

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	13 November 2019
Application Number	19/03394/LBC
Site Address	Melksham House, 27 Market Place, Melksham, Wiltshire SN12 6ES
Proposal	Re-location of listed gate piers and demolition of curtilage listed outbuildings of Melksham House (amended scheme)
Applicant	Wiltshire Council
Town/Parish Council	MELKSHAM (TOWN)
Electoral Division	Councillor Hubbard
Grid Ref	390280 163592
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

This listed building consent application is associated with a planning application for a Community Campus Building at Melksham by Wiltshire Council which is a large-scale major development which has wider strategic implications and raises issues of more than local importance. It is presented to the committee as representations have been received from members of the public and as this is a Wiltshire Council application there is a requirement that the proposal be considered by the committee and not dealt with under delegated powers.

1. Purpose of Report

To consider the application and recommend approval

2. Report Summary

The main issues to consider are:

- Impact on the historic buildings and setting

3. Site Description

The site is located within the settlement boundary of Melksham and is allocated as recreational space. It measures 5.96 hectares and includes an existing building known as Melksham House alongside other ancillary buildings and recreation facilities such as Melksham Cricket Club, the Blue Pool, a Bowls Club, Tennis Club. To the rear of Melksham House are tennis courts and beyond the public footpath known as MELK 20 lies grassed pitches.

The site itself is relatively flat, lies within the Conservation Area and has several public footpaths running through it (MELK 20, MELK 21 & MELK 101) and is accessed via the market place (vehicular) which is located to the front of Melksham House.

Melksham House is a Grade II listed building, as are the pillars on the access road leading to it. There is a Tree Preservation Order on some of the trees to the front of the building.

To the North of the site lies St Michaels Church which is a Grade II* Listed Building and some residential properties. To the East lies the Assembly Hall, the Blue Pool, the access and a residential retirement home. To the South lies residential properties and to the West lies a cemetery. Beyond this cemetery is the A350.

4. Planning History

14/00726/FUL - Demolition of modern extensions to Melksham House, removal of existing swimming pool, internal alterations and extensions to Melksham House to provide a new community campus including leisure facilities (2 swimming pools, sports hall, fitness suite, activity studio, indoor bowls, climbing wall) public services (library, multipurpose rooms, offices, cafe) health facility and associated car parking and landscaping. – Approved by Strategic Planning Committee 14th May 2014

14/02425/LBC – Proposed Campus Building – Approved 2nd September 2014

Neither of these permissions have been implemented and both have since lapsed.

5. The Proposal

This listed building application seeks consent to demolish former outbuildings to Melksham House including the former stable block and remnants of garden walls and outbuildings associated with the kitchen garden; and alterations to the entrance onto the Market Place via the demolition and relocation of one of the separately listed gate piers.

There is an associated planning application is for a new leisure centre/campus building in the centre of Melksham and is to be located south of Melksham House on the former football pitch.

6. Planning Policy

Wiltshire Core Strategy

CP58 – Ensuring the Conservation of the Historic Environment

Other

- National Planning Policy Framework 2019
- Planning Practice Guidance 2014
- Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listed building consent for any works – preserving the building or its setting)
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Conservation areas)

7. Consultations

Melksham Town Council - Members, whilst not objecting to the demolition of the curtilage listed outbuildings, objected to the relocation of the gate piers, as they felt given the impact on highway safety, particularly for residents exiting Crown House, both pillars needed to be moved further back to allow for better sight lines for residents and asked that a review of the Traffic Management Plan be undertaken in this regard.

Wiltshire Council Conservation Officer – Support subject to a condition limiting the

occupation of the Campus until works to Melksham House have been approved (This is covered in the planning application).

Historic England – Support subject to a condition limiting the occupation of the Campus until works to Melksham House have been approved. (This is covered in the planning application).

Society for the Protection of Ancient Buildings (SPAB) – Object – the scale and proximity of the new building will harm the setting of the grade II listed house. Furthermore, the proposed landscaping and extent of new car parking around the house will have a detrimental impact to the setting of the house.

8. Publicity

The amended proposal was advertised via several site notices around and on the site and through a newspaper publication. The consultation period expired on 27th September 2019. An initial consultation process was also carried out at the beginning of the application process.

No letters of representation have been received from the general public.

9. Planning Considerations

9.1 Impact upon the Listed buildings and the historic area

A primary consideration from an historic environment perspective is the requirement placed on the Council under section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990, to have *special regard* to the desirability of preserving designated buildings, their settings and any features of special architectural or historic interest which they possess.

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 designated Conservation Areas.

