

Appeal Statement

**An Appeal by the Parochial Church Council of
St John and St Mary's, Devizes.**

**Church of Mary the Virgin
New Park Street
Devizes SN10 1DS**

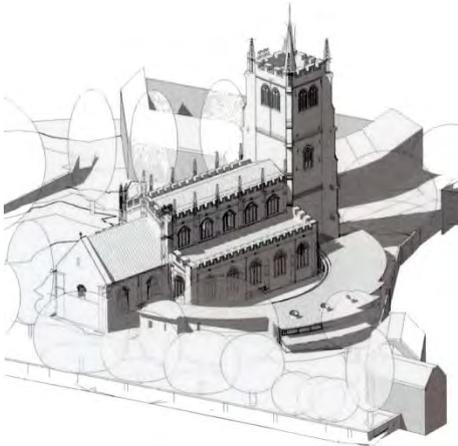
Application Number 13/00719/FUL



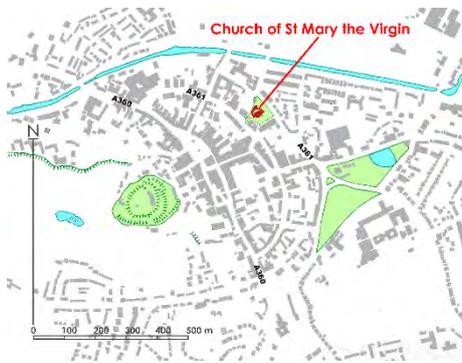
Architects:-

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A single storey cloister is proposed on the north side of St Mary's Church



Location of St Mary's church

The Parochial Church Council has prepared for the Diocese of Salisbury a '**Statement of Need**'. A copy was included with the Planning Application. This paper has been kept up to date and the revised and current statement is included as part of **Appendix N:-Viability and Business Plan and Statement of Need**.

The Statement is helpful by demonstrating the care with which the PCC has engaged with its parishioners, the public and stakeholders.

Extracts from the **Business Plan** are included also in Appendix N and these establish a sound funding structure as well as an analysis of other venues in Devizes.

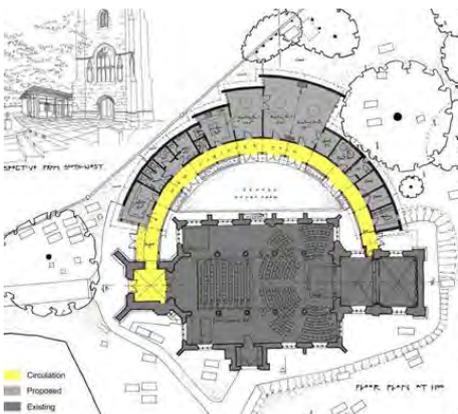
Context

- 01 Wiltshire Council has refused to grant planning permission for an extension to the Church of St Mary the Virgin in Devizes. **Appendix B** The proposals are related to the addition of an open cloister, relocation of the vestry, and rebuilding of a boundary wall. These proposals will enable the church to continue to have a purpose by introducing serviced rooms and spaces for performances and community uses. The proposals are consistent with the statement from the Ancient Monuments Society, Matthew **Saunders, that the, "noble space" inside remain uncluttered and undivided.** The basis of the proposals is retaining the church for worship.
- 02 The church is one of three important churches in the town of Devizes. Origins of the Grade I listed building are in its 12th Century foundation but with rebuilding work from the 15th and 16th Centuries, some 19th Century 'restoration' work. The vestry was added in 1854. The listed building description is set out in **Appendix C.** ¹
- 03 St Marys is part of a parish shared with **St John's Church** but it has no viable congregation. In 2006, the Parochial Church Council applied to have the church made redundant. The Diocese of Salisbury pointed out that the Church Commissioners would seek an alternative use but noted also the positive local support for exploring other options before closing this building for worship. **Appendix D**
- 04 **The St Mary's Future Group has been established** to research and bring forward realistic options for the church. The first of a number of public meetings was held in 2008 to examine options and identify actions. An opinion survey of 2009 showed support for community use at the church with serviced accommodation for charities. **Appendix E**
- 05 An application [E/2012/1477/FUL] was submitted in 2012 but was withdrawn to address issues raised by the Council. The application for Planning Permission 13/007/19/FUL was refused on the 24th of October 2014. **Appendix F** The Council identified policies that conflict with the proposals to be: -
 - a) Saved Policy PD1 of the Kennet Local Plan,
 - b) Policies CP57 and CP58 of the Wiltshire Core Strategy Pre-Submission Document 2012,
 - c) the introduction and sections 7 and 12 of the National Planning Framework (NPPF) 2012, and
 - d) guidance contained in the Devizes Conservation Area Statement 2005.

