



ENGLISH HERITAGE

SOUTH WEST OFFICE

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Our ref: P00431044

25 March 2015

Dear Mr Martin

Notifications under Circular 01/2001, Circular 08/2009 & T&CP (Development Management Procedure) Order 2010

CHARLES STREET DEVELOPMENT SITE, CHARLES STREET, DORCHESTER Application No WD/D/14/002002

I write further to our recent meeting in Dorchester to discuss the proposed development at Charles Street. I am conscious that it is proposed to take the proposals to an April planning committee, and thought it would be useful to formally state our position on the current application.

Summary

There are two elements of the proposed scheme which are of concern to English Heritage; that of the impact on Nationally-significant archaeology incurred through the proposed construction of a two-level basement car park, and that of the impact of the above-ground elements of the proposals on the character and appearance of the Dorchester Conservation Area.

As you know, we are in discussions with the developers of the scheme to establish whether there is a means by which the harm described above can in some way be mitigated. However should the current proposals go before your planning committee without alteration, we would like to present our concerns through the advice given in this letter.

The archaeology beneath the car park is demonstrably of equivalent significance to a Scheduled Monument and is therefore subject to the NPPF policies for designated heritage assets. The removal of the archaeological remains would obviously result in its total loss of significance, which to use the language of the NPPF is *substantial harm*. The proposed reduced archaeological mitigation strategy is seriously and



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unacceptably disproportionate to the importance of the remains here and the major impact on them.

In addition to the archaeological considerations, we are concerned that the proposed building adjacent to the existing council offices, containing a supermarket at ground floor and residential above, will negatively impact on the character and appearance of the conservation area.

In principle English Heritage supports the proposed redevelopment of this site, and I therefore regret that we are obliged to object to the proposals in their current form on the basis of substantial harm to the historic environment. However, our concerns may be lessened if the application were amended to include an archaeological mitigation strategy proportionate to the significance of the assets and modifications were made to the form and massing of the proposed block facing the council offices.

English Heritage Advice

The Dorchester area as a whole, and the historic town centre in particular, are areas of the highest archaeological importance.

In regards to the archaeological potential of the site, the Charles Street car park amounts to circa 5% of the area of the Roman town within the town walls. Roman Dorchester was a *civitas* (provincial) capital, one of only around 15 in England, and as such contained many masonry buildings befitting of the town's status. Many of these such as the forum and bathhouse are well known, their remains having previously been recorded in full or in part. However, the Charles Street site remains relatively uninvestigated.

It is known that two Roman streets lie within the site, which will have been lined with masonry buildings, probably houses and shops. The remains of these buildings survive beneath the existing car park within the area of the proposed basement car park.

There are also known to be important post-Roman and prehistoric remains, including part of a Neolithic henge-like timber monument so far unique in Britain. In the absence of written records, these archaeological deposits provide the only source of evidence about the distant past. This is the context for understanding the archaeological importance of the Charles Street development site. It lies immediately adjacent to two scheduled monuments: the Roman Walls and Defences on South Walks, and the area alongside Acland Road designated as 'part of the Roman, Saxon and Medieval town of Dorchester in the grounds of Wollaston House'.

The proposed Charles Street development as presently configured will totally destroy



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a significant part of the surviving area within the walled Roman town, and represents one of the single most significant and harmful impacts on a Roman regional capital in England for many years. As the archaeological remains are of equivalent significance to a Scheduled Monument, in NPPF terms this represents substantial harm and loss to the highest grade of heritage assets. In most circumstances, such a high level of loss as proposed here at Dorchester would not normally be acceptable. The existing outline consent, involving the comprehensive loss of nationally important archaeological remains, is already a major concession to development, and can only be justified on the basis that the loss and harm to the heritage assets will be balanced by proper archaeological mitigation with full area excavation.

Whereas the existing outline consent (a 2013 renewal of the 2010 consent) specifies mitigation with full area excavation of the basement area over a period of 45 weeks, the new 2014 application proposes a much reduced mitigation strategy with extensive removal of upper deposits by machine, excavation of selected areas within the basement area, and the remainder of the area subject to a watching brief. Unlike the existing outline consent, the currently proposed scheme includes no mitigation for areas subject to piled foundations.

