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provide in respect of listed buildings, that the Council must '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'. Section 72 requires that the Council must pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

Principle of development

The site is located within the Limits of Development for Devizes where the main considerations are impacts upon the setting of Devizes Castle and walls and the nearby St John's Church and Sexton Cottage, and impacts in the context of the designated Area of Minimum Change and the adjoining Devizes Conservation Area, and the archaeological potential of the site.

The setting of Devizes Castle and St John's Church

Devizes Castle is designated as both a Scheduled Monument (the original castle and mound) and a Grade 1 listed building (the Victorian Castle). Scheduled Monuments and listed buildings are of national importance and grade 1 listed buildings in particular are defined as being of 'exceptional national interest'.

The setting of the castle is considered to be of key importance to its heritage significance, with the national heritage listing noting that 'the rich parklands of the Old Park form, with the Castle mound, a fine piece of landscape, which should always be preserved'. The Conservation Area Statement similarly notes that 'The impact of Devizes Castle is best viewed from the south where there is a footpath from Hillworth Road. Here it is possible to appreciate the importance of the original Castle as a defensive structure'.

It is the Victorian castle that is largely seen today along with the castle walls and mound. The area immediately surrounding the castle was enclosed by walls and landscaped as a private pleasure ground. The southern slopes were developed as a kitchen garden for the occupants of the castle. The garden area of the application site thus provides a visual link to the Victorian uses of the castle and the glasshouses are indicative of the horticultural uses which continued until relatively recently. Glasshouse by their transparent nature and use relate to the gardens and are of an ancillary character with minimal visual impact.

The connection between the castle and church of St John the Baptist is also of historic importance. The church was built to serve the garrison of the castle and other important historical events show the links between the two, as considered in the Conservation Officer's comments. The importance of the relationship between the castle and church is also recognised in the applicant's submitted heritage assessment.

At present, the site comprises the remains of former glasshouses and rough grassland with some leylandii trees. The largely undeveloped, quiet and 'naturalised' character of the site contributes to the landscape setting of the castle mound. Historic England notes that the site is part of "an important, unspoilt setting (a visual connection) between the castle and church which reinforces the strong relationship between the two".

While the site may have been dominated by glasshouses in the past, the original glasshouses were part of the castle's Victorian garden layout and had a functional and ancillary connection to the castle. The remnants of the layout of the Victorian gardens thus in themselves contribute to the significance of the grade 1 castle.

Within this setting, the form of the dwelling would be prominent within the landscape setting of walls around the mound, and the building, with associated driveway, vehicle parking and garden paraphernalia would clearly disturb the landscape setting of the castle, particularly in views from the south and south east, from where the dwelling, set on rising ground would be visible from the churchyard and the public footpath.

The establishment of a house in this setting would result in some loss of the physical and visual evidence of the Victorian gardens, which contribute towards the overall significance of the functioning and design of the Victorian castle and gardens.

Historic England notes that the setting of the castle has been compromised in the past by previous development but does not consider this to set a precedent for further development within this important landscape setting. It notes that the development now proposed is based on the footprint of the glasshouses, is slightly further away than from the scheduled monument and that it is now more subtly designed to respond to the surroundings. It nonetheless considers that the development would intrude upon the vestige of the historic relationship between the church and castle and despite the improved design and position, Historic England concludes that it is not convinced that the principle of siting development on this plot can be implemented without significantly, and adversely, diminishing the contribution that this open space adds to the setting and relationship of church and castle.

The Council's Conservation Officer and the Assistant County Archaeologist similarly also raise objection to the impact of the development upon, and the harm to, the setting of the Scheduled Monument, the Grade 1 listed castle and the grade 1 listed St John's Church.

Sextons Cottage

Sextons Cottage is a grade II listed building dating from the 17th century. The development would be clearly visible from Sextons Cottage, and while it would impact on the wider heritage setting of the cottage to a degree, the application site setting is not considered to be key to the heritage significance of the cottage and the impact would not result in any harm to the cottage's heritage significance.

The former railway and tunnel

The dwelling would be sited adjacent to the railway cutting and approach to the tunnel beneath the mound. The development would not impact directly on the tunnel approach or its heritage significance as a non-designated heritage asset.

The level of harm to heritage significance

The National Planning Policy Framework advises that 'clear and convincing justification' is needed for any harm to heritage assets, including from development within its setting. It identifies harm in terms of it being either 'substantial' or 'less than substantial'. 'Substantial harm' is generally limited to direct impacts on an asset itself rather than impacts on the setting.

