



Appeal Decision

Hearing Held on 29 July 2020

Site visit made on 30 July 2020

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 August 2020

Appeal A: APP/Y3940/W/19/3234719 **191 Devizes Road, Salisbury, SP2 7LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Nest Homes against the decision of Wiltshire Council.
 - The application Ref 19/01148/FUL, dated 1 February 2019, was refused by notice dated 27 June 2019.
 - The development proposed is demolition of existing disused house and demolition of existing covered reservoir and construction of five houses, and the conversion of the existing pumphouse to a pair of dwellings.
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Appeal B: APP/Y3940/Y/19/3234724 **191 Devizes Road, Salisbury, SP2 7LS**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Nest Homes against the decision of Wiltshire Council.
 - The application Ref 19/01270/LBC, dated 1 February 2019, was refused by notice dated 27 June 2019.
 - The works proposed are demolition of existing disused house and demolition of existing covered reservoir and construction of five houses, and the conversion of the existing pumphouse to a pair of dwellings.
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Decisions

Appeal A - 3234719

1. The appeal is allowed and planning permission is granted for demolition of existing disused house and demolition of existing covered reservoir and construction of five houses, and the conversion of the existing pumphouse to a pair of dwellings at 191 Devizes Road, Salisbury, SP2 7LS in accordance with the terms of the application, Ref 19/01148/FUL, dated 1 February 2019, subject to the conditions contained in the attached annex.

Appeal B - 3234724

2. The appeal is allowed and listed building consent is granted for demolition of existing disused house and demolition of existing covered reservoir and construction of five houses, and the conversion of the existing pumphouse to a pair of dwellings at 191 Devizes Road, Salisbury, SP2 7LS in accordance with the terms of the application Reference 19/01270/LBC, dated 1 February 2019 subject to the conditions in the attached annex.

Costs

3. An application for an award of costs was made at the hearing by the appellant and is subject to a separate decision letter.

Background to the Appeals

4. The site is owned by Wessex Water and comprises a pumphouse and underground reservoir, both disused, and a boarded up dwelling. It stands on the south side of Devizes Road, a busy main road into Salisbury from the north-west. The pumphouse dates from the early Victorian period and is listed grade II. The appellant is seeking to dispose of the site for housing and proposes to demolish the existing dwelling, replacing it with a terrace of 3 houses, convert the pumphouse into two dwellings and partly demolish, partly infill the reservoir, replacing it with a pair of semi-detached houses.
5. A previous application solely for the terrace of three houses, with no works to the heritage assets, was granted planning permission but this has now expired and cannot be implemented.
6. There would seem to be no dispute with the Council or any of the various heritage bodies who have commented that the site is suitable for housing, and the terrace of three houses would seem not to be controversial. The conversion of the pumphouse has also been designed with sensitivity and would also not seem to be a point of contention. The key issue between the parties is therefore the treatment of the reservoir. The appeal proposal would see the effective destruction of the reservoir as a recognisable structure in order to provide space for the pair of semis. The main issues therefore are whether the loss of the reservoir is acceptable given its status.

Reasons

7. The pumphouse is listed and the listing refers only to the that building, but it is agreed the reservoir is listed also by virtue of being within the curtilage of the pumphouse. I do not place any great weight on the absence of any mention of the reservoir in the listing, it is a listed building and so benefits from the full protection provided by the Act and the NPPF as a heritage asset.
8. The pumphouse is, even in its relatively neglected state, an attractive building that sits at the front of the site close to the road and is prominent in the streetscene. Next to it, further along the road frontage, is the boarded up dwelling that will be replaced by the terrace. Behind the pumphouse, on rising ground, sits the reservoir. In its current state it appears as a grassy mound, with steps up to the level roof, also grassed over, and punctuated by several inspection hatches with steel covers. Access is not possible to the interior without specialist equipment.
9. Photographs of the inside however, show it is a large space consisting of 3 barrel vaults supported by brick piers. The entire insides have been coated with a white covering to prevent contamination of the water. Although the grassy mound at the front of the reservoir is some 2m tall, the floor of the reservoir is some 4m further below the ground level, as it is over 6m deep in total, with a thick concrete roof beneath the grass.

The Significance of the Reservoir.