The Council's Core Strategy 'Core Policy 58: Ensuring the conservation of the

historic environment' requires that designated heritage assets and their settings will be conserved and where possible enhanced. It also requires that distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.

The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Paragraph 196 of the NPPF requires a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved.

Paragraph 189 requires that applicants should describe the significance of heritage assets affected, including the contribution made by their setting. In this case a Heritage Appraisal has been submitted to inform the pre-application enquiry. This is thorough in describing the site and its historic development and identifying the heritage assets affected by the development. It also provides useful background historical information and an analysis of the significance of the assets.

Paragraph 193 of the NPPF requires that in considering the impact of a proposed development on the significance of a designated heritage asset "great weight should be given to the asset's conservationirrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Paragraph 194 requires that any "harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification".

Paragraph 196 of the NPPF requires that where a development proposal will "lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where

appropriate, securing its optimum viable use". In explanation the National Planning Policy Guidance advises that "Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, provided the harm is minimised".

Melksham house incorporates the remnants of a former three bay house of early-mid C17th which became the service core of an C18th house which turned its main elevation towards the church. It is Grade II Listed.

After the First World War, Melksham House and the grounds were acquired by Cooper (later Avon) Tyres in order to create a sports and social club and the site has been used for leisure purposes since. In 1920, Melksham House was badly damaged by fire and subsequently partially rebuilt and extended. Throughout the latter half of the 20th century the building was subject to further extensions with ancillary buildings constructed in the vicinity. Since the last planning application for the Melksham Campus in 2014, the building has been left empty and has been vandalised which has resulted in the building being boarded up and utilities disconnected.

Melksham House is Grade II listed and is surrounded by lands which were once laid out as formal gardens and parkland and now have a mixed recreational and garden use. The gate piers associated with the house are independently Grade II listed.

The house dates to the early 18th century, although sits on the site of an earlier dwelling. It has undergone significant phases of alteration, including those in the 19th century and a substantial rebuild following a fire in the 20th century when it was in use as a social club.

Melksham House is significant as a high-status house with clear evidence of at least three phases of major remodelling in the 17th, 18th and 19th centuries. Further significance derives from the 20th century conversion and remodelling after fire as the sports and social club for Cooper/Avon Tyres. Remaining evidence and elements of the high status designed landscape to the 19th century house are of particular interest although eroded through the 20th century by the development of the sports

facilities. The communal value of the site as a whole is high given many years of public involvement with the site.

This Listed Building application was submitted with a Heritage Appraisal which describes the associated buildings and structures briefly and their contribution to the significance of the house. The submission also includes measured drawings and exterior photos of the buildings to be demolished.

The outbuildings proposed for demolition include a stable block and an outbuilding incorporating lengths of walling and a length of heated wall of a type typically built for the growing of peaches. A further outbuilding incorporates elements of historic fabric. The Heritage Appraisal notes (6.3) that the *“survival of the former kitchen garden and remnants of its associated outbuildings are of evidential and historic value. These surviving structures are important in terms of providing a sense of the former grand scale and high status of the former private house. They are part of an important phase of building construction and remodelling and for this reason are considered to be of high significance in terms of the overall significance of the site”*. It concludes that their *“loss would be regrettable and is likely to result in harm to the overall surviving building group”*. The demolition of the outbuildings is not strictly required in order to construct the centre as they do not occupy the same footprint as the new building, however it is considered to be required to facilitate an appropriate access and approach for the new facility. Whilst it is accepted that the stable block in particular is in poor condition and would require significant investment to retain and reuse it, there is no evidence that any consideration has been given to the retention and reuse of the whole or any part of the buildings (for example in a reduced form as a section of boundary walling in the case of Building B or even in terms of the re-use of materials within the new development).

The gate piers are not in their original location, having been moved during the later C20 to improve vehicular access to the site and there is no objection in principle from the Conservation Officer to the careful dismantling and relocation of one of the piers for a second time. The proposed entrance will remain as a legible entrance to the site and the function, context and relationship of the piers to each other and to the

house will be respected. As a result the Conservation Officer raises no objection to this aspect of the scheme although a detailed methodology would be required to support the relocation of the piers and could be secured via a condition in the event of a consent being granted.

However, the outbuildings and structures have been identified as being of significance to the overall building group and the submitted appraisal notes that their demolition will result in a level of harm to the listed Melksham House. As the buildings involved are curtilage listed buildings which form a modest part of the asset, the harm should be considered as 'less than substantial' for the purposes of interpreting the NPPF, albeit that the complete demolition of heritage assets should always be seen as a last resort and the application should not therefore be treated lightly. As the loss of historic buildings contributing to the understanding of a larger historic site which forms a key part of the conservation area, the proposal will also result in a small level of harm to that conservation area.

