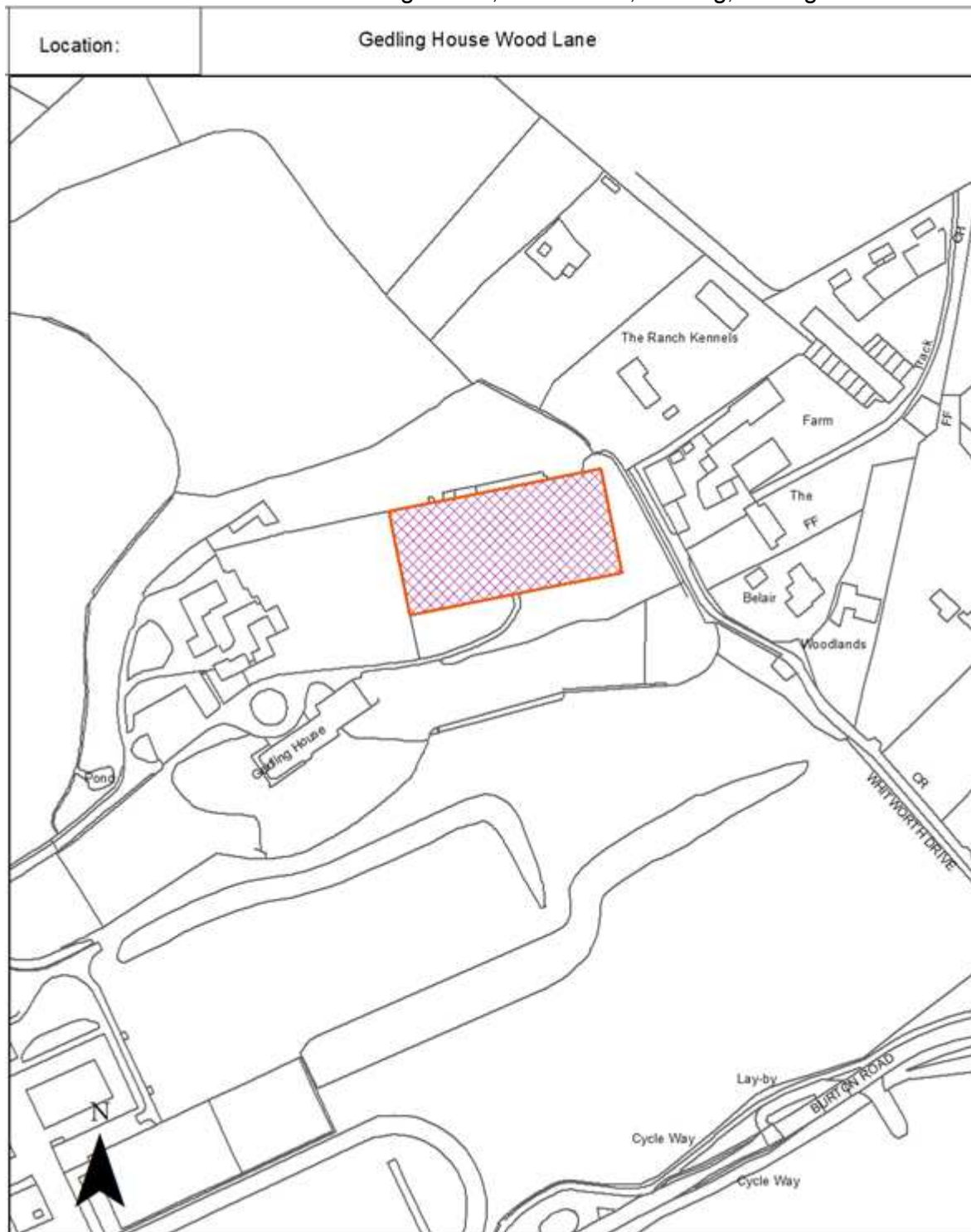


Application Number: 2014/0916

Location: Gedling House, Wood Lane, Gedling, Nottingham



NOTE:

This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number:	2014/0916
Location:	Gedling House, Wood Lane, Gedling, Nottingham
Proposal:	Partial demolition and rebuilding of garden wall.
Applicant:	Mr Alan Bishop
Agent:	Mr David Alderson

Site Description

This application relates to the walled garden of Gedling House, a Grade II Listed Building, located to the north east of the house. The house and garden are set within large grounds, accessed via a private drive from Wood Lane. The Walled Garden is constructed of predominately red brick of varying heights and thicknesses and is located adjacent to Gedling Wood.