10. The Act places a duty upon the decision-maker, in considering applications for planning permission and listed building consent, to have special regard to the desirability of preserving the listed building and its setting, or any features of special architectural or historic interest which it possesses. There is a clear presumption in this duty that preservation is desirable. The NPPF further states that 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. Where harm to significance is less than substantial that harm should be weighed against any public benefits.
11. The internal space of the reservoir would have been exposed brick, but this has been covered up by the treatment described above, which has reduced its historic significance. However, it dates from about the same time as the pumphouse and could be considered to be important for the legibility of the site. There are only a few surviving examples of associated pumphouses and reservoirs which adds to its significance. From the outside, it is obviously a covered reservoir but its association with the pumphouse is less clear. It certainly doesn't look like a Victorian structure and the role it plays in making the site legible is not, in my view, as great as the Council and the various heritage bodies suggest. From the road, the reservoir can be glimpsed behind the existing dwelling and seen behind the pumphouse, although it is not obvious.
12. In my view therefore, the reservoir does retain some historic significance. Despite the loss of internal features, its very existence and its relationship to the pumphouse are part of the story of the site and add a little to the legibility of the heritage asset when considered as a whole. The loss of the reservoir would diminish the pumphouse, which would be left as a standalone building. On the other hand, the pumphouse also took water from boreholes, and it was their eventual contamination that led to it becoming redundant. Thus the pumphouse does have some meaning as a standalone building. In other words it is not entirely dependent on the reservoir for its context. Summing up therefore, in layman's terms it would be a shame to lose the reservoir and so diminish the historic legibility of the site, unless there was no real alternative. Its loss would therefore lead to less than substantial harm to the heritage asset as a whole. As advised by paragraph 196 of the NPPF that harm needs to be weighed against the public benefits of the proposal. I also need to consider the likely future for the reservoir if the appeal is dismissed and the level of the less than substantial harm.

Alternative options

13. The reservoir will require some form of future use if it is to be retained. It would seem that in the long term it cannot simply be left as a huge void, so it either needs to be used or filled in. The appellant provided a possible scheme for converting it into a dwelling, which they then costed and found not to be viable. This really is the crux of the argument. The Council and the various historic societies who have commented think that greater efforts should be made to exhaust all possibilities for saving the reservoir before its demolition is allowed, whereas the appellant's position is that there is no sensible possible after-use.

14. The Council provided evidence of a reservoir conversion in Barnstaple, which had been turned into an impressive dwelling and queried why something similar had not been considered. Essentially, they were saying that an underground reservoir might seem to be a difficult proposition to convert, but with imagination and flair the Barnstaple case shows that a way can often be found. I agree with the appellants however, that the differences between the two are significant. The Barnstaple reservoir was not listed, so a major intervention was possible. It was on a hilltop and the whole side of the reservoir was excavated to provide openings along its length with superb views over the surroundings. It was also much larger than the appeal reservoir, and the rear half could be excavated to provide a courtyard and light access for the rooms at the back. The appeal site is much smaller, only just large enough to create a modest 3 bedroom house. It is tightly surrounded on three sides by back gardens of houses so the ability to open it up is greatly restricted. The appellant's scheme showed the front could be excavated to create an entrance and small courtyard, but that was still half below ground level. Light penetration to the dwelling itself would be very limited, and for most of the rooms provided largely by rooflights.
15. Setting aside the costs for the moment, it is difficult to see how else the conversion could take place. However it is designed most of the rooms will be below ground and difficult to light. The result would not be an attractive dwelling. Of course it is theoretically possible that someone might be interested in such a dwelling, but if they were how would the conversion be funded? The viability report, which was not challenged, shows, unsurprisingly, that the conversion works would be considerably greater than the market value of the resulting dwelling. In my view the conversion of the reservoir into a dwelling, on its own, is not a realistic proposition. The Council suggested it could be used in connection with one of the dwellings, but the costs of conversion for a storage or ancillary use are even less attractive.
16. The conversion of the reservoir also needs to be looked at in the wider context of the pumphouse. Conversion of that is also an expensive proposition, which looked at on its own does not create any residual value, although it is closer to breaking even than the reservoir. Some form of cross-subsidy from the normal housing is required to make the conversion stand up financially. One option that was not considered in the viability report was the conversion of the pumphouse, building the terrace of 3 houses and leaving the reservoir alone. Option B in the viability report is to convert the pumphouse and add 2 dwellings on the reservoir site, which is profitable, so the different option of converting the pumphouse and building the terrace of 3 must also be profitable. However, if the reservoir has to be either used or filled in, there are those extra costs to be factored in, and if the reservoir is not to be re-used, what is the point of retaining it? All it is, is a grassy rectangle that could date from any period. We would effectively be left with the site of what was once a Victorian underground reservoir in order, solely, to improve the legibility of the pumphouse site.
17. Bringing this altogether, it does not seem to me there is a realistic possibility of bringing the reservoir back into some form of beneficial use. The best case scenario is, therefore, the reservoir is left but filled in. Its historic legacy is mostly dependant on its internal character, which would be lost, so it would be left only as a mute reminder of the previous use of the site. Thus, while its loss would cause less than substantial harm that harm is very much at the

lower end of the scale. While the loss of any heritage asset is to be deplored, it is difficult to see how, in the real world, the reservoir could ever be saved. While the survival of the heritage asset intact remains a philosophically theoretical possibility, I have to reach a pragmatic conclusion based on the evidence presented. On that basis, while there is less than substantial harm, that harm is, realistically, very small.