The proposed archaeological mitigation strategy is outlined in the Environmental Statement and its 2014 Cultural Heritage Assessment (CHA). In our view these documents misrepresent the archaeological potential of the application site, and significantly understate the importance of the archaeological remains there and the potential impact of the development on them. In view of these shortcomings (which we indicate in an attached Appendix), we consider that the ES does not provide a suitable basis or justification for a reduced mitigation strategy.

The currently proposed mitigation strategy, based on piece-meal excavation and watching briefs, is wholly inadequate in relation to the nature and significance of the archaeological assets here, whether for the prehistoric or post-Roman period with their subtle and dispersed remains, or for more the main Roman urban period with its more intensive development with paved streets and stone buildings. In this situation, machining down to the uppermost complex or recognisably Roman archaeological horizon would be potentially massively destructive. Similarly, an archaeological watching brief undertaken during construction work is not adequate for proper identification and investigation of the subtle and complex remains that are known to exist throughout the application site. For this large development site with remains covering a long timescale, full area excavation is essential in order to be able to recognise, investigate and interpret the complex patterns of evidence. In our view, a case has not been made - and cannot be reasonably made - for reducing the archaeological scheme from that agreed in 2010. NPPF, paragraph 141, requires 'development-led' archaeological work to be proportionate to the importance of the



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heritage assets affected and to the impact of the development on them. Here, the assets are of the highest importance and the impact will be very severe, and the proposed mitigation is seriously disproportionate.

For a site such as this with such high potential to reveal very significant evidence about the past, the only appropriate strategy is one of full-scale excavation and recording. This is a time-consuming and costly exercise, but entirely proportionate to the significance of the assets affected. Unless such a strategy is agreed through amendments to the environmental statement, English Heritage is required to maintain an objection to the proposals in the strongest possible terms.

Turning to matters of impact on the conservation area, the sterile expanse of the current car park does little for the character and appearance, although the existing Victorian community church has some aesthetic and historic merit. The site is bordered by some a varied townscape, from the domestic scale vernacular cottages set around the junction of Acland Road and Durngate Street to the recently-completed Council offices; a large, well-detailed but visually dominant building. To the east of the site are the well-preserved Victorian terraces of Woolaston Road and to the West is a linear assemblage of buildings primarily providing servicing arrangements for properties on Cornhill, to which they form the rear. The site is terminated to the North by the looming presence of the existing supermarket.

The task of the proposed development is to mediate between these townscape areas of varying quality, and knit the fragmented urban environment together in a manner that responds to the conservation area context. This it does with mixed degrees of success.

We acknowledge the efforts made to modulate the scale and mass of the proposals in order to respond to local character and reflect the local surroundings. However, the form of the proposed supermarket block adjacent to the council offices remains a cause for concern. This four-storey block would have an overbearing, monolithic character which we believe would result in a canyon-like streetscape between it and the council offices, contrary to the character and appearance of the conservation area.

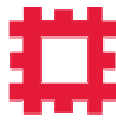
We believe that there are means by which the conflict between conservation of the historic environment and the archaeological and townscape impacts of the proposal could be minimised, in accordance with NPPF para 129. If the lower basement were omitted from the proposals, the archaeological impact would be much reduced. In discussions with yourselves and the developer, it appears that it might be possible to do this through providing the necessary car parking opposite the site by constructing a lightweight decked car park above the existing Woolaston Fields parking area. In terms of townscape impacts, simply setting back the upper storey of the proposed



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building opposite the council offices could alleviate our concerns about its potentially overbearing nature.

Policy

We consider that the present proposed development is contrary to NPPF policy: The proposal would cause total loss and substantial harm to archaeological heritage assets which are demonstrably equivalent to a scheduled monument (i.e. the highest level of national statutory designation). NPPF paragraph 139 therefore applies, and for planning purposes the remains here should be considered as subject to the policies for designated heritage assets. In our view, the application fails to give the required weight to the conservation of the affected assets. The scale of harm and loss of significance to the heritage assets here does not have 'clear and convincing justification' and it has not been demonstrated that exceptional and wholly exceptional circumstances apply here, as required by NPPF 132. The application has not demonstrated that the scale and weight of the harm to nationally important heritage assets caused by the development would be, or should be, justified or outweighed by public benefits (contrary to NPPF paras 132,133,134).

