

Unrestricted Report

ITEM NO: 6

Application No.
13/00967/LB
Site Address:

Ward:
Binfield With Warfield

Date Registered:
21 November 2013

Target Decision Date:
16 January 2014

Binfield House Nursery Terrace Road North Binfield Bracknell Berkshire

Proposal:

Application for listed building consent for alterations to walled garden within the curtilage of a listed building, comprising:-

- the removal of two lean-to buildings,
- the widening of an existing opening on the west side of the walled garden, and
- the infilling of an existing archway on the south side of the walled garden.

Applicant:

Beaulieu Homes South Ltd

Agent:

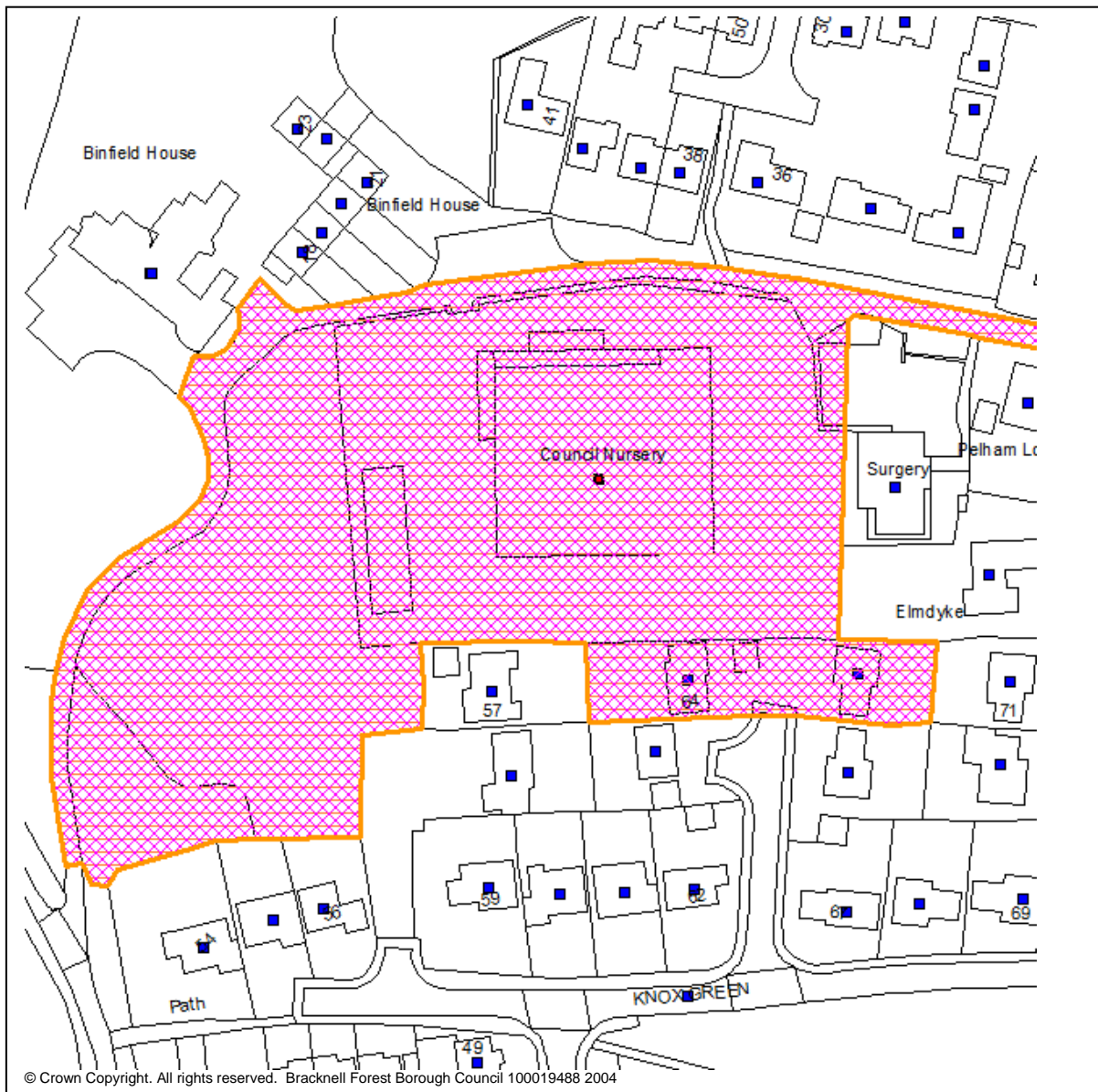
MGI Architecture Ltd

Case Officer:

Martin Bourne, 01344 352000

Development.control@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



OFFICER REPORT

1. REASON FOR REPORTING APPLICATION TO COMMITTEE

This application is reported to the Planning Committee as more than 3 objections have been received.

2. SITE DESCRIPTION

This application for listed building consent relates to a late C19th garden wall which encloses a square area of land (about 42m x 44m) which was once a walled garden and was last used as part of the Council's plant nursery. The wall, built in red brick, varies in height with the northern element having a maximum height of nearly 4m dropping down to 2m to the south. It has archways on its southern and eastern sides (the latter being wider) and an opening on the west side. There are lean-to out buildings on the outer side of the north and the west sides of the wall.

It lies on a flat site bounded to the north by a drive from Terrace Road North to Binfield House, a listed building which lies about 55m to the north-west and in the grounds of which the walled garden is located. It is separated from this drive by tall metal palisade fencing. The western edge of the Binfield Surgery car park lies just over 20m to the east with the surgery building itself about 30m from the eastern edge of the wall. The curtilages of houses at Knox Green lie to the south, about 17m from the southern edge of the wall. To the west is an area containing hard-surfaces linked to its former use. A group of trees lie to the west of this land between the walled garden and Binfield House.