¹ The Vestry is not mentioned in the Listed Building description.

Grounds for appeal

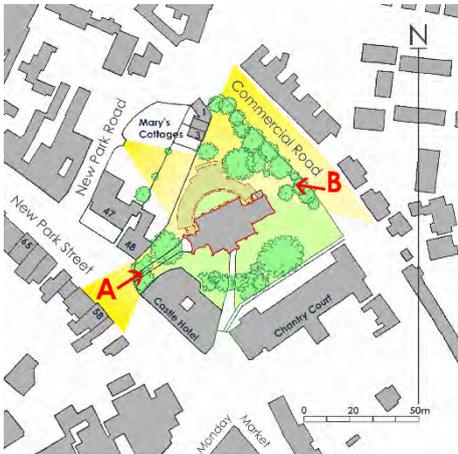
- 06 The grounds for this appeal centre on:-
- a. Contesting the assessment by Wiltshire Council that the proposed alterations would cause substantial harm: -
 - i. to the Grade I listed building
 - ii. the setting of the listed building
 - iii. to the character to part of the Devizes Conservation Area;
 - b. establishing change is necessary to keep the church in a use to prevent it becoming a redundant;
 - c. assessing public 'benefit' in the light of an acceptable change to the church, its setting and setting of neighbouring properties;



Ground Floor Plan

Change to the Grade I listed building

- 07 The proposals require minimum intervention to the fabric of the church. Matthew Saunders of The Ancient Monuments Society supported the light touch and reversible nature of the proposed internal modifications. This would preserve the simplicity of the Norman and 15C elements. He thought the light and free flow of space in the church was particularly interesting. They create spaces that can be used for meetings, concerts, performances and well as worship. A door is introduced into the north wall of the tower. The vestry will be relocated. **Appendix G This is not substantial harm to the fabric of the listed building.**
- 08 The churchyard is part of the listed building. Here an open single storey cloister is introduced into a relatively concealed and unused part of the north side of the churchyard. Whilst this is a change, it is not substantial harm because the new building will be independent, reversible, low and discrete. It will be seen from only a limited number of places around the churchyard. **This is not substantial harm to this part of the listed building.**



Views to the proposed cloister in the immediate setting of the church.

Change to the setting of the church

09 The setting of the church is in at least two parts. Firstly, the setting includes the immediate surroundings of the church within and across the churchyard. Secondly, glimpses of the proposed cloister will be seen from the southwest entrance at New Park Street and part of Commercial Road. Here views are restricted because of the difference in level and a screen of trees along the edge of the churchyard. A glimpse of the church from New Park Road across the car park of No. 48 New Park Street is discussed below. **Appendix H**



View A from the SW entrance.

View B from Commercial Road.

10 **There is change but not substantial harm to the immediate setting of the church because views across the churchyard are limited.**



The wider setting of the church in New Park Street.

Wider setting of the church tower

11 The listed building description notes the spectacular high tower is a 'dominating feature of the street scene'. Because the tower can be seen from a wide area, it establishes a wider setting of the church. However surrounding buildings form a 'carapace' that effectively screens the churchyard. Views of the tower are not affected by the proposals. There is no harm to wider setting of the church. **Appendix I**

Change to the setting of nearby listed buildings



Relationship of the proposed cloister to nearby listed buildings.

12 The Council has not refused the application because of any impact or harm to the setting of nearby listed buildings. However, west of the church are three listed buildings, 47 New Park Street (Brownston House), (Grade I), the forecourt wall to Brownston House (Grade I) and number 48, New Park Street (Grade II). **Appendix J**

13 The proposed cloister may change but does no substantial harm to the setting of Brownston House, because of the distance between the cloister, the house and its wall. Here the adjacent property of 48 New Park Street, its car park and boundary walls intervene.



Three listed buildings close to the church are Brownston House (No.47) and No. 48 New Park Street. The forecourt wall to Brownston House is also a Grade I listed building



Relationship of the site of the cloister to 48 New Park Street and Brownston House.



East façade of Mary's Cottages.

- 14 The wall of Brownston House along New Park Road is within the curtilage of this listed building. The setting of this wall is not changed because of distance two intervening car parks and walls. The setting of the forecourt is not affected by the proposals.
- 15 No.48 New Park Street is closer to the proposed cloister. Its setting will be changed but the proposed building is low and a car park and a high wall intervene in any view of the proposals. Views from upper floors are onto the low sedum roof of the open cloister. The proposals have little impact on the ground floor. The wall on the boundary with the churchyard is leaning and will be rebuilt.



