

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 12 December 2012

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APPLICATION REF. NO:	12/00664/LBC
STATUTORY DECISION DATE:	11 December 2012
WARD/PARISH:	HEIGHINGTON AND CONISCLIFFE
LOCATION:	Former Walled Garden, Walworth Road Walworth
DESCRIPTION:	Listed Building Consent for creation of a vehicular access within a curtilage listed boundary wall to facilitate the siting of a holiday lodge and the erection of a log/bike store (Revised application)
APPLICANT:	Mr John Westmarland

APPLICATION AND SITE DESCRIPTION

The application site lies on the corner of Walworth Road and Archdeacon Lane and it measures approximately 0.18 hectares. It is a former walled garden which was until recently part of the adjacent property known as Walworth Castle Gardens. Historically it has contained a fern house but it is now a cleared site enclosed by stone walls approximately 2.3 metres high rising to 3.4m on the north boundary. Walworth Castle Hotel lies to the south of the application site and two residential properties known as The Apple Barn and Walworth Castle Gardens lie to the east.

Walworth Castle Hotel is a Grade I listed building. The garden walls, gate piers and greenhouse (Walworth Castle Garden) to the north of the Hotel are Grade II listed buildings and the aforementioned garden walls form the eastern boundary of the application site. The Lodge which is within the grounds of Walworth Castle Hotel and its linking walls and gate piers are also Grade II listed buildings. The application site does not lie within a conservation area.

The stone boundary wall is curtilage listed due the relationship of the wall with the gardens walls, greenhouse and Walworth Castle.

The proposal involves the creation of a vehicular access within the existing stone wall to facilitate the siting of one holiday lodge within the walled garden. The access into the site off Walworth Road would be created by removing 6 metres of the western boundary wall. A new section of wall would be erected behind the existing boundary wall to create an off street parking area in front of a set of gates leading to the internal driveway. The new wall will be constructed out of existing salvaged stone and rebuilt with lime mortar and the copings would also be

salvaged. A refuse store would be incorporated into the new boundary wall that forms the new access into the site.

A detached log and bike store would be located in the North West corner of the application site attached to the listed boundary walls.

A separate planning application (reference number 12/00663/FUL) seeking planning permission for the creation of a vehicular access within the existing boundary wall and the erection of one holiday lodge forms part of this Agenda

PLANNING HISTORY

The most recent entries for the application site are:

11/00310/LBC In August 2011 listed building consent was GRANTED for the insertion of a gated access for pedestrian use

11/00310/CON In September 2011 the details reserved by condition 2 (colour scheme) and 4 (lintel and coping stones/material) attached to listed building consent 11/00310/LBC were APPROVED

11/00415/FUL In August 2011 planning permission was GRANTED for the insertion of gated access into existing stone boundary wall

11/00415/CON In September 2011 the details reserved by condition 2 (colour scheme) and 4 (lintel and coping stones/material) attached to planning permission 11/00414/FUL were APPROVED

12/00121/FUL An application for creation of a vehicular access within the existing boundary wall and the erection of one holiday lodge was WITHDRAWN

12/00122/LBC An application for listed building consent for the creation of a vehicular access within a curtilage listed boundary wall to facilitate the siting of one holiday lodge was WITHDRAWN

PLANNING POLICY BACKGROUND

National Planning Policy Framework 2012

Darlington Core Strategy Development Plan Document 2011
CS14 - Promoting Local Character and Distinctiveness

RESULTS OF CONSULTATION AND PUBLICITY

Five letters of objection have been received and the concerns can be summarised as follows (The letter of objection from the owners of Walworth Castle has also been written on behalf of the occupiers of Walworth Lodge and Walworth Bungalow which are within the grounds of the Castle):

- *The area is a conservation area*

- *In the Heritage Report it confirms that the main approach was from the north, which is where the proposed development will take place. This will have considerable impact upon the Castle as the holiday cottage will be on view for people approaching from the north. Currently you see the original structure and towers and this view will be encroached by the proposed development*
- *I disagree with the statement that the impact of the setting of Walworth Castle is negligible and will be a positive enhancement to the historic character of the area*
- *The proposed development will have a detrimental effect on the Castle, the Lodge and the Bungalow, The Applebarn, the Market Garden as it will be on view from all these properties*
- *The entranceway to the Castle has always been made for vehicles and not a pedestrian gateway as is the case at the proposed development*
- *The curtilage listed wall was recently listed by the Council to prevent any further destruction by new developments*
- *The claim that there was a verbal agreement between ourselves and the applicant that access would be allowed to the site via the Castle is untrue, The applicant did request permission however this was refused prior to the sale of the Market Garden*
- *I object to both planning applications for alterations to the wall and the Gardens. Not a place for a road into, nor a house to be built*
- *The Wall is listed and should remain a Wall. Permission should never have been given for a gate into this land via this wall. Also access at this point is dangerous on one of our only footpaths in the Hamlet. . I feel that access given would not only ruin a listed Wall but also increase the need for more Police activity due to possible crime that is associated with travellers.*
- *Permission to put a gate in the wall should not have been given in the first place. I feel that another access at this point for cars would be hazard on one of the only pathways in our hamlet. This wall is part of Walworth Heritage and should be kept as a Wall.*
- *The development will permanently destroy the remains of an historic walled garden and the opportunity for development has arisen from the neglect of the listed structures by the owner over the last quarter of a century. The walled garden should both be preserved and also restored to protect it for future generations. The pedestrian access should not have been approved as it has irreparably damaged a listed structure and has provided a precedent for further destruction of the wall to suit the whims of its current owner.*
- *The erection of a bungalow will set a precedent and the Council will find it harder to reject future applications for more bungalows on the site*
- *The owner is seeking to capitalise on the neglect of the walls and the horticultural greenhouse that stood on the site until the mid 90s when as owner of a listed building it was his responsibility to preserve that building. The greenhouse in the Market Garden was allowed to deteriorate to the point where it could not be restored and the applicant capitalised on that by developing the structure into a dwelling. It would not be considered unreasonable to assume that in 1986, the fern house (within the application site) was in a state where it could have been restored, but as with the main greenhouse it was likely to degenerate. It should not be permissible for someone who is responsible for a listed building to allow it to deteriorate and then use that opportunity to develop the land as a commercial venture.*
- *The applicant has owned the site for a period of 26 years which is ample opportunity to improve the wall. It is only one year that he did not have access in order to repair the wall, had he done so I would be more than willing to provide it. I would hope that any further alterations to the wall are done with greater care than the walls that were altered or built at Walworth Castle Gardens where the garage, visibility splay and extension to*

