

Removal of part of boundary wall (retrospective) and formation of new gates and gate piers for access to and from The Delph (For vehicles and pedestrians) (Listed Building Consent)

Report Item No  
A8

Breedon Hall Main Street Breedon On The Hill Derby DE73 8AN

Application Reference  
16/00370/LBC

Applicant:  
Mr And Mrs Charles Meynell

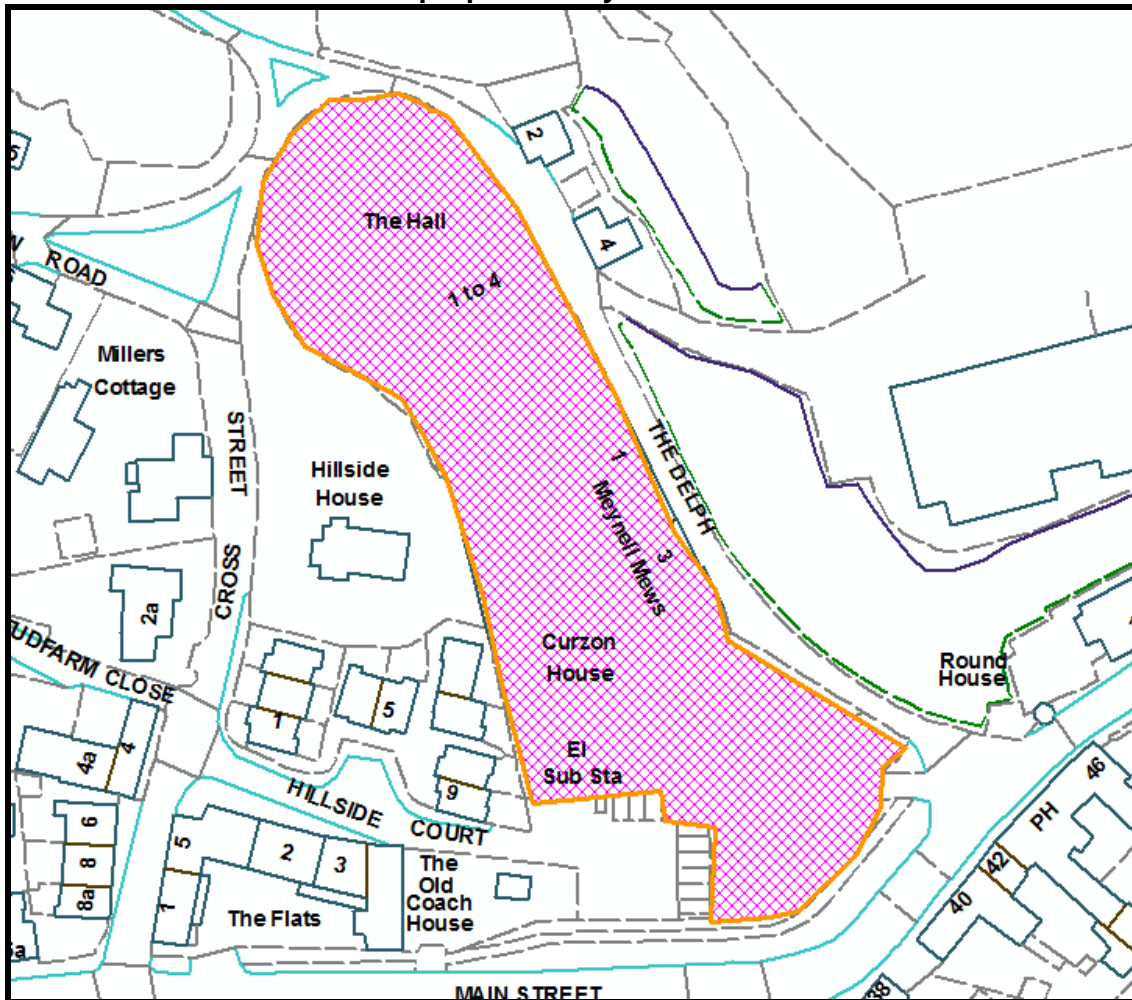
Date Registered  
21 March 2016

Case Officer:  
Adam Mellor

Target Decision Date  
16 May 2016

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Call In**

The application is brought to the Planning Committee as the applicant is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation have been received.

### **Proposal**

Listed building consent is sought for the removal of part of the boundary wall, which is retrospective, and the formation of new gates and gate piers for access to and from The Delph for both vehicles and pedestrians at Breedon Hall, Main Street, Breedon on the Hill. Breedon Hall is a Grade II Listed Building which is also within the Breedon on the Hill Conservation Area.

### **Consultations**

One representation objecting to the application has been received. Breedon on the Hill Parish Council and all other statutory consultees have no objections subject to the imposition of conditions on any consent granted.

### **Planning Policy**

It is considered that the development would comply with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the adopted North West Leicestershire Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation) Act 1990.