The proposal has not been demonstrated to be sustainable within the meaning of the term in NPPF where it encompasses the conservation and sustainability of the historic environment (NPPF paras 7, 8, 9, 17).

The proposal does not make a positive contribution to local character and distinctiveness (contrary to NPPF para 131).

The proposal would not enhance or better reveal the significance of the affected heritage assets (contrary to NPPF para 137).

The proposal would not preserve those elements of the setting that make a positive contribution to the significance of affected heritage assets (contrary to NPPF para 137).

Because of the significant unrecorded loss of archaeological evidence and information that would be brought by the present development scheme, the application is contrary to NPPF para 141, which states that local authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact on them. The proposed reduced archaeological mitigation strategy is seriously disproportionate to the importance of the remains here and the major impact on them.

Policies in NPPF paragraphs 7, 8, 9, and 17 concern the overarching objectives for



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conservation and sustainable development, the need to take opportunities for enhancement and the importance of avoiding conflict. Sustainable development in this context means a solution that achieves economic, social and environmental gains. Environmental gain includes the conservation of any affected heritage assets so that their heritage value or significance can be enjoyed by this and future generations - an overarching planning objective (NPPF para 17). The present proposal has not avoided conflict, and the harmful impacts of the development have not been clearly and convincingly justified and adequately mitigated. The development therefore fails to meet the test for sustainability, and national planning policy indicates that the local authority should refuse the application.

We believe the application also currently fails the statutory requirement to '*pay special attention to the desirability of preserving or enhancing the character or appearance*' of the conservation area (section 72(1) of the 1990 Act). This must be taken into account by the planning authority when making its decision.

The proposal is also contrary to Local Development Plan policies relating to the historic environment, which state that development will not be permitted if it would adversely impact on archaeological sites of national importance, and the settings of Listed Buildings and Conservation Areas.

Recommendation

EH objects to the application on the grounds that it is contrary to national and local planning policy, and approval of the application would represent a significant departure from policy. The current application, due to the scale and significance of its heritage impacts, is in our view of national and not just local interest. If the council were minded to approve the application, we would be obliged to ask the Secretary of State to call in the application for determination through Public Inquiry.

The application should be amended to include a suitable archaeological mitigation strategy which provides a level of mitigation no less than that in the current consent. This should comprise full area archaeological excavation of the basement area, and archaeological excavation of service trenches, pile walls, pile caps and ground beams which penetrate into significant archaeological deposits. EH and the DCC Senior Archaeological Advisor are able to provide a summary framework mitigation strategy updating the 2010 one, which would form the basis for an amended application. We do not think that a planning condition requiring submission and approval of an archaeological programme would be sufficient for this application.

If the application is amended on these lines to address the archaeological and townscape concerns then EH may be able to withdraw its objection.



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Yours sincerely



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Appendix i: Analysis of the Environmental Statement

The proposed archaeological mitigation strategy is outlined in the Environmental Statement and its 2014 Cultural Heritage Assessment (CHA), ES Technical Appendix 6 and associated documents. In our view these documents significantly understate the importance of the archaeological remains there and the potential impact of the development on them. Some examples will suffice to make the point.

The ES Cultural Heritage Assessment understates the significance and potential of archaeological remains for all periods: Neolithic, Bronze Age, Iron Age, Roman, Post-Roman and Saxon/Medieval.