the potting shed were done without any concern to proper coursing and so look like crazy paving.

One letter of support for the application has been received making the following comments:

I think the proposed planning application is a favourable one and one which should be backed.

Consultee Responses

Walworth Parish Meeting has objected to the application for the following reasons:

- *New vehicle access will result in loss of fabric and character of the immediate area and to the boundary wall.*
- *Busy road especially at certain times of the day, vehicles access on this part of the road, will present a danger to road users. Speed survey results show there is traffic travelling near the speed limit of 60mph.*

Campaign to Protect Rural England has objected to the application on the following grounds

- *The style of the development is out of keeping with the locality*
- *We are concerned there will be a negative impact of Walworth Castle*

English Heritage has not objected to the planning application

PLANNING ISSUES

The main issue to be considered here is impact of the proposal upon the significance of the heritage assets in accordance with National Planning Policy Framework 2012 (NPPF).

In assessing the impact the creation of the vehicular access would have on the wall and the nearby heritage assets it is important to understand the purpose and value of the wall. Its purpose is to enclose a walled garden and its value lies in its relationship to the other walled garden and former glasshouse and to the Castle. The form and materials of the wall are key parts of its character and therefore any alteration to either has the potential to cause harm.

Paragraph 134 of the NPPF states “*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*”.

The design of the vehicle access has been amended from the previous application (12/00122/LBC) to alleviate concerns about the amount of wall to be lost and highway implications. Only six metres of the wall will now be removed with a wall erected behind. Visually this will minimise the appearance of a gap in the wall and protect the enclosed feel of the garden, externally and internally. The use of lime mortar as detailed on the proposed plans is essential and the details of how the gate will be attached to the existing wall will also be required to minimise harm to the fabric of the listed building. These items can be secured by the imposition of suitable conditions

It is considered that the creation of this new opening within the boundary wall would not have an adverse impact upon the character of the neighbouring heritage assets such as the Castle, Lodge and Walworth Market Garden or the other means of enclosure.

The log/bike store would be constructed from materials to match the holiday lodge but it would be appropriate to impose a planning condition to ensure the final design is appropriate within this setting.

English Heritage considers that the revised design better addresses their previous concerns about the loss of fabric to the boundary wall. They also consider that the amount of wall to be lost has been markedly reduced and is justifiable as a more active use of the walled garden and would help preserve its structure in the long term.

It is considered that the proposed access will have less than substantial harm to the significance of the boundary wall. The design of the access has been improved and the proposal will help to preserve the wall resulting in a public benefit in accordance with the NPPF. The log/bike store would sustain the significance of the heritage asset, once again, in accordance with the requirements of the NPPF.

Policy CS14 of the Core Strategy seeks to protect, enhance and promote the quality of Darlington's built heritage such as listed buildings and it is considered that the proposal would accord with this policy

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

It is considered that the revised access and the proposed log/bin store would not have an adverse impact upon the significance of the heritage asset and it would accord with the National Planning Policy Framework 2012 and Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2012.

RECOMMENDATION

LISTED BUILDING CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A5 – LB Applications (Implementation Limit)
2. Notwithstanding any description of the external materials in the submitted application, details of all external materials for the log/bike store (including samples and details of courses and pointing) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.

REASON: In order to safeguard the character of the boundary wall which is a listed building

3. Notwithstanding any description of the external materials in the submitted application, details of the external materials for the new boundary wall and refuse store (including samples, details of courses and pointing, repair work to existing sections) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.

REASON: In order to safeguard the character of the boundary wall which is a listed building

4. Notwithstanding any description of the external materials in the submitted application, details of the main entrance gate shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details

REASON: In order to safeguard the character of the boundary wall which is a listed building

5. B7 – Detailed Application (Listed Buildings)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

It is considered that the revised access and the proposed log/bin store would not have an adverse impact upon the significance of the heritage asset and it would accord with the National Planning Policy Framework 2012 and Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2012