Within the walled garden a modern greenhouse is attached to the south side of the north wall and there are large hard-surfaced areas which formerly supported polytunnels.

3. RELEVANT SITE HISTORY

06/01025/LB: Application for Listed Building Consent to repair garden wall - PD

08/00527/3: Restoration of buildings at existing nursery to provide staff and visitor facilities. Restoration of original wall and installation of 2no. gates. Repositioning of sheds, polytunnels and chemical safe. Installation of water tanks. Erection of new dwarf wall with fence above. New parking layout and associated hard landscaping. Demolition of shed and removal of other structures. (Regulation 3 Application) - APPROVED

08/00528/LB: Restoration of buildings at existing nursery to provide staff and visitor facilities. Restoration of original wall and installation of 2no. gates. Erection of new dwarf wall with fence above and hard standing. Demolition of existing shed. (Regulation 3 application) - APPROVED

12/00850/FUL: Erection of 5no. two bedroom, 4no. three bedroom and 10no. four bedroom dwellings with associated landscaping and road access from Knox Green and Terrace Road North following demolition of existing buildings, and alterations to wall within the curtilage of a listed building - WITHDRAWN

12/00851/LB: Listed building consent for alterations to wall within the curtilage of a listed building, following demolition of existing buildings - WITHDRAWN

13/00966/FUL: Erection of 5 no. five bedroom, 7 no. four bedroom, 2 no. three bedroom and 10 no. two bedroom dwellings with associated landscaping and vehicular access from Knox

Green following demolition of existing buildings, and alterations to wall within the curtilage of a listed building - NOT YET DETERMINED.

4. THE PROPOSAL

Listed building consent is required as the proposal involves works to a wall and outbuildings lying within the curtilage of Binfield House, a listed building, which were built before 1948.

The proposal has three elements:-

- the removal of two lean-to buildings built on the outer side of the C19th walled garden (one on the north and one on the west side),
- the widening by about 2.5m of an existing opening on the west side of the walled garden, and
- the infilling, with bricks, of an existing archway on the south side of the walled garden.

