

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	9th January 2013		
Application Number	N12.02004LBC and N12.02006FUL		
Site Address	80 The Triangle, Malmesbury		
Proposal	Listed Building Application-Alterations to existing retaining wall and steps and car parking bay. Full Planning Application- Alterations to existing retaining wall and steps and car parking bay.		
Applicant	Mr M Foley		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Simon Killane
Grid Ref	393064 187387		
Type of application	Listed Building and Full Planning		
Case Officer	Christine Moorfield	Christine .moorfield @wiltshire.gov.uk	01249 706 686

Reason for the application being considered by Committee

The application has been called to committee by Cllr. Killane for consideration of the following matters in relation to this proposal:
 Scale, visual impact, design, general appearance and relationship to other buildings. Impact on the environment, highways and parking provision.

1. Purpose of report

To consider the above applications and to recommend that planning permission be Refused and Listed Building consent be refused.

2. Report summary

The main issues in considering the application are:

- Principle of development. In line with Policies C3, H8, HE1 and HE4 adopted North Wiltshire Local Plan 2011
- Consideration of other relevant guidance- NPPF and Conservation Area Management Plan 2010.
- Principle of development and its impact on the setting of the listed building and Malmesbury Conservation Area.
- Highway Issues

3. Site Description and Proposal

Number 80 The Triangle is a Grade II Listed Building. It is located within the Malmesbury Conservation Area.

The property is a stone built terraced cottage. The topography of this part of the Conservation Area is that the land slopes away to the south. The cottage has a south facing garden. The garden fronts onto Burnivale which is at a lower level than The Triangle. The garden is set up from Burnivale and has a stone retaining wall fronting onto Burnivale above the wall there is a fence and hedging. The rear of number 80 is approximately 3m higher than the road to the rear. The retaining wall is 2m-2.5m high.

There are steps down through the garden of number 80, these lead to a pedestrian gate onto Burnivale.

The north side of Burnivale is characterised by the high retaining walls which are continuous along the length of the lane. For the most part the wall runs in a single line, however there is one area where the wall is set back from the principle line to the rear of some five properties and supported, in part, by buttresses. This set back allows some parking off the carriageway. There is nowhere in the historic length of the lane where the set back is formed for only one property.

The wall makes a very significant contribution to the character and appearance of the conservation area, defining the enclosed character of the lane. It is recognised that part of the wall has been previously repaired/rebuilt.

Burnivale is a narrow road predominantly without a footpath. On the south side of Burnivale adjacent to the site there is a terrace of cottages accessing straight onto the street. The character of the street particularly at the western end is a street enclosed by traditional stone walls on the north side a traditional cottages on the south side.

This proposal is for the demolition of the existing retaining wall on the south boundary of the site adjacent to Burnivale. The area created is to provide an off street parking space adjacent to Burnivale. The wall is to be set back from the back edge of the carriage way by 1m at the western edge of the site and 3m at the eastern side of the site. The existing steps within the site are to be relocated so that access can be obtained to the parking space from the house. The wall will be rebuilt of the stone salvaged from the demolished/existing wall. The car parking space will be surfaced with tarmac.

4. Relevant Planning History

There is no relevant planning history for this site.

6. Planning Policy

The current strategic and local planning policy for the area is provided by the Wiltshire and Swindon Structure Plan 2016 and the North Wiltshire Local Plan 2011. The majority of the policies in the Structure Plan and Local Plan have been saved until further notice. National planning policy is provided by the National Planning Policy Framework (NPPF) which was published in March 2012. The North Wiltshire Local Plan was adopted in June 2006 and paragraph 214 of the NPPF indicates that the Local Plan policies can continue to be given full weight for 12 months from the day of adoption of the NPPF, even if there is a limited degree of conflict with the NPPF.

The Malmesbury Conservation Area Management Plan was adopted as supplementary planning guidance in February 2010. Item 3 Page 22 of the plan refers specifically to walls.

The relevant policies in respect of this proposal are C3 HE1 and HE4 of the North Wiltshire Local plan 2011.

7. Consultations

Malmesbury Town Council

Support

Highways

No objection- the provision of an off street parking space is welcomed but a condition and advise in respect of the construction details as this is adjacent to the highway would be required should permission be granted.

Environmental Health Officer

No adverse comments in relation to this application.

Conservation Officer

Objections to the wall being demolished and relocated. Officer comments are considered in the planning considerations below. However, no objection is raised to the re-forming of the stairs to make a wider and/or more gradual slope for the access.