In the previously approved planning application which included Melksham House as part of its proposal, it was considered by officers at that time that the harm that would result from the demolition of these outbuildings would be offset by securing an appropriate record of the remaining buildings, by the re-use of reclaimed local stone within the site and by the public benefits which would have accrued from the scheme then proposed which, crucially, included a comprehensive and holistic scheme for the site and secured the repair and viable use of the principal designated asset, Melksham House, in its 'optimum viable use'.

If considered in isolation from any wider scheme which would secure the optimum viable use of the principle heritage asset, the proposed demolition would not be considered to be justified, taking into account the special regard to be given to the conservation of designated heritage assets under Sections 16 and 72 of the Act, the public benefits which will result from the construction of a leisure centre alone are insufficient to offset the harm caused. As a result, the application could then be in conflict with legislation, with the NPPF and with the Council's own policy CP58.

SPAB have objected to the proposal as in their opinion the campus will result in substantial harm to the setting of the Grade II Listed Building. Furthermore, it is their opinion that the proposed landscaping and extent of new car parking around the house will also have a detrimental impact to the setting of the house. It is important to note that SPAB have not commented on the individual matters that require listed building consent but on the campus project as a whole.

However, following advice from the Conservation Officer and Historic England concerning the need to find a use for the listed Melksham House now that it has been taken out of the campus scheme, a report was sent to Wiltshire Council Cabinet on Tuesday 8th October requesting £5 million pounds to ensure a viable end use for Melksham House. The proposed end use for Melksham House is by the Council's Care Commissioners for Children's and Adult Services which would meet established needs for children and young adults and would include the following:

- Residential care facility to support children and young people aged 10–18 years – Conversion of the main house
- Community Resource Centre – Refurbishment and use of dance hall to the rear.
- 16 Supported Living units – New build on land to rear of listed building

The minutes of this Cabinet meeting confirms:

b) Agree in principal, subject to a business case, to progress the scoping of development of Melksham House; to provide 16 units of supported living accommodation, a residential care facility to support children and young people aged 10–18 years and a community resource centre.

c) Note the estimated additional capital budget required for Melksham house of £5.000 million taking the total capital budget to £7.000 million.

d) Agree to receive a further report to Cabinet in January, with a full business case giving detailed capital breakdown and the revenue consequences of the agreed form

of development, taking into account potential cost avoidance due to the provision of services from Melksham House.

As a result of these minutes, the Conservation Officer and Historic England do not object to the listed building application, provided that the associated planning application is subject to limiting the first use of the campus building until a further planning application and listed building consent application has been approved for Melksham House and a timetable agreed for its implementation. This to ensure that the important designated heritage asset of Melksham House would not be left abandoned.

In this context, the proposed listed building works are considered to cause less than substantial harm to the Grade II Listed Building and its setting and also the wider setting (Grade II* Listed Church, Conservation Area etc), but are required to allow the campus building to move forward. The public benefits which mainly include the site being looked into as a holistic approach which will include the refurbishment and re-use of Melksham House (achieved via a condition on the planning application) and also the public benefit described in the planning application which is the provision of a large and much needed community facility would outweigh the less than substantial harm identified. The proposal is therefore considered to comply with CP58 of the WCS and the relevant policies in the NPPF and the Planning (Listed Building and Conservation Areas) Act 1990.

As SPAB have objected to this listed building consent application, the application, if the committee resolve to approve it, has first to be referred to the Secretary of State for a final decision.

10. Conclusion

The proposed works are considered to cause less than substantial harm. Whilst any level of harm is considered a serious matter, in this case, it is considered that the harm is outweighed by the public benefits identified above. Accordingly, it is recommended that listed building consent be granted for these works.

RECOMMENDATION: Recommend Approval subject to the following conditions and referral to the Secretary of State.

- 1 The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

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

2. No works shall commence on the garden wall until a schedule of repair/alteration for the kitchen garden wall has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of protecting the listed building and its historic setting.

3. No works shall commence on the gate pier until a detailed methodology of how it will be relocated has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of protecting the listed building and its historic setting.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

gate posts P01, Building A - existing/demolition P01, Building B - existing/demolition P01, Building G - existing elevations P01, Site elevations/sections P01, Site plan - existing P03, Site Location Plan P03, Site Plan demolitions P01 all received on 1st April 2019.