

**DC/2016/01033**

**PROPOSED DEMOLITION OF BUILDING TO ACCOMMODATE THE M4 ALIGNMENT CORRIDOR (APPLICATION FOR LISTED BUILDING CONSENT)**

**WOODLANDS HOUSE, MAGOR**

**APPLICANT: WELSH MINISTERS**

**Date Registered: 17/10/2016**

**Case Officer: Amy Longford**

Plans: all received 27/09/16

CT/WD/02A Block Plan  
CT/WD/06A floor plans  
CT/WD/07A Elevations 1 of 2  
CT/WD/08A Elevations 1 of 2  
CT/WD/10A Sunroom details  
CT/WD/12A Garage Elevations  
CT/WD/13A Garage Plan and section  
CT/WD/14A Garage specification  
CT/WD/15A Elevation of gates  
CT/WD/17 Porch Detail Sheet

**1.0 APPLICATION DETAILS**

1.1 Woodlands House, also known as Magor Vicarage is located just to the north-western edge of the village. The Victorian vicarage dates from 1861 designed by John Norton, the architect for the restoration of Magor Church, St Marys, in 1868.

1.2 The application seeks listed building consent for the total demolition of the building and the associated structures.

Conservation Designations:

1.3 The building was listed Grade II in 1995. It is outside the Magor Conservation Area.

**2.0 RELEVANT PLANNING HISTORY**

DC/2003/ 01092	LBC – erection of garage, single storey extension, re-roofing.	Approved	31/12/03
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**3.0 DEVELOPMENT PLAN**

3.1 Monmouthshire Local Development Plan

Objective 5 relates to Respecting Distinctiveness, Monmouthshire has a significant built heritage resource in terms of scheduled ancient monuments, listed buildings, conservation areas, historic parks and gardens and

archaeologically sensitive site that, together with their settings, require protection and enhancement.

The LDP seeks to influence these issues by:

- Containing measures to preserve and enhance the cultural heritage and historic environment of Monmouthshire
- Playing a key role in promoting good sustainable design that will enable new development to respect and enhance distinctive character of Monmouthshire.

#### Policy HE1 – Development in Conservation Areas

Within Conservation Areas, development proposals should, where appropriate, have regard to the Conservation Area Appraisal for that area and will be permitted if they preserve and enhance the architectural or historic character and appearance of the area and its landscape setting.

### 3.2 National Policy

Planning Policy Wales Chapter 6, Paragraphs 6.5.13-15 state that [our emphasis]:

‘Applicants for listed building consent must be able to justify their proposals and show why the alteration or demolition of a listed building is desirable or necessary. This should be included in a Design and Access Statement, which will be proportionate both to the significance of the building and to the degree of change proposed. **It is generally preferable, for both the applicant and the local planning authority, if related applications for planning permission and listed building consent are considered concurrently...** Appropriate conditions may also be attached to any listed building consent. These might for example include the submission of a conservation method statement for specific works or the protection of historic fabric, or archaeological recording work.

**Occasionally, applications will be made for the demolition of a listed building. These must be fully justified and scrutinised before any decision is taken. The demolition of any listed building should be considered as exceptional and require the strongest justification.** In determining applications for total or substantial demolition of listed buildings, authorities should take into account: the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use, the adequacy of efforts made to retain the building in use or to secure a new use, and the merits of alternative proposals for the site.

The Welsh Government would not expect consent to be granted without robust evidence from the applicant that all reasonable efforts to sustain existing uses, or to find viable new uses have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial benefits for the community that would clearly outweigh the loss resulting from demolition. The national amenity societies should be consulted on all applications involving the demolition of any part of a listed building.

**Local planning authorities should not authorise demolition of a listed building to make way for new development unless it is certain that the new development will proceed. This requirement can be secured by**

**condition.** Conditions may also be used to require the preservation of particular features and/or to require works to be carried out in a certain way.'

#### Welsh Office Circular 61/96

In determining this application for Listed Building Consent particular attention will be given to the following guidance provided by this Welsh Office Circular.