### **Conclusion**

The scheme as submitted has been agreed with the Council's Conservation Officer who has raised no objections to the application in the circumstances that the wall which has been removed contained no historic fabric and the installation of the gates would still maintain a strong form of boundary enclosure on The Delph. On this basis the proposed development would result in no harm to the significance of heritage assets and would also result in no adverse impacts on the character and appearance of the streetscape or wider area. No archaeological work would be required in connection with the development. On this basis the proposed development would accord with Paragraphs 131, 132, 137 and 141 of the NPPF, Policy E4 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is therefore recommended that listed building consent be granted.

### **RECOMMENDATION - APPROVE, subject to conditions;**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Listed building consent is sought for the formation of new gates and gate piers for access to and from The Delph for both vehicles and pedestrians at Breedon Hall, Main Street, Breedon on the Hill. Breedon Hall is a Grade II Listed Building located on the northern side of Main Street and to the west of The Delph in Breedon on the Hill. To the south of Breedon Hall the central approach is flanked by two detached brick outbuildings that are two-storeys in height. The application site is also within the Breedon on the Hill Conservation Area.

A scheme for the formation of a vehicular access off The Delph was originally proposed under application reference 15/00637/LBC but this element was removed following concerns raised by the Council's Conservation Officer who required further information on the historic significance of the part of the wall which was removed. Subsequent discussions have occurred and as such a revised application has now been received to form an access off The Delph, in the same position as previously considered, with brick piers and hardwood gate also being installed. The provision of a wicket entrance in the gates will ensure it can be used by both vehicles and pedestrians.

An application for the variation of Condition 1 and removal of Condition 2 associated with planning permission reference 15/00648/VCI to allow for the removal of part of boundary wall (retrospective) and formation of a vehicular and pedestrian access off The Delph with associated brick piers and gates is also under consideration with the Local Planning Authority and forms the basis of a separate report.

A heritage statement has been submitted in support of the application.

The recent planning history of the site is as follows: -

- 11/01025/LBC - Change of use to C3 (dwellinghouse) and internal alterations - Approved 14th February 2012;
- 11/01026/FUL - Change of use to C3 (dwellinghouse) - Approved 14th February 2012;
- 12/01006/FUL - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey extension - Approved 13th February 2013;
- 12/01007/LBC - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (listed building consent) - Approved 13th February 2013;
- 13/00695/NMA - Non material amendment to planning permission 12/01006/FUL to allow reduction in number of roof windows proposed and removal of existing (non original) chimney previously proposed for retention - Approved 14th November 2013;
- 13/00677/LBC - Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (Amended Scheme to LBC 12/01007/LBC to now include removal of non-original chimney and formation of three roof-lights on north east roof plane) - Approved 14th November 2013;
- 15/00648/VCI - Variation of conditions 2 and 6 of planning permission 12/01006/FUL, subsequently amended by application reference 13/00695/NMA, to retain "as built" changes - Approved 9th September 2015.

## 2. Publicity

15 no neighbours have been notified (Date of last notification 27 April 2016)

Site Notice displayed 7 April 2016

Press Notice published 6 April 2016

## 3. Consultations

Breedon On The Hill PC consulted 31 March 2016

County Archaeologist

NWLDC Conservation Officer

Historic England- Ancient Monument

## 4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

**Breedon on the Hill Parish Council** has no objections.

**Historic England** advises that the application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

**Leicestershire County Council - Archaeology** has no objections and advises that no archaeological mitigation will be required.

**NWLDC - Conservation Officer** has no objections and recommends approval.

### Third Party Representations

One representation has been received from the occupant of no. 3 The Lime Kilns who objects to the application and whose comments are summarised as follows: -

- The heritage statement is incorrect in advising that the wall removed is not a listed building in the conservation area;
- The wall would be automatically listed as it is within the curtilage of a Grade II listed building;
- Applicant has carried out the works and then applied rather than applying for the works in the first instance;
- The increase in business on the site is of no relevance to the application;
- There is a perfectly adequate main entrance and therefore no requirement for an additional entrance;
- The field of vision from the new entrance would be worse than the main entrance and no highways report has been submitted.

## 5. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework*

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 17 (Core planning principles);  
Paragraph 131 (Conserving and enhancing the historic environment);  
Paragraph 132 (Conserving and enhancing the historic environment);  
Paragraph 134 (Conserving and enhancing the historic environment);  
Paragraph 137 (Conserving and enhancing the historic environment);  
Paragraph 141 (Conserving and enhancing the historic environment);  
Paragraph 203 (Planning conditions and obligations);  
Paragraph 204 (Planning conditions and obligations);

### **Adopted North West Leicestershire Local Plan (2002)**

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy E4 - Design;

### **Draft Consultation North West Leicestershire Local Plan**

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S5 - Design of New Development;  
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;

### **Other Policies**

#### **National Planning Practice Guidance**

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

#### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

## 6. Assessment

It is considered that matters associated with the principle of the development and its potential implications to highway safety are matters to be assessed as part of the Section 73 application, reference 16/00371/VCI, which forms the basis of a separate report. In this circumstance the only matter for consideration relates to whether the formation of the vehicular access and provision of brick piers and gate would impact on the historic integrity of the heritage assets.

Breedon Hall is a Grade II Listed Building with the walls around the northern sides of the grounds associated with the Hall being separately listed as Grade II. Whilst the wall removed as part of this application is not 'Listed' under the separate wall designation, Listed Building Consent is required as the wall would be curtilage listed. The site as a whole is within the Breedon on the Hill Conservation Area.