As identified above, the development would harm the setting of Devizes Castle and the

Church of St John The Baptist. As the development affects the assets' setting, the harm falls within the scope of 'less than substantial'. Within this category however, there is a wide spectrum of harm. Considering the designation of the Scheduled Monument, the Grade I recognition of the castle and church and the 'significant adverse impact' identified by Historic England, together with the objections of the Council's Conservation Officer and Archaeologist, the level of harm to the heritage significance of the castle and church is considered to fall at the higher end of the spectrum of harm.

The NPPF advises that the harm should be weighed against the public benefits of the development. The level of public benefit needs to be sufficient to outweigh the permanent and irrevocable harm to heritage significance that would result from introducing a dwelling into the setting.

Public benefits

The documents supporting the application conclude that there would be no harm to the heritage significance of the listed buildings or Scheduled Monument. The applicant's supporting statement suggests that the replacement of the glasshouses by a dwelling would lead to a visual enhancement to the setting but this is at odds with the professional views of Historic England and the Council's Senior Conservation Officer and Assistant County Archaeologist. No 'clear and convincing justification' can therefore be found for the development in terms of public benefits, and as such the development would be contrary to both the advice of the National Planning Policy Framework and Core Policy 58.

Area of Minimum Change

The importance of the wider site around the mound is recognised by Kennet Local Plan policy HH10, which designates Areas of Minimum Change in order to protect areas of land within, or at the edge of built up areas that make an important contribution to the character and appearance of the settlement. The policy applies to significant areas of public and private open space, gardens and churchyards.

Policy HH10 states that planning permission will not be granted for development that would materially damage the character of an Area of Minimum Change.

The relatively undeveloped nature of the Area designated around the Castle is thus recognised and protected by the policy. Whilst there is some long-established development within the designated Area, this is not considered to a precedent for further development. The introduction of a new residential unit into this relatively undeveloped and naturalised area of the designated Area, in the recognised landscape setting of the mound and castle mound, would materially damage the character of the Area of Minimum Change and would be contrary to policy HH10.

Archaeology

The area around the castle and mound is of high archaeological potential and Historic England also notes that the site may lie over archaeological deposits associated with the castle, including its defensive ditch.

The submitted heritage assessment identifies that previous disturbance resulting from the Victorian gardens and the glasshouses may have caused only localised disturbance to the upper horizons of any archaeological deposits and that the shallow foundations of the glasshouses are likely to have had only limited impact on any archaeological interest of the site.

To avoid the need for archaeological investigation, the dwelling is proposed to be constructed on reinforced ground-bearing slabs. Whilst this does not appear to be reflected in the submitted drawings, it is considered that further details and any archaeological measures could be adequately secured by way of planning conditions.

Ecology

The additional ecological assessment included with the current application identifies the site as being heavily used by foraging bats with reptiles also having been found on the site during surveys. The mitigation measures proposed include controls on external lighting and translocation of reptiles to adjoining land owned by the applicant. Bird and bat boxes are also recommended as additions to the development, with any landscaping to be of native species. These measures could be secured by way of planning conditions.

9. Conclusion (The Planning Balance)

The development would result in harm to the heritage significance of Devizes Castle and the Church of St John The Baptist, and to the character of the Area of Minimum Change. With there being no clear and convincing justification for the harm, and no identified public benefits to outweigh the level of harm, the application is recommended for refusal for the reason set out below.

RECOMMENDATION

That planning permission is **REFUSED** for the following reason:

The application site occupies a sensitive heritage setting in the designated Area of Minimum Change on the slopes at the base of the Devizes Castle mound, where the largely undeveloped nature of the land and its residual character as former gardens to the castle contribute to the heritage significance of the Scheduled Monument and Grade I listed castle. Within this setting, the proposed dwelling would be visible from a number of directions. The significant size and elevated position of the dwelling and the associated access and garden accoutrements would be detrimental to the character and appearance of the site and would intrude upon the heritage setting of the castle and particularly the relationship between the castle and the grade I listed St John's Church, resulting in less than substantial harm to their heritage significance. As such, the development would be contrary to saved Kennet Local Plan policy HH10, Core Policies 57 and 58 of the Wiltshire Core Strategy, and in the absence of public benefits sufficient to outweigh the harm, the National Planning Policy Framework.