The Castle Hotel is listed as part of Relationship of the site of the cloister to The Castle Hotel.

- 16 The Castle Hotel is a listed building. A limited part of the setting to the stable block at the rear of this building is affected. Because the relationship between the rear elevations of the hotel and the proposed cloister are restricted there is no substantial harm to this setting.
- 17 The hotel is listed as part of a group with Brownston House, Number 48 New Park Street and the church. The proposals do not impact on the group value of these listed buildings.
There is no harm to these setting of these buildings.
- 18 Nos. 1-3 **Mary's Cottages** in New Park Road are listed buildings and adjacent to the application site. The setting of this terrace is changed but there is no substantial harm, because much of the setting on the east side of the terrace addresses part of the churchyard not affected by the proposals. However there is a relationship with the three cottages and the proposed cloister. Here oblique 'views'



Nos. 62-67 New Park St.



Nos. 57 and 58 New Park St.

south across the churchyard may change but are not harmed because the building is low.



The White Bear.

- 19 Two groups of listed buildings, nos. 57 and 58 and nos. 62-67 New Park Street, face the south west entrance to the church. The settings of these listed buildings are not affected by the proposals.
- 20 The listed buildings of the White Bear and No.6 Monday Market Street that face the south entrance to the churchyard but are not affected by the proposals.
- 21 **There is no substantial harm to the settings of nearby listed buildings.**



Appearance of New Park Street.

Character or appearance of the Conservation Area

- 22 The Council decision refers to substantial harm caused to the character of **this part** of the Devizes Conservation Area. The affected part is not defined. However, the Devizes Conservation Area statement of 2005 is helpful by identifying the character area of New Park Street and this includes **St Mary's Church**. However much has changed in this area since 2005. **Appendix K**
- 23 If there is a consistent grain in the fabric of this area and this could be from curtilages reaching back from New Park Street. This pattern is different at the churchyard. Here a large irregular open space is introduced around the church. The cloister is introduced here and does not change or compete with surrounding fabric. The dominant pattern of development of the old town crowded around the castle is not challenged by the proposals.



Limited relationship of the proposed cloister to the Conservation Area.



Location of the proposed cloister in the Conservation Area



Variety of buildings in New Park Street.

The footprint of the church	577m²
The footprint of the cloister	340m²
The volume of the church	7393m³
The volume of the cloister	1088m³
[Volume is the gross volume]	

24 The character of the part of the Conservation Area with the churchyard contains a mixture of styles and heights of buildings built over several periods. For example, it includes the large Brewery and apartments in Chantry Court adjacent to the churchyard. At the same time, the character of the area is dominated by the busy road of New Park Street. **The introduction of a discrete building with a different style does not conflict or compete with the appearance of the variety of buildings in this part of the conservation area.**

25 Limited views across the churchyard to the proposed cloister can be seen from the edge of the conservation area along Commercial Road. These views are restricted by the difference in levels.

26 These changed views cannot be held to harm the character and appearance of the Conservation Area.

27 **The proposed cloister will have very little effect on the character and appearance of this part of the conservation area.**

Material Considerations:- design

28 Design is a material consideration. The merits of the design of the proposed cloister deserve careful consideration. The **Council's case** relies on the single statutory Policy PD1 and policies in three documents that are material considerations.² The Council has not identified the sections of the NPPF 2012 or the Devizes Conservation Area Statement on which it relies.

29 The nave of the church is preserved and left open and intact. The design of the cloister presents a discrete single storey essay curved around an open inner court. The size of the building requires a **viable** amount of accommodation but is constrained by the site. The semi-circle cloister responds to the near symmetry of the church and the impressive range of windows on the north side of the nave. The design avoids the new building from competing with the church.

30 The function of the new building is different from the continued use of the existing church. This is expressed clearly with a suite of rooms of different sizes arranged around the cloister. The enclosed open space offers a safe contemplative garden.