These works are sought in connection with the development of 24 dwellings on land within and around the walled garden proposed under planning application 13/00966/FUL which is considered elsewhere on this agenda.

The application has been amended in the course of its consideration to reduce the extent of the widening of the existing opening on the west side of the walled garden.

5. REPRESENTATIONS RECEIVED

Objections have been received from the Binfield Village Protection Society, Binfield Surgery and 16 individuals. In summary the objections are:-

- The application is in conflict with the South East Plan, PPS5 Practise Guide (still relevant), English Heritage, Bracknell Forest Council Core Strategy and the BFC Local Plan.
- The Walled Kitchen Garden has been assessed in the "Statement of Significance" report dated January 2012; and was given a "High Significance " rating along with Binfield House.
- The Walled Garden has been added to the English Historic Environment Records (HERs) register
- The walled garden forms an important and integral part of the curtilage of Binfield House. It has significant original features associated with it, including a north wall shed and apple store. The demolition of these appears contrary to Section 66 of the Act.
- The demolition of the gardeners store and outbuildings attached to the wall to make way for houses has no regard for the importance of these buildings as part of the curtilage of the Grade II listed building, Binfield House.
- the opening in the wall is already wide enough for vehicular access - materials could be craned into the walled garden during development
- the wall should be preserved intact for future generations
- the works to the wall have no justification, and appear completely unnecessary.

6. SUMMARY OF CONSULTATION RESPONSES

Binfield Parish Council (comments edited to apply to this application - for full comments see report on application 13/00966/FUL)

The proposed development is located on land within the curtilage of the Grade II Listed Binfield House and should be protected under this listing. The building of modern houses within and around the walled garden is in conflict with NPPF policy 132 & 130a and is therefore not acceptable in principle. It would cause unacceptable harm to the character and visual amenities of the area and the rural setting of this edge of Binfield. The proposal would

therefore be contrary to Policies CS, CS2, CS7 and CS9 of the Core Strategy Development Plan, saved policies EN1, EN8, EN20 and H5 of the Bracknell Forest Borough Local Plan, the Character Areas Assessments SPD and the National Policy Framework.

The development would have a detrimental effect on the Grade 2 listed building and its curtilage. As heritage assets irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm or loss of a Grade 2 listed building, park or garden should be exceptional.

The maintenance of the wall needs forward planning. It needs to be clear who owns the wall and who is responsible for the ongoing maintenance with guidelines or rules regarding what is required.

This proposal does not deal with the Walled Garden sensitively as within the curtilage of a Grade II listed building.

English Heritage

No comments received.

The Ancient Monuments Society

No comments received.

The Council for British Archaeology

No comments received.

The Georgian Group

Binfield House began life as a comparatively modest but architecturally interesting villa in 1776 and has gothic fenestration and other detailing reminiscent of Walpole's Strawberry Hill. It has substantial later additions in a similar idiom, some by Nugent Cachemaille-Day. As the house increased in size a kitchen garden was added to the estate, presumably in the 1890s. It was listed at Grade II in 1972. It is now a nursing home but it is not inconceivable that it might one day return to single private use. After the house was sold to the Local Authority in 1974 housing developments encroached on the setting of the house but it is still legible as a house in its own grounds, assisted by the retention of the nineteenth century kitchen garden.

The proposal to build housing inside and around the kitchen garden would be damaging to the setting of the Grade II listed building and this damage would be unacceptable. The erection of polytunnels and other modern garden structures within the kitchen garden has perhaps gradually, but superficially, eroded the visual significance of this part of the historic landscape and given the impression that it might be a suitable site for more permanent development.

The Group advises that not only is this site not suitable for residential development but that the Council should further enhance this part of the historic environment by treating the assets under their care in a sympathetic and exemplary manner and reinstating as much of this historic appearance of the kitchen garden as is possible.