The western part of the walled garden is currently utilised as a hard surfaced parking area associated with Gedling House, with grass to the eastern part of the garden.

The site falls within the Nottinghamshire Green Belt and Mature Landscape Area, as identified in the Proposals Map of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) (GBRLP).

Planning History

This application has been submitted in conjunction with a full planning application (2014/0915) seeking permission for the construction of the Gedling Access Road (GAR), which is allocated as safeguarded land in the adopted GBRLP and which is required to facilitate the redevelopment of the former Gedling Colliery site for residential and employment uses.

The Borough Council resolved to support the grant of planning permission for the GAR at a special meeting of the Planning Committee on 27th November 2014

Proposed Development

Listed Building Consent is sought for the partial demolition and rebuilding of the garden wall to enable the construction of the Gedling Access Road. The proposal would result in the demolition of 12.5 metres of the perimeter wall, with a loss of 22.5

sq.m of the land. It is proposed to rebuild the eastern part of the wall on a new alignment 4m back from its original position and immediately adjacent to the proposed GAR, utilising reclaimed materials from the demolished sections.

The application is accompanied by a site plan showing the sections of the existing wall to be retained and those to be demolished together with the position of the realigned wall and the proposed GAR. A Heritage Statement (including a photographic addendum), Design Access Statement and a tree survey have also been deposited with the application.

The applicant has deposited the following further information:-

Concerns are noted with regards to the area by Gedling House and the adjacent locally designated ridge line. Assessment of these areas is included within the Dumbles Rolling Farmland Policy Zone (para.7.5.51). The high sensitivity of the ridgeline, Gedling House, Gedling House Wood and Gedling House Meadow Local Nature reserves is acknowledged as is the transition nature of the landscape adjoining this policy zone. The LIVA acknowledges the adverse change to the landscape in this transitional area. In mitigation, landscaping adjacent to the carriageway would reduce the extent of the channel created by the GAR, although it is acknowledged that a gap would be created in the woodland along the ridgeline and lighting would be a noticeable feature. Woodland planting is also proposed to the road by Gedling House which would contribute to softening the interface between the GAR, the listed building and the walled garden.

Consultations

Local Residents, Landowners & Businesses - have been notified by letter, a site notice has been posted and the application has been publicised in the local press.

I have received 1 email from a local resident, which questions how can permission be given for the road to go through Gedling House walled garden, if this is listed.

Burton Joyce Parish Council – no comments or objections.

Lambley Parish Council – no objections.

Public Protection – no comments.

English Heritage – does not wish to offer any comments, but recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the Borough Council's expert conservation advice.

Nottinghamshire County Council (Conservation) – has made the following built historic environment comments on the concurrent application no: 2014/0915 for the Gedling Access Road, which would require the partial demolition and rebuilding of the garden wall at Gedling House, and which necessitates this application for listed building consent:

The application is complete in so far as the information it supplies regarding the impacts of the proposals on the built cultural heritage of the proposals. As such, the County Council is content that the application is in accordance with the NPPF and that no further information is required to enable it to comment on the potential impact of the proposals.

The assessment of the impacts of the proposals covers the built heritage assets likely to be affected and follows appropriate methodology for assessing impacts, including reference to the appropriate English Heritage guidance.

Regarding the conclusions of the assessment of impact of the partial demolition of the garden wall, the mitigation and overall impacts are correct.

However, the information provided for the partial demolition and rebuilding of the garden wall is insufficient to ensure that this would be carried out in an appropriately sensitive manner. At the very least, a full recording of the existing wall along with a specification and method statement for the demolition and erection of the new wall should be required prior to demolition. This should be submitted for the agreement of a suitably qualified historic buildings conservation officer. The scope of mitigation must include a comprehensive scheme of repair of the garden wall in addition to the basic re-building of the demolished east wall.

With regard to the applicant's response to the above points on the built historic environment, the County Council notes that it has been acknowledged that there would be negative impacts on the setting of Gedling House grade II listed building.

Those effects arising during the construction phase of the road scheme that are required for that phase only would be temporary and are of no long-term consequence. As such, in accordance with the NPPF, it is fair to consider these harmful effects to be balanced by the public benefits of the scheme.

The permanent harmful effects to the setting of the house have also been acknowledged.

From the perspective of the NPPF paragraph 133, it is likely that some mitigation for the permanent effects could be achieved through detailed design and that this could provide a level of balance for the harmful impacts. The County Council would not agree that a planting scheme alone would be sufficient, rather it would be essential that the extent and form of lighting, signage and road markings is considered with the aim of minimising impact on the setting of Gedling House in mind. This may be achievable post planning permission, subject to a very robust condition and the enforcement of that, but this issue would most likely only be fully dealt with effectively if it were addressed prior to a planning decision.

Nottinghamshire Building Preservation Trust – have made comments of the impact of the road but have not specifically commented on this application.

The Borough Council has also notified the Ancient Monuments Society, the Council for British Archaeology, the Society for the Protection of Ancient Buildings, the Georgian Group, Victorian Society and the Twentieth Century Society of the

proposal. Any comments received will be reported verbally to Committee.

Planning Considerations

The main issues involved in the determination of this application are whether the proposal would have a detrimental impact on the character and historic fabric or the setting of the Listed Building, Gedling House.

Relevant Policies

The most relevant planning policy guidance at the national level comes from the National Planning Policy Framework (March 2012). In particular the following Chapter is relevant in considering this application:-

12. Conserving and enhancing the historic environment.

Paragraph 132 of the NPPF states:

‘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.’

Paragraph 133 of the NPPF adds that where development would lead to substantial harm to a designated heritage asset then consent should be refused unless it can be demonstrated that such harm is necessary to achieve substantial public benefits that would outweigh that harm.

Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy for Gedling Borough (GBACS) (September 2014) which is now part of the development plan for the area. It is considered that the following policies are relevant:

Policy 11 - (The Historic Environment);

The GBACS is subject to a legal challenge under Section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts of the GBACS. The Claimant seeks an order quashing the GBACS so far as it relates to the quantum and distribution of new housing in the Council’s area and so far as it provides for the review of Green Belt boundaries. The Borough Council is vigorously defending against this challenge. The challenge is largely to GBACS Policy 2 (The Spatial Strategy, which sets out housing targets and broad locations for new housing) and Policy 3 (The Green Belt). The hearing date is set for March 2015 with the outcome not expected until later in the spring and so, of course, the outcome of the legal

challenge is uncertain at the present time.

Both the GBACS, and the current challenge to it, are material considerations. The Borough Council is entitled to give what weight it considers appropriate and rational to the GBACS, bearing in mind that it forms part of the development plan. With regard to the current legal challenge, again, the Borough Council must decide what weight this should be given, as it is a material consideration.

GBACS Policy 11 is consistent with the policy guidance set out in the NPPF and is underpinned by evidence contained within the Nottinghamshire Historic Environment Record (HER). The Inspector considered whether the ACS would protect and enhance the historic environment and concludes in paragraph 140 of her report that: "Policy 11: The Historic Environment and Appendix A of the ACS, which includes strategic site schedules and plans, are the subject of a number of changes in response to representations from English Heritage [CD/REG/02]. I attach significant weight to the changes, because they resulted in the body withdrawing its earlier objections to the ACS, and because they indicate that this body has looked closely at the implications of the Plan for safeguarding heritage assets and their settings. Ideally, heritage should have been included more explicitly in the earlier version of the ACS and the sustainability appraisal. However, it is clear from the text of the latter [CD/REG/06] that it has been properly considered".

Given this endorsement from the Inspector, the sound evidence base and the consistency between GBACS Policy 11 and the NPPF section 12 then I consider that GBACS Policy 11 should be given limited weight in this case, with greater weight attached to the NPPF policies.

The main heritage considerations are the potential impact of the proposed development on nearby Conservation Areas and Archaeology. In this respect, the relevant planning policies that need to be considered are set out in Policy 11 of the GBACS and Section 12 of the NPPF.

Policy 11 of the GBACS states, amongst other things, that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and enhanced in line with their interest and significance.

Paragraph 126 of the NPPF states, amongst other things, that local planning authority should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Paragraph 132 of the NPPF states that when considering the impact of the proposal on the heritage asset, great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Any harm to loss of the asset should require clear and convincing justification.

Paragraph 133 of the NPPF adds that where a proposal would lead to substantial harm or total loss of a heritage asset then consent should be refused unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits which outweigh that harm or loss.

I am mindful that the Walled Garden is no longer used for its original purpose but that part of the garden is in use as a car park serving the Grade II Listed Building at Gedling House. I am also mindful that the Walled Garden does not immediately

adjoin Gedling House and is not individually listed nor shown to fall within the Listed Building Curtilage on the Council's records. However, notwithstanding this, I am of the view that, given that historic plans show Gedling House and the Walled Garden to be the only buildings present at that time, the Walled Garden was and still is, ancillary to this primary Listed Building and therefore should be considered as a listed structure.

Whilst I note the comments of the County Council's Heritage Officer with regards to the level of impact of the proposed road on the Listed Gedling House, this application relates to the walled garden only. The report for the GAR application has dealt with the setting of the Listed Building. The key issue is whether the partial demolition of this listed structure and its rebuilding is acceptable in planning terms. Paragraph 133 of the NPPF is the most relevant policy to this application. This requires the LPA to consider whether the loss of a section of the walled garden is outweighed by substantial public benefit.

The GAR is a proposal of strategic importance within the County of Nottinghamshire. Given this strategic importance I consider that, on balance, the partial demolition of the walled garden is outweighed by the public benefit of the GAR.

Notwithstanding this, I consider it reasonable that, should permission be granted, a condition be attached to any consent requiring the submission and written approval of precise details of the proposed mitigation measures to ensure that such measures are appropriate and effective.

I am therefore satisfied that the proposed development would accord with the aims of Policy 11 of the GBACS and Section 12 of the NPPF and recommend that this application is approved.

Recommendation: GRANT LISTED BUILDING CONSENT subject to the following conditions:-

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the approved plan (Drawing annotated Fig 3).
3. The partial demolition and rebuilding of the garden wall to which this application relates shall only be carried out on the commencement of Phase 2 of the Gedling Access Road (as defined by planning application 2014/0915).
4. Prior to the partial demolition and rebuilding of the garden wall for Gedling House, a full recording of the existing wall along with a written specification and method statement for its demolition and precise details of the location and materials for the erection of the proposed new wall together with a programme of works and a timetable for the construction of the new wall shall be submitted in writing to and approved in writing by the Borough Council. The scope of mitigation must include a comprehensive scheme of repair of the

garden wall in addition to the basic re-building of the demolished east wall. The new wall shall be implemented in accordance with the approved details and shall be retained thereafter.

Reasons

1. In order to comply with Section 18 of the Listed Building and Conservation Areas Act 1990.
2. For the avoidance of doubt.
3. To avoid unnecessary demolition.
4. To ensure that an accurate record of the historic building is retained and that the mitigation works are in accordance with the aims of the National Planning Policy Framework.

Reasons for Decision

In the opinion of the Borough Council the proposed partial demolition and rebuilding of the garden wall will result in no undue impact on the character or historic fabric of the Listed Building, Gedling House, and will not have any material impact on the amenities of neighbouring properties. The application is therefore in accordance with the National Planning Policy Framework (2012) and Policy 11 of the Gedling Borough Aligned Core Strategy (September 2014).

Notes to Applicant

This consent should be read in conjunction with the corresponding application relating to the Gedling Access Road (application no. 2014/0915).

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the Listed Building Consent. This has been achieved by providing the applicant and agent with details of consultation responses, seeking additional information or drawings in response to issues raised and providing updates on the application's progress.