For the prehistoric period, the ES does not acknowledge the high potential for remains of a Neolithic ritual landscape here between the Greyhound Yard circular monument and the Maumbury Rings henge to the west; the potential for evidence of the relationship of Bronze Age remains with the earlier Neolithic ceremonial complex, and of the relationship between Iron Age occupation and the subsequent Roman phases. Similarly, for the Roman period, attention is focused on research questions for the early and later Roman periods and insufficient recognition is given to the 2nd and 3rd centuries which were potentially an important period of transition and change, as were the post-Roman and Saxon periods. The development of this part of Roman Dorchester, and of the town as a whole, cannot be understood without understanding the full sequence. The presence of the nearby South Gate to the walled town, and of the diagonal 'Ackling Dyke' Roman street with its well-developed frontage, are especially significant components of the application site which again are insufficiently acknowledged by the CHA.

The CHA also underestimates and understates the significance and potential of archaeological remains in different parts of the site. Examples are questions relating to ground reduction and previous disturbance, and the nature of the 'backland' areas.

The CHA places weight on the suggestion that 'ground reduction' has taken place in parts of the carpark site since 1990 (with the implication that archaeological levels may have been reduced). However, ground reduction here during this period is unsubstantiated and not recorded in the Dorset HER. Even if some reduction has taken place, the buried Roman levels will survive.

Exaggerated claims are also made about areas of disturbance. At 10.52, the CHA refers, without qualification, to 'areas of deep disturbance caused by post-medieval structures' (and identified by ground-penetrating radar, GPR). However, elsewhere the text refers to 'three possible [emphasis added] areas of deep disturbance' (thought to be post-medieval, but this is not known for certain). Then, in Appendix 6 (at 5.2) we



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read that, in fact, Roman archaeological levels and [post-Roman] 'dark earth' deposits survive in these areas. The report comments 'Disturbance may therefore be less than was suggested by the radar survey in these areas.'

The CHA also asserts that the 'backland' areas of the Roman town, (i.e. the rear yards behind the street frontage buildings) were 'less intensively developed' during the Roman period, with the implication that these areas have relatively low archaeological interest. These assumptions do not withstand scrutiny. There is evidence for significant structures in these areas, including stone buildings with mosaic floors. The various yard areas would also have contained more ephemeral structures and buildings, gardens, wells and waste dumps etc. related to the streetfront ranges. The archaeological remains of yards such as these are often subtle and require careful investigation. Land uses and activities here over the centuries of the Roman period would have been varied and complex, and understanding these areas is essential to an understanding of the accompanying streetfront ranges, and the life of the regional capital.

Similarly, the CHA makes a general comment about post-Roman 'Dark Earth' deposits throughout the site being disturbed by later activity, with the implication that the deposits here are unlikely to contain any significant remains. However, this is contradicted by the identification of late-Roman / post-Roman remains throughout the application site with the Dark Earth deposits, including highly important evidence of buildings and structures (notably a 'part of a large, late Roman building....as well as a sequence of very late Roman and sub-Roman levels and structures', noted in John Wachter's *Towns of Roman Britain* 1995, p329).

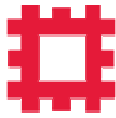
The CHA (para 5.14) assesses the value and sensitivity of the archaeological assets here as 'Medium', the overall impact as Major (Large Adverse), and the significance of the effect as 'Moderate/Substantial Adverse' before mitigation, and Minor (Slight) after mitigation. In our view this is an unacceptable underassessment, which fails to take proper account of the national importance of the remains and the high degree of harm and loss represented by the development scheme, and which overstates the amount of previous ground disturbance and the effectiveness of the proposed mitigation scheme. In our view the value and sensitivity of the assets should be 'High' (comparable to designated scheduled assets), the impact Major (Large), and the effect before mitigation Very Substantial/Substantial, and only slightly less than this after the proposed limited reduced mitigation scheme. With proper mitigation, of the kind that we consider to be essential, the effect might be reduced to Moderate/Substantial after mitigation.

In view of the shortcomings of the ES and its CHA, we consider that the ES does not provide a suitable basis or justification for a reduced mitigation strategy.



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The CHA (3.10) states that there has been regular consultation and liaison with the DCC Senior Archaeological Advisor and EH during the preparation of the ES and on the subject of the programme of archaeological mitigation. However this is misleading; whilst EH and the DCC Senior Archaeological Advisor were involved in the original 2010 strategy, we have not been involved in devising the currently proposed reduced scheme, which does not have our backing.



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