The Group therefore objects to the granting of consent, supports the advice given by the Victorian Society and English Heritage, and advises that the historic significance of the Binfield estate is not only preserved but enhanced by implementation of a conservation management plan. The Council has undertaken some good and encouraging work already,

in the form of the 2012 Statement of Significance, which rightly concludes that the walled kitchen garden is of high significance. This approach should now be augmented by practical steps to preserve and enhance this historic estate.

The Society for the Protection of Ancient Buildings

No comments received.

The Victorian Society

The Society objects to the application to demolish existing structures within the walled garden and build several dwellings within the walls.

The walled garden forms part of the curtilage of the eighteenth century Binfield House. In the statement of significance for Binfield House produced by Bracknell Forest Council in January 2012, it is stated that "Of the 19th century, the most important surviving feature is the walled garden and its attendant (though in places derelict) outbuildings which once provided food for the house." (Executive Summary, p.2). As a walled garden, its significance is not retained merely by the preservation of the walls themselves, but relies on its openness so that it can still be clearly read as a garden. Even one dwelling would change the character of a walled garden; the scale of development in these proposals, which includes both buildings and division of land into gardens, is such that the garden would lose a large amount of its significance.

The demolition of the surviving structures in the walled garden, several of which were appraised in the statement of significance as being original to the garden, and at least one of which has been refurbished and is in use, would compound the harm caused, by removing structures which demonstrate clearly the function of the site. This harm has not been justified.

We recommend that the application is refused.

The Twentieth Century Society

No comments received.

Principal Conservation Officer

No objection subject to conditions.

7. DEVELOPMENT PLAN

The Development Plan includes the following:-

- Core Strategy DPD (February 2008)
- Site Allocations Local Plan (July 2013)
- Policy NRM6 of the South East Plan (May 2009)
- Bracknell Forest Borough Local Plan (January 2002) (saved policies)
- Bracknell Forest Borough Policies Map 2013

8. BINFIELD HOUSE: STATEMENT OF SIGNIFICANCE

A 'Statement of Significance' was prepared for the Council and published in January 2012 which identifies the special significance of Binfield House and its site by considering its historical development and the value of the surviving features.

In relation to the walled garden it states:-

"The walled garden has been used as a Council nursery since 1974. Poly-tunnels have been erected inside the walled garden and whilst most of the old greenhouses have fallen into disrepair some features remain. These would have been used to raise tender plants and from the archaeological evidence it is clear that the garden must once have been extremely productive. Brick lean-to structures against the brick walls on the north side are in poor condition (these include an apple store) although the brick bothy on the west side has been repaired and upgraded to provide Council workers with a mess room and toilet facilities. The former pond (which was filled by rainwater) in the middle of the walled garden has been made into a covered underground cistern. The brick walls to the walled garden have been repaired and repointed in places but further repairs are needed, using the correct lime mortar. Some of the lean-to structures (mainly on the north side of the wall) are almost derelict."

The Statement considers that the most important surviving feature on the site from the C19th is the walled garden and its attendant outbuildings and in 'Further issues for future consideration' it suggests that the lean-to structures on the north side of the walled garden should be restored. The Statement includes a plan showing the significance of surviving features. The former walled garden is shown to be of 'high' significance.

9. PLANNING CONSIDERATIONS

Impact of proposed works to the curtilage listed former walled garden

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The effect of this section is that there is a strong statutory presumption against granting consent for works which do not preserve the listed building or its setting. In this instance the proposed works do not preserve the listed building.

Paras 131 to 134 of the NPPF state:-

131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132. 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or

garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and

- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

CSDPD Policy CS1(ix) states that development will be permitted which protects and enhances historic and cultural features of acknowledged importance. Policy CS7(i) states, inter alia, that development proposals will be permitted which respect the historic environment. These policies are considered to have significant weight as they are consistent with section 12 of the NPPF.

The proposed works are required in association with a full planning application to redevelop the former Council plant nursery and land to the west for residential development in accordance with the SALP. The removal of two lean-to buildings will provide for houses to be built on land outside the former walled garden and provide access to them, the widening of the existing opening on the western wall will allow for safe vehicular access to dwellings proposed to be built within the walled garden and the filling-in of the southern archway is required to form a secure boundary between the back gardens of two proposed houses.