2 Progress is being made towards adopting the Wiltshire Core Strategy and its policies CP57 and CP58.

- 31 The construction of the new building is clearly shown. The inner façade expresses its glass and timber structure and is consistent with sustainable construction. The rear and side walls can be different as a solid and largely imperforate masonry carapace. Entrances have been made at the connections of the new building with the old. This allows a departure from the rhythm of the Gothic nave to be reconciled with a different rhythm of the glazed cloister.
- 32 The plan of the new building is innovative but subtle. The cloister responds to the near symmetry of the nave with its own geometry.
- 33 The discrete low single storey building is introduced into part of the churchyard where it can be seen from only a few restricted view-points.
- 34 Detail design of the new building will centre on economical resolution of construction issues. No ornament need be introduced that would complete with the plain north wall of the church. Approval of details can be a reserved matter.
- 35 **The design of the proposals has clear merit, is of a high standard and does no harm to matters of acknowledged interest.**

Policies and design

- 36 **Policy PD1** seeks to secure a high standard of design with respect to a number of considerations. **Appendix L** These are addressed in the proposals and **the policy is met**.
- 37 The design of the new building conforms to sustainable design principles. Apart from the replacement of the vestry it is for the most part reversible. The scale and the height of the cloister ensures it does not conflict with neighbouring buildings. Layout and servicing arrangements are acceptable. The proposals introduce a positive contribution to the public realm. The cloister respects nearby trees. The design relies on materials appropriate for the proposed use. The relationship of cloister with the near symmetrical church is respected with a symmetrical design. Landscape and building details can be reserved matters.
- 38 **Policy CP57** of the Core Strategy seeks to achieve a high standard of design. The proposals are **consistent with most of the policy**.
- 39 **Policy CP58** seeks to ensure no increase in Buildings at Risk and no loss of listed buildings. **The objectives are met**. This policy identifies seventeen considerations. The proposals **do not have an unacceptable impact** on the

historic environment is addressed in paras. iii and iv.

Appendix M

- 40 The proposals do not conflict with the objective to conserve and enhance those distinctive elements that create a sense of local identity. They are consistent with this objective and the elements identified in paras ix and xiv. **The proposals have no impact on the list of elements identified in the policy.**
- 41 The **National Planning Framework** sets out Government thinking on securing good design. Relevant paragraphs are set out in **Appendix M.**
- 42 **Para.61** notes securing high quality and inclusive design goes beyond aesthetic considerations. Decisions should address the connections between people and places and the integration of new development into the natural built and historic environment. **The proposals meet this objective.**
- 43 **Para.63** requires great weight be given to outstanding or innovative designs. History will determine whether the design is outstanding, nevertheless, the proposals are **innovative and the quality of the design is evident in its resolution of challenging design constraints.**
- 44 **Para.65** requires planning authorities not to refuse planning permission for buildings which promote high levels of sustainability because of concerns of incompatibility. Whilst this requirement is qualified when applied to a heritage asset, the proposals are not incompatible with this asset. The proposals **introduce economic and social benefits** by retaining the church and providing serviced offices and spaces for community uses. **Appendix N**
- 45 **Para.66** expects applicants to work closely with those affected by the proposals and take account of the views of the community. The **evolution of the design meets this requirement. Appendices C and N**
- 46 **Para.131** sets out matters the planning authority should consider when determining planning application. The proposals address three criteria. **It is desirable to sustain the church with a viable use. The proposals are viable, positive, and reversible. They contribute to the conservation of the church and make a positive contribution to the area. Appendix N**
- 47 **Para.132** requires great weight be given to the conservation of a heritage asset. **This is achieved.**

- 48 **Para.133** addresses substantial harm or total loss of significance of the asset. **There is no substantial harm** and any change sustains the retention of the church.
- 49 Where there is **less** than substantial harm, **Para.134** requires this should be weighed against the public benefits of the proposal. **The benefits outweigh any harm.**
- Appendix N**
- 50 **Para.140** requires Local Authorities to assess whether the benefits of development which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset. **Appendix N** The application proposals bring forward public benefits including: -
- keeping the church with a viable use thereby avoiding it being declared redundant and closed ;
 - sustaining worship in the church;
 - responding to a clear mandate from the local community introduce uses necessary to retain the building;
 - providing accommodation, kitchen, meeting rooms for charities and local community groups;
 - providing an auditorium with 250 seats;
 - sustaining the church as witness to its Christian Mission.

Conclusions and Recommendations

- 51 Change will be made to the church, churchyard and setting of neighbouring properties but this is acceptable change and is not substantial harm.
- 52 The wider setting of the church tower is not affected.
- 53 The character and appearance of part of the Devizes Conservation Area is not harmed.
- 54 The merits of the proposals can be held to be good design.
- 55 The acceptable change to the listed building and its setting can be outweighed by the public benefits.
- 56 **The appeal should be allowed.**

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