1. Annex D (Alterations to listed buildings: General Principles)
2. Appendix to Annex D, and
3. Annex F (Conditions for listed Building Consents)

## **4.0 REPRESENTATIONS**

### **4.1 Consultation Replies**

Royal Commission on the Ancient and Historic Monuments of Wales responded stating that the remit of the Royal Commission permits us to comment only on the historical significance and context of a monument or structure and on the adequacy or otherwise of the record. Woodlands House was listed as Magor Vicarage for its special interest as a substantial mid – C19th (1861) vicarage in Tudor/Jacobean style retaining period detail designed by John Norton, the architect and restorer of the parish church. The application for demolition is in advance of the decision relating to the route of the M4 Corridor. The listing at Grade II means that the building is considered of special interest and of definite character and quality. The vicarage has added interest because it was designed by the architect and restorer of the parish church. The application will need to be carefully considered in relating to the advice on demolition of listed buildings in Circular 61/96 (still current until superseded by TAN 24). If listed building consent for its demolition is granted it is important that there is a 'preservation by record'. It is important to require as a condition of consent that the application makes a full record (photographic and drawn) of the building before alteration for the deposit in the public archive of the Royal Commission (the Nation Monuments Record of Wales)

Magor with Undy Community Council responded stating that they object on grounds that it would impact on the character of the area, that Welsh Government are being premature and presumptuous in that there are still several routes for the M4 to be explored including one that would avoid the demolition of this building. The building is listed by Cadw for a reason – its historical value and importance (linked to architect John Norton), and that any decision on this building should be deferred until such time that the Public Inquiry has been completed and a final decision has been made.

Glamorgan Gwent Archaeological Trust responded noting that the structure is scheduled for demolition should the proposed alignment of the M4 Corridor around Newport go ahead and it is unfortunate that it could not be retained as part of the proposal. However, it is unlikely that any significant buried archaeological features will be affected by the development. As noted they do not have any objections to the granting of the application on archaeological grounds. However it is our opinion that the building is of historical and architectural importance.

The Trust have suggested that conditions requiring a full programme of historic building recording and analysis in accordance with a written scheme of

investigation. They also suggest that a note should be added to the permission explaining that archaeological work should be carried out by a suitably qualified person.

The Victorian Society did not respond to the consultation

The Council's Biodiversity Officer responded stating that the survey of the Vicarage, Magor was undertaken in 2015 by RPS. There are concerns with the survey sufficiency as follows.

- No Internal inspection of the Vicarage, Coach House or Garage was undertaken
- The Coach house was noted as a confirmed bar roost in 2007 the current assessment found no use and as such no licence is recommended for this building. The only justification for this being that there is no access to the building, the Coach House being described as entirely covered by netting. The photograph in the report shows this is not the case (only the roof) access into the building would still have been available via gaps noted around the wall and door and in the stone walls.
- The garage was noted as possible Myotis roost in 2007. The current assessment found negligible potential and no activity survey was undertaken- this could be explained by renovation but I do not have the access to the 2007 report to confirm.
- Further to the above I also note that the survey and report have not been undertaken in accordance with best proactive guidelines, for example there are no details of surveyors, number of or their locations, and the survey window is a lot narrower than recommended, with all three surveys being undertaken over less than two weeks.

#### 4.2 Neighbour Notification

Not applicable.

#### 4.3 Other Responses

Five responses were received from members of the public relating to the proposals. The views share the same concerns that:

- There should be no decision made or action taken to demolish the building until the public inquiry for the M4 has concluded the proposals are presumptive and premature
- Strong objections to the demolition and the loss of the listed building due to its local and national significance, that the proposals are disgraceful and that the building should be saved/protected for future generations.
- Every effort made to preserve the building 'a beautiful piece of history' along with similar local structures and consider alternative proposals. The Green route is a suitable and viable option that would not require the demolition of the house and the loss of this heritage building, or any other heritage buildings. Urge planners to consider the opinions of the local residents whom they should represent.
- The building has significant value being built by the same architect, John Norton, as the restorer of Magor Church and the Grade I listed National trust property, Tyntesfield.

#### 4.4 Local Member

Frances Taylor responded to the consultation providing the following comments.

- The application is premature and I am concerned that the application should not be determined until the result of the Public Inquiry and a decision on the black route is taken. Should the black route not proceed further the removal of the listing and the agreement to demolish the Rectory would be extremely concerning. It is inappropriate that a planning decision should be taken by Council when the scheme's future is uncertain.
- The building is extremely significant hence it's listing. It is also additionally of high local significance. The Welsh Ministers propose no mitigation and the building will simply be lost. The outcome of the application would be irreversible damage to the heritage asset.
- It is also notable that the Old Rectory used to be much more prominent at the entrance to the village. However, since it has been in the ownership of Welsh Assembly and previously the Welsh Office the surrounding land has become overgrown and largely obscured the views to the building. However, as the former rectory it is well known and treasured landmark, important to the historical and social fabric of Magor with Undy.
- There are viable alternatives to the Black Route and the current alignments and the application ought to be referred to planning committee for determination.
- I would urge planning committee to refuse the application as it stands.