8. Publicity

The application was advertised by site notice and neighbour consultation.

Four letters of objection have been received and the concerns raised include:-

- Road safety, manoeuvring vehicles
- The old walls should be retained where they are even if they need rebuilding
- Relocation of the wall would detract from the character of the Conservation area and the setting of adjacent listed buildings.
- This is something that has not happened other such set backs are the siting of old dwellings
- This is contrary to the Malmesbury Conservation Area Management Plan 2010 which seeks to retain historic walls.
- Concerns expressed in relation to neighbour consultation-(Notifications were carried out in accordance with the Council's procedure).

9. Planning Considerations

Principle of development and its impact on the setting of the listed building and Malmesbury Conservation Area.

The relocation of boundary walls along Burnivale is seen as an opportunity for residents whose gardens abutt the street to try to provide parking to the rear of their properties. However the impact of such development is greatest along Burnivale and the properties on the southern side of the road, many of which are listed.

It is considered that the demolition of the historic wall and setting it back as proposed would cause substantial harm to what is the boundary to a listed building and therefore covered by the listing designation, and a very significant part of its setting.

The wall is also a heritage asset in so far as it makes a very substantial contribution to the character and appearance of the Conservation Area along Burnivale. In addition the Malmesbury Conservation Area Management Plan identifies Burnivale as area 14 and specifically seeks to prevent the loss of stone walls as these contribute significantly to the character of the area.

Paragraph 133 of the NPPF clearly states that where substantial harm is caused to a heritage asset consent should be refused, unless the harm is necessary to achieve substantial public benefits that would outweigh the harm. It is your officer's view that there is no substantial public benefit to be gained by the proposed works, rather considerable detriment to the public experience of this historic setting. Whilst it is recognized that this scheme would provide an off street parking space for use by the applicant which the Highway Engineer would support this benefit has to be balanced and is not considered to outweigh the detrimental impact that this proposal will have on the heritage assets.

The setting back of the line of the wall would break the continuous line with the adjacent property, to the detriment of the character and appearance of the conservation area and to the settings of the listed buildings. An undesirable precedent would be set whereby any property backing onto Burnivale could set back the line of the wall thereby losing the historic line and the very distinctive appearance of this part of the conservation area.

Therefore this proposed demolition of the existing wall and its rebuilding back from the edge of the carriageway is unacceptable, having a detrimental impact on the setting of adjacent Listed Buildings as well as detracting from the character and appearance of the Malmesbury Conservation Area. The proposal does not therefore comply with policies HE1 and HE4 of the North Wiltshire Local Plan 2011 and is contrary to the provisions of S.12 of the NPPF.

Highway Issues

The highway engineer has not raised any objection to this proposal and would welcome the provision of an off street parking space. It is not considered that the creation of this space would create a safety issue. The Highway Engineers have suggested that should permission be granted the design and structural adequacy of the wall will need to be approved by Wiltshire Council as highway authority (Sec 167 of the Highways Act 1980 refers). A condition is suggested in respect of this matter.

10. Conclusion

The demolition and rebuilding of the boundary wall set back from the edge of the carriageway is not acceptable. The retaining wall which is covered by the Listed designation of the adjacent dwelling and forms an important part of the historic fabric, character and setting of the heritage asset. The wall is also a heritage asset in so far as it makes a very substantial contribution to the character and appearance of the conservation it is an important element in this street scene, along with other such boundary wall and is an integral part of the character of the Malmesbury Conservation Area. Therefore, the proposal is contrary to policies contained within the North Wiltshire Local Plan and the NPPF and refusal of both the planning application and the Listed Building Consent Application is recommended

11. Recommendation

Planning Permission be REFUSED for the following reason:

- 1-The proposed development will have a detrimental impact on the setting of the adjacent listed building and the character and appearance of the Malmesbury Conservation Area due to the proposed removal of this important historic feature and is therefore, contrary to policies C3, HE1 and HE4 of the North Wiltshire Local Plan 2011, The Malmesbury Conservation Area Management Plan 2010 Section.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of S.12 of the NPPF.

Informatives

This decision relates to documents/plans submitted with the application, listed below.

Plan Ref: Design and access statement, 756/CAM/2012/1 /2 /3 /4 /5

Dated: all date stamped 18/07/2012

Listed Building Consent be REFUSED for the following reason:

1-The proposed development will have a detrimental impact on the setting of the adjacent listed building due to the proposed removal of this important historic feature and is therefore, contrary to policy HE4 of the North Wiltshire Local Plan 2011, S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of Section.12 of the NPPF.