Other matters

18. The spaciousness of the site surrounding the pumphouse will be maintained by the proposed development, which is set back from pumphouse, allowing it to be seen within its own space. The terrace of 3 houses will also improve the streetscene by removing the boarded up house, but also by being set back from the road frontage and continuing the sense that this is a small area where there is more space than the rest of Devizes Road which is more generally solidly built up close to the road frontage.

Conclusion

19. The less than substantial harm has to be balanced against the public benefits of the proposal. It is accepted that Wiltshire does not have a 5 year supply of housing land. Although the titled balance is not engaged because of footnote 6, the provision of 7 houses in an area without an up to date housing land supply is a significant benefit. The future of the pumphouse, which is the main heritage asset on the site, would also be secured and brought into beneficial use. In my view these benefits outweigh the less than substantial harm I have identified. It follows that the NPPF led conclusion is that planning permission should be granted. The Act requires that separately I should have special regard to the qualities of the listed building that would be lost, but it follows from my conclusions above that I consider the loss of the reservoir is almost inevitable and that the loss is not significant. Securing a continued future for the pumphouse is of far greater importance and this will be guaranteed by granting planning permission.

Conditions

20. Time limit and plans conditions are proposed as well as materials and construction times, all of which are sensible. Several conditions to ensure the access is provided to safe standards and the current access is stopped up are also required. Cycle parking and surface water drainage also needs agreement. The appellant does not oppose a condition that seeks to limit the use of water in the buildings because of the poor quality of water in the River Avon. I agree this is an important consideration. Conditions are also needed to ensure noise attenuation measure are introduced and to prevent bonfires on the site, as well as to deal with any potential contamination. There are a number of large trees on the periphery of the site and a condition is needed to ensure they are catalogued and protected as necessary. The site is likely to have archaeological finds from various periods so a condition to allow those to be investigated is needed, as is a bat survey and any necessary bat and bird boxes. The site is, in parts, tightly developed and surrounded by houses so a condition removing permitted development rights for extensions and windows is necessary.
21. Conditions are also necessary on the listed building consent to ensure the heritage assets are properly recorded and steps are taken to protect the

historic features of the pumphouse during its conversion, that boundary works are agreed with the Council and that any damage to external surfaces have been made good once conversion is complete.

22. Two further conditions were discussed. One would prevent the occupation of houses 4 and 5 on the plans (the pair of semis) before the conversion works to the pumphouse had been undertaken. I agree this is necessary to ensure the heritage benefits of the development are fully realised. However, I do not think a condition is needed to require the appellant to offer the equipment in the pumphouse to a museum. Such a condition would be difficult to frame, as no private organisation could be compelled to take the machinery, and the appellant states it would be standard practice for Wessex Water to do that in any event.

Simon Hand

Inspector

APPEARANCES

FOR THE APPELLANT:

Tom Whild – Ken Parke – Planning Consultants
Elaine Milton – Heritage & Planning Ltd
John Newman – Tangent Suveyors
Gerald Bradford – Nest Homes

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Becky Jones

Conditions Annex

Appeal A: APP/Y3940/W/19/3234719 (20 conditions)

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans listed in the schedule:
 - a. Planning Design Access and Appendices prepared by Ken Parke Planning Consultants;
 - b. Heritage impact assessment prepared by Elaine Milton Heritage & Planning Ltd
 - c. Statement of Significance prepared by Elaine Milton Heritage & Planning Ltd
 - d. Archaeological Evaluation Report by Wessex Archaeology
 - e. Economic Viability Appraisal prepared by Tangent Surveyors;
 - f. Bat survey by Davies ecology
 - g. Phase 2 bat survey by Abbas ecology
 - h. Ecological Constraints survey by Phil Quinn
 - i. Noise report by Clarke Saunders Acoustics
 - j. 01B Location Plan
 - k. 02H Site plan
 - l. 05 proposed floor plans – the pumphouse plots 6 and 7
 - m. 06A proposed elevations – the pumphouse
 - n. 07G plots 4 and 5 floor plans elevations and section
 - o. 08F Street scenes
 - p. 09B 3d Views
 - q. 10C Proposed plans and elevations plots 1-3
 - r. 11C Proposed elevations plots 1-3
 - s. 13A Plot 4&5 Kitchen and Bathroom Sizes
- 3) No development shall commence above slab level on site until samples of the materials listed to be used on the development have been provided for inspection on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