## **5.0 EVALUATION**

- 5.1 The application seeks listed building consent for the total demolition of the building to facilitate the development of the new M4 corridor (proposed black route). The position of the current building is directly in the proposed line of the new motorway, hence the application for total and not partial demolition. The applicants have submitted a Justification Statement to accompany the application. Whilst this is clear on the merits of the proposals it is not considered that this fully assesses the criteria below or fully understands the significance of the building. The demolition of the building should be properly considered and the value of the building fully acknowledged and explored in order to balance this fully against the wider benefits. However given the circumstances and the officer recommendation below, it is not felt that this is a sufficient reason for refusal.
- 5.2 Any applications for demolition should be carefully considered against the criteria set out in Welsh Office Circular 61/96 para 91. Which states that 'The Secretary of State would not expect consent to be given for the total or substantial demolition of any listed building without convincing evidence that all reasonable efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. The Secretary of State would expect authorities to address the following considerations in determining application where the proposed works would result in total or substantial demolition'.
- 5.3 (i) That the condition of the building, the cost of repairing and maintaining it in relation to its importance. The building is in a good state of repair and does not show any significant signs of decay or deterioration. The building was, up until recently, occupied and maintained. The position of the building, set in its own

grounds with substantial gardens gives the building a significant economic value which given its current condition would mean that the restoration of the house, if required, would still provide a positive economic value for the building.

5.4 It is also important to consider the significance of the building. Built in 1861 as a Victorian vicarage in the Tudor/Jacobean revival style, the building is of rock-faced red sandstone with dressed stone transom and mullion windows and steeply pitched roofs with decorated bargeboards. To the front there is a substantial gabled porch with decorated timber cusped tracery. The building is a good example of its type and has important associations with the restoration of Magor Church for which they share the same architect John Norton. It was listed grade II in 1995 as a 'good example of a largely unaltered mid C19th architect-designed vicarage with mostly contemporary fittings'. The building has not been subject to alterations that have affected the character of the building to warrant de-listing and therefore still holds the same national importance as at the time of listing.

5.5 The significance of the building is also derived from its notable architect. When John Norton (1823-1904) was a student he was heavily influenced by Augustus Pugin the pioneer of the Gothic- Revival Style of architecture prevalent in the early 19th Century. John Norton's main commission and most notable work was that of Tyntesfield near Bristol, which is now a Grade I listed building of considerable architectural importance as a masterpiece of the Gothic- revival movement. Norton completed Tyntesfield in 1863, Magor Vicarage in 1861 and the restoration of Magor Church in 1868. Throughout the 1880's and 1890's he was also responsible for a number of notable buildings, namely Badgemore residence (1884) in Oxfordshire, and Dalewood school (1883) in Surrey. He was also commissioned for the Gwyn Hall (1887), a new civic building in Neath, a substantial children's Home in Limpsfield, Surrey 1887, and Stogursey School (1868) in Somerset to name a few. This shows that not only was he an architect of local importance, but also national importance designing some of the important High Victorian buildings of the time.

5.6 (ii) The adequacy of efforts made to retain the building in use. At present the building can still be used a domestic and potentially desirable residence, there are no reasons other than the M4 relief road proposals that the building cannot have a viable economic use. In addition, the potential re-use of the building or its relocation is discussed, however no clear conclusions are drawn. The revised Justification, Design and Access Statement states that

'It is considered that partial recovery of historic fabric for museum or in fact re-use and full recording prior to demolition are feasible mitigation options in this case....However this is not the work of a well-known architect, even at a regional scale. The good level of preservation of internal and external architectural features mean that a listing at Grade II is appropriate, but the building does not merit a greater level of value. It is certainly not of a level of significance that would justify the expense of rebuilding at a new location out of public funds....However, the Welsh Government has contacted the St Fagans National History Museum (National Museum Wales) to explore any interest in adding Woodland House to their current collection of historic buildings. If any interest in this is expressed by St Fagans, the Welsh Government would then discuss the details as to how this could be achieved. It is considered that should the National History Museum not wish to add the building to its collection, then architectural salvage as opposed to rebuilding of Woodland House would appear to be the only feasible post-demolition mitigation.'