The supporting heritage statement identifies that the wall into which the access would be formed is a section of non-original, non-historic wall which has no stone coping and is simply capped in brickwork. This area of wall included a timber pedestrian gate and is believed to date from the twentieth century. A 4.9 metre section of this wall would be removed to provide the vehicular access with brick piers and hardwood timber gates (height 1.65 metres) being installed in order to maintain a strong form of boundary enclosure along The Delph.

In commenting on the application the Council's Conservation Officer has identified that *"I would not object to the installation of access gates on The Delph in the manner proposed. The section of wall removed contained no historic fabric; the proposed design would be without undue embellishment and would - when closed - maintain the strong form of boundary enclosure on The Delph." It is also stated that "The proposed gates would be hardwood, left to weather naturally. They would incorporate a wicket gate. I would recommend approval of this application."*

Given the above views it is considered that the proposal would result in no harm to the significance of the heritage assets given that the strong form of boundary enclosure would be maintained on The Delph and no historic fabric would be adversely impacted on. It is also considered that the proposed development would result in no adverse impacts on the character and appearance of the streetscape or wider area.

The County Council Archaeologist has confirmed that there would be no requirement for archaeological work to be carried out in connection with the proposal.

In these circumstances the proposed development would accord with Paragraphs 131, 132, 137 and 141 of the NPPF, Policy E4 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Summary Reasons for Granting Listed Building Consent

The scheme as submitted has been agreed with the Council's Conservation Officer who has raised no objections to the application in the circumstances that the wall which has been removed contained no historic fabric and the installation of the gates would still maintain a strong form of boundary enclosure on The Delph. On this basis the proposed development would result in no harm to the significance of heritage assets and would also result in no adverse impacts on the character and appearance of the streetscape or wider area. No archaeological work would be required in connection with the development. On this basis the proposed development would accord with Paragraphs 131, 132, 137 and 141 of the NPPF,

Policy E4 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is therefore recommended that the application be permitted.

**RECOMMENDATION - PERMIT, subject to the following conditions;**

- 1 The proposed development shall be carried out strictly in accordance with the following drawing numbers: -
- Drawing Number 2070 - 02 F (Proposed Plans & Elevations), received by the Local Authority on the 21st March 2016;
- Unless otherwise required by another condition.

*Reason - to determine the scope of the permission.*

- 2 The development shall be constructed in accordance with the following materials: -
- Bricks - Salvaged bricks;
  - Lintels - As shown on drawing numbers 2070 - 05 (Proposed Joinery Details for Doors) and 2070 - 06 (Proposed Joinery Details for Windows), received by the Local Authority on the 5th September 2013;
  - Roofing Materials - To match existing roof tiles if any are necessary;
  - Rain Water Goods - Black Powder Coated Aluminium Rainwater Goods and Proposed Outlet Pipes and Mechanical Extraction Systems as specified in the letter from David Richards of Montague Architects to James Mattley of the 4th September 2013 (Ref: DRR MAJ 2070), received by the Local Authority on the 5th September 2013, in the positions shown on drawing number 2070 - 02 C (Proposed Plans & Elevations), received by the Local Authority on the 5th September 2013;
  - Windows and Doors - As shown on drawing numbers 2070 - 05 (Proposed Joinery Details for Doors) and 2070 - 06 (Proposed Joinery Details for Windows) with the materials as specified on drawing number 2070 - 02 C (Proposed Plans & Elevations), received by the Local Authority on the 5th September 2013;
  - Rooflights - in accordance with the details supplied by the Rooflight Company on the drawing referenced CR\_WRCS\_LS\_B, received by the Local Authority on the 5th September 2013;
- As discharged in the correspondence from James Mattley to Andrew Shannon of Montague Architects of the 3rd October 2013 under application reference 12/01007/LBC, as well as the following materials relating to the gate and brick piers: -
- Gates - Hardwood timber gates left to weather naturally with no paint or stain finish being applied;
  - Brick Piers - In accordance with the details specified on drawing number 2070 - 02 G (Proposed Plans & Elevations) received by the Local Authority on the 22nd April 2016.

*Reason - to ensure that the works are executed in an appropriate manner given the sites location in within the curtilage of a Listed Building.*

- 3 The external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

*Reason - to ensure that any lighting does not impact on the special architectural or historic interest of the Listed Building.*

- 4 The development shall be carried out in strict accordance with the Historic Buildings Survey of Former Stable Building at Breedon Hall, Breedon on the Hill, Leicestershire by Pre-Construct Architecture (Ref No. 11491), attached to an email from David Richards of Montague Architects to James Mattley of the 13th September 2013, received by the Local Authority on the 13th September 2013, and as discharged in the correspondence from James Mattley to Andrew Shannon of Montague Architects of the 3rd October 2013 under application reference 12/01007/LBC.

*Reason - to ensure satisfactory archaeological investigation and recording.*

**Notes to applicant**

- 1 Listed building consent has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 You are reminded to comply with conditions attached to 16/00371VCI.