- 5) Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.
- 6) The stopping up of the existing accesses, both vehicular and pedestrian, shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.
- 7) No part of the development hereby permitted shall be first occupied until the access, turning areas and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.
- 8) The gradient of the access way shall not at any point be steeper than 1 in 12.5 for a distance of 5 metres from its junction with the public highway.
- 9) No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.
- 10) The development hereby permitted shall not be first occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.
- 11) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.
- 12) The dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per day has been complied with.
- 13) All noise attenuation measures as detailed in Section 7 of Clarke Saunders Acoustic Noise Impact Assessment dated 2nd January 2019 to be implemented in full prior to the first occupation of each dwelling affected and maintained at all times thereafter.
- 14) No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.
- 15) No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

- 16) No demolition, site clearance or development shall commence on site, and no equipment, machinery or materials shall be brought on to site for the purpose of development, until an arboricultural impact assessment and tree protection plan for trees on and adjacent to the site have been submitted to and agreed in writing by the Local Planning Authority. The tree protection plan shall establish:

- i) the exact position of each tree to be retained on and adjacent to the site
- ii) the root protection areas for each tree on and adjacent to the site to be protected
- iii) the precise location of the proposed car park retaining wall in relation to the RPAs and
- iv) the positions of all protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations";

The retaining wall and the protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

After the protective fencing has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

- 17) No development shall commence within the area indicated (proposed development site) until:
- a. A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b. The approved programme of archaeological work has been carried out in accordance with the approved details.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations (including insertion of any additional windows or rooflights at first floor level or above) to any building forming part of the development hereby permitted.
- 19) The development hereby approved shall be implemented in accordance with the recommendations in Section 4 Mitigation and Compensation in the Abbas Ecology Phase 2 Bat Survey report (August 2018). All bat boxes, bat crevices and swift nesting features shall be implemented before there is any residential occupation of the Pump House and the mitigation measures shall be maintained for the lifetime of the development.

- 20) Dwellings number 4 and 5 on the site plan (the pair of semi-detached dwellings) shall not be occupied until the works to convert the pumphouse to two dwellings are complete.

Appeal B APP/Y3940/Y/19/3234724 (6 conditions)

- 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.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans listed in the schedule:
 - a. Planning Design Access and Appendices prepared by Ken Parke Planning Consultants;
 - b. Heritage impact assessment prepared by Elaine Milton Heritage & Planning Ltd
 - c. Statement of Significance prepared by Elaine Milton Heritage & Planning Ltd
 - d. Archaeological Evaluation Report by Wessex Archaeology
 - e. Economic Viability Appraisal prepared by Tangent Surveyors;
 - f. Bat survey by Davies ecology
 - g. Phase 2 bat survey by Abbas ecology
 - h. Ecological Constraints survey by Phil Quinn
 - i. Noise report by Clarke Saunders Acoustics
 - j. 01B Location Plan
 - k. 02H Site plan
 - l. 05 proposed floor plans – the pumphouse plots 6 and 7
 - m. 06A proposed elevations – the pumphouse
 - n. 07G plots 4 and 5 floor plans elevations and section
 - o. 08F Street scenes
 - p. 09B 3d Views
 - q. 10C Proposed plans and elevations plots 1-3
 - r. 11C Proposed elevations plots 1-3
 - s. 13A Plot 4&5 Kitchen and Bathroom Sizes
- 3) No works (including demolition of the Reservoir) shall commence on site until a full survey, including analysis, and photographic record of the Pump House and Reservoir has been submitted to and approved in writing by the Local Planning Authority.

- 4) No works shall commence on works to the Pump House site until a scheme for the protection and restoration of existing architectural and internal historic features in situ including the existing windows and any mechanical features to be retained within the building has been submitted to and approved in writing by the Local Planning Authority. No additional windows or external doors shall be installed until the details (elevations and sections) have been submitted at a suitable scale and have been agreed in writing. The works shall be carried out in accordance with the approved details.
- 5) No works shall commence on works to the Pump House site until details of any rebuilding of boundary walls and the platform by the front door) and all means of boundary enclosures have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 6) Before there is any occupation of the Pump House, all external surfaces which have been disturbed by the conversion works (including roof tiles, brick and stonework) shall be made good with materials and finishes to match those of existing undisturbed areas on the building.