- 5.7 As demonstrated in par.5.5 above, the Architect of the vicarage completed some other notable buildings on far more than a regional scale, which does suggest there is more importance to the building than first suggested. In addition, it is mentioned that St Fagans were consulted but there is no confirmation of their response. It is understood that their policy is not to take listed buildings, but this should be confirmed. It is recommended that a clear commitment be made to the relocation or re-use of the building/materials from the site. Possibly the salvage of the building materials should be offered to local listed buildings in need of repair/ maintenance for future generations. An example condition is drafted at the bottom of the report.
- 5.8 (iii) The merits of alternative proposals for the site. There are significant alternative proposals for the site that are well documented in terms of the potential national economic and social benefits.
- 5.9 When assessing all applications for listed building consent the applicant should be able to justify its proposals and identify why they are necessary. In this case there is substantial information in relation to the wider national economic and social benefits of the proposals that it is not necessary to go into detail here. However, the key issues is that the proposed route for the M4 has not yet been approved and without this prior approval there is little justification for the demolition of the house. It is not for this application to assess whether the M4 proposed route is appropriate - that is properly a matter for the Public Inquiry. Should the M4 relief road (black route) be approved via the public inquiry process (due to re-commence in March 2017), it is considered there would be an overriding matter of national importance to justify the demolition of this Listed building. However, that decision has not yet been made, and is not before the Council to make. In accordance with PPW edition 9 paragraphs 6.2.13 and 6.2.15 it is desirable for such decisions to be made concurrently. Conversely, should the M4 relief road black route not be approved, the demolition of this Listed building would be wholly inappropriate.
- 5.10 The issues of ecology also need to be addressed. At present there is an objection to the application based on a lack of information to make a reasonable assessment of the impact of the demolition on any protected species. The response raises concerns over the extent of the survey carried out and the lack of internal inspection. Additional survey will be necessary to assess the presence or otherwise of protected species, which can only be carried out in the next available survey season in 2017. Therefore the application cannot be determined without clarification of the concerns raised by the ecologist. If the application is to be referred to WG for determination as per the recommendation then this issue can be properly addressed through their assessment of the application and all the information put before them.
- 5.11 It should also be noted that the plans submitted with the application are referred to as proposed plans. These plans were submitted to and approved as part of the 2003 application for the sun room and so are now an accurate representation of the building on site.
- 5.12 On a procedural note, under the terms of Monmouthshire's Delegated Scheme of Authority (agreed with Cadw for applications for listed building consent) the application will fall outside the agreed terms and so it will be necessary to refer to Cadw for prior approval.

- 5.13 It is considered that the application should only be approved subject to the approval of the concurrent permission for the black route; without this there is no justification for demolition. It is possible, in accordance with Section 17 (3) of the Planning (Listed Buildings and Conservation Areas) Act 1990, that a condition could be added stating that the demolition of the building shall not commence until the relevant permissions for the redevelopment of the site have been approved. The precise wording for this condition is identified below. It is considered that the recommended request to 'call in' and attach the conditions set out below is the most appropriate way forward for both applications to be considered together by the Welsh Government.

## **6.0 RECOMMENDATION:**

- 6.1 To request that the application is 'called in' by Welsh Government.
- 6.2 This will ensure that the decision on Listed Building Consent for demolition is properly taken concurrently with the decision on the proposed M4 relief road. Moreover, the Council is not in a position to make a positive recommendation on this application until such time as inadequacy of the bat survey is addressed.
- 6.3 It is recommended that the Welsh Government satisfies itself on the matter of the bat surveys before issuing any approval.
- 6.4 The following conditions are recommended, should the Welsh Government be minded to approve Listed Building Consent.

### Conditions:

- The works shall be carried out strictly in accordance with the approved drawings

REASON: To ensure compliance with the approved drawings.

- The works to which this consent relates must be commenced no later than the expiration of 5 years beginning with the date on which this consent is granted.

REASON: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- No development shall take place until the applicant, or their agents or successors in title, has secured an agreement for a written scheme of historic environment mitigation which has first been submitted by the applicant and approved in writing by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

- No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been submitted to and agreed in writing by the Local Planning Authority. This is to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief and specification including a written and drawn record. The resulting record should be deposited with the RCHMW, Tel No. 01970 621 211.



REASON: To ensure that adequate records are made of the building prior to its demolition.

- The building shall not be demolished before –
  - (a) A contract for the carrying out of works to the M4 relief road (black route) has been made; and
  - (b) Planning permission or the equivalent consent has been granted for the M4 relief road (black route) for which the contract provides.

REASON- The only justification for the demolition of this Listed Building would be the overriding regional and national importance of the M4 relief road. Should that road scheme not be approved or not proceed, demolition of the Listed Building would be unjustified and unacceptable.

- The building shall not be demolished before proposals, including timescales, for either the relocation and reuse of the building, or for the re-use of its fabric to repair and restore listed buildings within the locality, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented within the agreed timescales.

REASON- The only justification for the demolition of this Listed Building would be the overriding regional and national importance of the M4 relief road. Should that road scheme not be approved or not proceed, demolition of the Listed Building would be unjustified and unacceptable.