The merits of the proposed residential scheme covered by planning application 13/00966/FUL are set out elsewhere in this agenda. These include measures to repair the wall and secure its future retention, although it is noted that objections have been received from both the Victorian Society and the Georgian Group and concerns have been raised by English Heritage. If it is resolved to approve that application the matters covered in this listed building application are considered to be necessary and justified. Conditions are included in the recommendation to ensure that the demolition of the outbuildings and the widening of the opening is done in such a way as to minimise any damage to the retained wall and to ensure that the works for the formation of the new northern edge to the opening and the infilling of the southern archway are undertaken sympathetically using appropriate materials and techniques.

10. CONCLUSION

Taking these matters into account the application is considered to be acceptable in relation to relevant development plan policies and Section 12 of the NPPF. Notwithstanding that the works will not preserve the listed building and therefore are contrary to the strong statutory presumption which must be applied by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the application is recommended for conditional approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:-

01. The works hereby approved shall be begun before the expiry of three years from the date of this permission.

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

02. The works hereby approved shall be carried out only in accordance with the following approved plans:-

8278 PL-1000

8278 PL-1008

8278 PL-1009 Rev A

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. The works hereby approved shall not be begun until drawings showing details of the section of wall to be rebuilt at the northern end of the opening in the western wall and the infilling of the archway on the southern wall, at a scale of not less than 1:20 and including elevation, plan and section details, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved in accordance with the timescale approved under condition 04.

REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect and preserve the character of the listed building.

[Relevant Policies: Core Strategy CS1]

04. The works hereby approved shall not be begun until a scheme, including a timetable for works, has been submitted to and approved in writing by the Local Planning Authority for steps and works to be taken to secure the safety and stability of the wall, including measures to strengthen it and to provide protection to it from weather, during the progress of works. The works shall be undertaken in accordance with the approved scheme.

REASON: To protect and preserve the listed building

[Relevant Policies: Core Strategy DPD CS1]

05. The works hereby approved shall not be begun until a scheme has been submitted to and approved in writing for the removal and storage of materials for their re-use in the northern end of the opening in the western wall and the infilling of the archway on the southern wall. The works shall only be carried out in accordance with the approved scheme.

REASON: To protect and preserve the character of the listed building

[Relevant Policies: Core Strategy CS1]

06. The works hereby approved shall not be begun until a sample panel of brickwork showing the proposed brick, method of bonding, colour of mortar and type of pointing to be used in the rebuilding of northern end of the opening in the western wall and the infilling of the archway on the southern wall has been prepared on site and approved by the Local

Planning Authority in writing. The works shall only be carried out in accordance with the approved details.

REASON: To protect and preserve the character of the listed building.

[Relevant Policies: Core Strategy CS1]

07. Any areas of external brickwork required to be reinstated following the removal of the outbuildings shall match the existing adjacent brickwork in brick colour and size, mortar colour and pointing and bonding detail.

REASON: To protect and preserve the character of the listed building

[Relevant Policies: Core Strategy CS1]

08. No external brickwork shall be re-pointed until a sample area has been prepared on site to show the proposed mortar composition and colour, and method of pointing, and has been approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with approved details.

REASON: To protect and preserve the character of the listed building.

[Relevant Policies: Core Strategy CS1]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. The scheme required by condition 05 should provide for works for the widening of the opening in the western wall to be undertaken by hand only to avoid unnecessary damage to the wall and to allow the bricks to be re-used in the re-building of the northern end of the opening in the western wall and the infilling of the archway on the southern wall.

03. The mortar mix (see conditions 06, 07 and 08) shall be no stronger than a 1:4:12 (being strength/proportions of cement to hydraulic lime/to sand. The sand shall be a sharp, river sand, like a Leighton Buzzard, for quality and strength.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk