

Committee date 14/05/2024

Application No: 26/22/00005

Application Type: Listed Building Consent - alterations

Case Officer: Dean Titchener

Registered Date: 22/03/2022

Expiry Date: 16/05/2022

Parish: Edington

Division: West Polden

Proposal: Works to listed wall and gardener's hut required in connection with change of use of site to residential.

Site Location: The Walled Garden, Broadmead Lane, Edington, Bridgwater, Somerset

Applicant: Mr A Ulgut



Committee decision required because

This application is referred to the area committee at the request of the Chair and/or Vice Chair to enable the issues raised by the Parish Council to be debated.

Background

The application site is located in the village of Edington on land at the junction of Broadway and Broadmead Lane. The site comprises a grade II listed walled garden that was previously associated with the grade II* Edington House (to the south) but which now is in separate ownership. The site is bounded by high stone walls and has a single pedestrian gate in the east boundary on to Broadmead Lane. The site is currently very overgrown.

Planning permission has been sought for a dwelling within the confines of the walled garden on a number of occasions. A number of these schemes have either been withdrawn or refused on the basis of the design of the dwellings resulting in unacceptable harm to significance and setting of the listed garden. Concern had also previously been expressed about the absence of dedicated parking provision and the absence of ecological surveying.

Following a significant period of discussions and negotiations with heritage consultees, an application of revised design has been submitted. The proposal is now for the erection of a single storey dwelling. It is to be positioned off the inside of the eastern boundary wall. It is to be a linear building comprising kitchen and living room with two bedrooms. It will have a mono pitch roof. The building is to be constructed of random rubble natural stone walling with lime mortar. The roof is to be zinc and windows and doors will be oak framed double glazed units with sliding doors or side hung casements. A wooden pergola is to be constructed immediately north of the dwelling.

A gardener's room (sometimes referred to as bothy) exists set into the west wall of the garden. It is proposed this will be internally and externally renovated to provide a small area of ancillary space.

Amendments have also been made to the proposed parking provision. Initially this was proposed as on-street parking on Broadmead Lane. A new vehicular access is now instead proposed on to the parcel of land immediately to the south of the walled garden with access from Broadway. This leads to a parking and turning area. A pedestrian access door is proposed to be inserted into the wall near the parking area.

A separate planning application for the proposal has been submitted under application reference 26/22/00003.

Relevant History

Reference	Case Officer	Decision	Proposal
26/20/00003	DT	REF	Erection of dwelling with swimming pool and refurbishment of gardeners hut.

26/20/00002	DT	REF	Erection of dwelling with swimming pool and refurbishment of gardeners hut.
26/19/00002	CM	WDN	Erection of dwelling and swimming pool building including, new doorway to the opening in the south wall and formation of parking area. Refurbish gardeners hut.
26/19/00001	CM	WDN	Erection of dwelling and swimming pool building, new doorway to the opening in the south wall and formation of parking area. Refurbish gardeners hut.
26/09/00014	CJA	REF	Formation of access and demolition of part of walls to the walled garden
26/09/00013	CJA	REF	Erection of dwelling and formation of access
26/08/00004	KP	REF	Demolition of natural stone wall
26/08/00003	KP	REF	Erection of two dwellings and formation of access

Supporting information supplied by the applicant

Heritage Statement

Tree Survey

Viability Report

Construction Management Plan

Consultation Responses

Edington Parish Council – Objects:

'Edington Parish Council objects to these applications on the following grounds.

1. *The historic walls surrounding the garden are Grade II listed and should be preserved intact. It should be noted that the top of the wall hides architrave which should be preserved on the listed wall. We fail to understand how the wall can be satisfactorily safeguarded during construction with both materials and machinery needed on site as there is no satisfactory access for this and demolition, even if only temporary, of the wall is strongly objected to as some aspects of its character could not be preserved.*

2. *There is no vehicular access to the site and the pedestrian access is via a gate in the wall bordering Broadmead Lane which is a busy road for its width and unsuitable for on road parking of cars let alone any larger vehicles. It should be noted that nowhere else in the village has on road parking as a part of the development and it is considered unsuitable at this point in Broadmead Lane.*

3. *The verges are also an important feature of the village. There are no surfaced footways and verges tend to be wide enough to facilitate walking. The wide verges are mentioned in the VDS and on road parking would effectively block this in Broadmead Lane.*
 4. *With various plans showing the hut in three different places it is difficult to accept any reliability can be placed on the plans and these need to be carefully checked if planning permission is considered acceptable.*
 5. *There is strong concern regarding various protected species of wildlife, particularly bats and dormice and it is essential that full and specific ecological surveys are carried out by qualified people/organisations at the appropriate time of year when their presence or absence can be accurately ascertained.*
 6. *The wall and its surroundings are mentioned in the Edington Village Design Statement as an important part of the village. The VDS has been adopted by SDC as supplementary planning guidance.*
 7. *Edington House, historically associated with the walled garden, is a Grade II* listed building and its surroundings need to be respected and maintained as far as possible.*
 8. *Another problem arising from on road parking would be the danger to traffic and pedestrians if this is allowed to take place. There is also a problem for vehicles turning to the right when exiting Broadmead Lane at the Broadway junction as visibility in that direction is extremely limited.*
 9. *As the current owners of the site have so far failed to make any attempt at upkeep of the wall it is felt that they would hardly be likely to properly and adequately restore it should permission for its temporary destruction be granted to allow building to take place.*
 10. *If permission is given we request that along with the full and satisfactory restoration of the wall that a detailed and satisfactory tree planting scheme be required.*
- For the above reasons Edington Parish Council earnestly desire that permission is refused and trust that any letters from knowledgeable villagers be taken seriously into consideration.'*

Edington Parish Council – additional comments:

'Edington Parish Council has just met and asked me to request that the following be added to our comments on the above applications. Edington Parish Council requests that, if permission is given, some conditions be put on the proceedings: Should the wall sustain any damage, including being breached, this would need to be fully rectified before any further building work took place and any gap should not be used for access or egress and should be closed at once to prevent further damage; In addition to the applied for building works the whole length of the wall should be brought up to a proper state of restoration and repair and this should be enforced and perhaps carried out prior to the other works commencing to ensure it takes place.; Timing of building work should be restricted to sensibly acceptable hours particularly with regard to any machinery and road blocking; Some form of control over on road parking should take place, particularly as the road is quite narrow; Parking and time restraints should also be included covering cranes, lorries, cars, vans, skips, etc belonging to builders and subcontractors and suitable arrangements made to

minimise inconvenience to road users and local residents; Given the lack of space between existing gates and entrances and the distance from the corner for vehicles entering and exiting Broadmead Lane all the foregoing could pose quite a hazard particularly for commercial, refuse collection and emergency vehicles servicing the other properties. We ask that serious consideration is given to setting and applying suitable conditions in the event that permission is granted.'

Edington Parish Council – Further comment:

'Considerable work has been, and still is, going on at this site which is causing concern.

There is a worry that the ecology of the site is being damaged by this work.'

Historic England – Recognises that scheme has significantly reduced the scale and mass to create a more contextual response to the garden setting through the design. However, introduction of residential use will result in irreversible harm and Council need to be confident in their decision making that the scheme has been clearly and convincingly justified and that any harm is outweighed by the public benefits, including securing the optimal viable use.

Conservation Officer – Does not object and recommends conditions.

CPRE – Does not consider proposal complies with NPPF guidance on heritage matters. LPA must give considerable importance to harm when reaching its decision. Notes that Historic England letter concludes that residential use will result in irreversible harm.

Representations

7 received, 1 commenting, 6 in objection.

Comments:

- Wall and setting or important part of character of the village
- Development would be harmful to setting
- Concern about on street parking / highway safety implications
- Wildlife implications
- Concern about inconsistencies in the submission

Objections:

- On street parking has highway safety implications / may cause damage to infrastructure
- Impacts on trees and wildlife
- Edington Parish is in SSSI, Brue Valley living landscape and Area of High Archaeological Potential is known Romano-British settlement
- Loss of property value

- Resiting of dwelling to eastern wall is more acceptable (parking concerns remain)
- Historic well on site
- No detail over restoration of garden
- Application should be accompanied by Construction Method Statement
- Neighbour will not permit access for works

Most Relevant Policies

National Planning Policies

National Planning Policy Framework

Listed Buildings and Conservation Areas Act 1990

Other

Edington Village Design Statement

Main Issues

Design and heritage impact

The application site falls within the settlement boundary for Edington, a tier 3 settlement as designated in the Local Plan. Policy T3a states housing proposals for redevelopment or infill within the boundary will be supported where it does not involve the loss of, or unacceptable harm to spaces or facilities (public or private) that contribute to the character and role of the settlement, that are appropriate to the scale, design and character of the settlement and do not unacceptably harm the character or amenity of any nearby property.

The application proposes the erection of a dwelling within a grade II listed walled garden. This garden has been in separate ownership for many years but historically was associated with the adjoining grade II* Edington House. The proposal involves the erection of a dwelling to be positioned on the inside of the eastern wall of the site.

The proposal site is currently overgrown and aerial photography indicates it has not been actively managed as a formal garden for many years. No alternative uses other than for use as a dwelling has come forward in that period and as such the use as a dwelling is the only concrete proposal to secure the use of the site in the near future.

Historic England had commented in detail on the earlier iterations of the design. They previously expressed reservation regarding the principle of subdivision of the historic house and garden, but set out more fundamental concerns about the footprint, form and design of the then proposed house. Previous designs put forward included a more ostentatious dwelling, more akin to a formal

orangery in appearance and of much greater footprint. A subsequent design included a two storey dwelling located at the southern extent of the plot.

The current scheme has been subject to a number of iterations and amendments in response to discussions which have taken place over the last year with the Council's conservation officer. The proposed dwelling is a now more modest single storey building to be positioned alongside the eastern wall. It is to be linear structure with mono-pitch roof. Changes were secured such that the roof of the structure was not visible beyond the top of the listed wall surrounding the site. The conservation officer considers that its position alongside the boundary provides a means of limiting the footprint and extent of site coverage of the new dwelling. The conservation officer states that the new building has been sympathetically screened with the careful positioning of the pergola, which acts as a soft or green partition between the actual garden of Edington Manor and the subdivided walled garden.

Locally submitted views raise concern about the harm to the heritage asset that arise from the proposal. Detailed comments have been received expressing views that the harm arising has not been justified, and by some is considered to be substantial.

Historic England are of the view that the introduction of a new dwelling would erode the garden setting of Edington House and alter its relationship and the significance it derives from its surroundings. They state that it would adversely affect the significance of the asset. They state that the current scheme had taken steps to minimise the proposed harm in terms of scale, mass and design in order to reduce the impact on Edington House. They requested some minor changes to the roof (which have now been secured) but conclude that harm will still be caused. It is their view that the Council needs to consider whether the scheme has been justified and to weigh the harm against the public benefits, including whether the proposal forms the optimum viable use for the site.

In terms of identifying the optimum use, it is understood from third party submissions that the walled garden was separated off from Edington House in around 1991. Since that time planning applications were unsuccessfully submitted in 2008 / 2009 for residential development on the site, the submissions for which note that the wall then needed maintenance but the viability of a project with its use as garden was hard to achieve. The site changed hands again in 2017, going to auction and selling for an understood £42,000 to the current owner and applicant. There has been no new use found for the garden and wall. The proposed works would provide a means for securing the future of the asset, by providing a viable use for the site which enables it to be maintained in support of its long term conservation. This would secure its optimum viable use and be considered a public benefit which could be weighed in the balance against any harm. Changes which have been made following ongoing discussions with Historic England and the conservation officer to

address various areas of concern. Whilst some harm remains, it is considered to be less than substantial.

The conservation officer is of the view that the proposal has been improved to the extent that permission should now be granted. They have reviewed the submission and have requested conditions be imposed regarding window and door details, materials, details of boundary treatments, and protection of the listed fabric including walling, gate entrance and threshold bridge.

As such it is now considered that the harm resulting from the scheme has been minimised to an acceptable degree, and is outweighed by the benefits of securing its ongoing use and conservation. The proposal is now considered to be in accordance with policy D26.

Summary

The proposal would secure the long-term conservation of the site, which when weighed against the less than substantial harm to the heritage asset, tips the proposal in favour of granting permission. There are no other matters which cannot be addressed through appropriate conditions. Listed building consent is recommended to be granted.

RECOMMENDATION

GRANT LISTED BUILDING CONSENT

- 1 The development hereby permitted shall be begun not later than expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 18 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Before development commences, full details and specifications of all new boundary treatments (including any alterations to existing boundary treatments) shall be submitted to and agreed in writing by the Local Planning Authority. The information submitted shall include details of all

wall/gate/fence materials, designs, brick sample(s), coping sample(s), brick bond(s) and finishes. The completed boundary treatments shall only be in accordance with the agreed details.

Reason: This is a pre-commencement condition to ensure the completed boundary treatments help to preserve the character and appearance of the nearby listed building.

- 4 No works shall be carried out on the site until details of the protection of the listed fabric that includes walling, gate entrance and threshold bridge have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed protection measures.

Reason: This is a pre-commencement condition to preserve the special architectural and historic interest of the listed building.

- 5 Before any bricks or stones are laid or roof is installed, samples or detailed specifications of all external materials to be used on the works hereby granted consent shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.

Reason: To preserve the special architectural and historic interest of the listed building.

- 6 Before the windows and doors hereby approved are installed (inclusive of the proposed pedestrian door in the southern wall), details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed window and door details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.

Schedule A

Location Plan Drg No. 01

Existing & Proposed Plans Drg No. 22124/01 Rev D

Existing & Proposed Gardener's Hut Plans Drg No. 22124/02

DECISION
