

Item No.	Application and Parish	No.	8/13 Week Date	Proposal, Location and Applicant
(2)	13/02630/LBC2 Speen.		18 th December 2013	Re-instatement of historical site access with associated amendments to public highway. Benham Valence House, Benham Valence, Speen, Newbury, Berkshire, RG20 8LU. Benham Park LLP.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/02630/LBC2>

Recommendation Summary: To **DELEGATE** to the Head of Planning and Countryside to **GRANT** Listed Building Consent subject to the schedule of conditions (section 8.2).

Ward Member(s): Cllr. P. Bryant and Cllr. M. Franks.

Reason for Committee determination: More than 10 representations received.

Committee Site Visit: 24th April 2014.

Contact Officer Details

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1. Relevant Site History

Application 118923 Restoration and Refurbishment of 18th Century Mansion Replacement of 19th Century Extension and Garage and Stable Block with New Office and Production Accommodation. Approved 15/11/1983.

Application 118924 Prestige Offices with Ancillary Accommodation for Applicant Restoration and Refurbishment of 18th Century Mansion Replacement of 19th Century Extension and Garage and Stable Block with New Office and Production Accommodation. Approved 15/11/1983.

Application 121788 Replacement of 19th Century Extension Garages and Stable Blocks with New Production and Office Accommodation. Approved 27/06/1984.

Application 129075 Offices Research and Development and Production of Computers. Approved 02/02/1988.

Application 12/02208/COMIND Restoration and conversion of Benham Valence from B1 office accommodation to a Medical Park consisting of the demolition of late 20th century office buildings, restoration of Mansion House, provision of new ancillary bedroom suites, therapy facilities and sports rehabilitation unit with associated landscaping. Application approved 13/3/13.

Application 12/02209/LBC Restoration and conversion of Benham Valence from B1 office accommodation to a Medical Park consisting of the demolition of late 20th century office buildings, restoration of Mansion House, provision of new ancillary bedroom suites, therapy facilities and sports rehabilitation unit with associated landscaping. Application approved 13/3/13.

Application 12/02210/FULMAJ Reinstatement and restoration of Benham Valence from B1 offices to a single occupancy dwelling, complete demolition of the late 20th century office buildings and the provision of new ancillary accommodation together with associated outbuildings, staff accommodation and equestrian facilities. Application approved 13/3/13.

Application 12/02211/LBC Reinstatement and restoration of Benham Valence from B1 offices to a single occupancy dwelling, complete demolition of the late 20th century office buildings and the provision of new ancillary accommodation together with associated outbuildings, staff accommodation and equestrian facilities. Application approved 13/3/13.

Application 12/03038/FUL Change of Use of the contemporary (1980s Phase 2) office building from office use (B1) to document storage (B8). Application approved 2/4/13.

Application 13/01976/COND1 Application for approval of details reserved by Condition (3) Schedule of Works, (4) Materials, (5) Thatching Details, (7) Plaster and Render, (12) External Services, (13) Internal Services, (14) Details of Windows and Doors, (15) Details of Architectural Features and (16) Balustrading of approved application 12/02211/LBC - Reinstatement and restoration of Benham Valence from B1 offices to a single occupancy dwelling, complete demolition of the late 20th century office buildings and the provision of new ancillary accommodation together with associated outbuildings, staff accommodation and equestrian facilities. Application approved 15/1/14.

Application 13/02115/COND2 Approval of details reserved by Condition 18: Bat Survey of planning permission 12/02210/FULMAJ : Re-instatement and restoration of Benham Valence from B1 offices to a single occupancy dwelling, complete demolition of the late 20th century office buildings and the provision of new ancillary accommodation together with associated outbuildings, staff accommodation and equestrian facilities. Application approved 13/11/13.

Application 13/01847/COND1 Application for approval of details reserved by Conditions 3 - Construction Management Plan, 4 - Materials, 5 - Boundary treatments, 6 - Hard Surfaces, 7 - Landscape and Woodland Management Plan, 9 - Hard Landscaping/Tree Protection /Construction Precaution, 10 - Arboricultural Method Statement/Tree Protection, 11 - Arboricultural supervision condition, 12 - Arboricultural Programme of Works, 13 - External Lighting, 15 - Cycle Parking, 16 - Saprophytic Management Plan, 19 - Reptile Survey, 20 - Dormouse, 21 - Ponds, 22 - Conservation Management Plan, 23 - Fire Hydrants, 24 - Contaminated land and 25 - Surface Water, of approved application 12/02210/FULMAJ. Application approved 21/2/14.

Application 13/03136/COMIND Reinstatement of historical driveway. Awaiting determination.

Application 13/03137/LBC2 Reinstatement of historical driveway. Awaiting determination.

2. Publicity of Application

2.1 Site notice expired: 20th November 2013.

2.2 Neighbour Notification expired 8th April 2014.

3. Consultations and Representations

Parish Council : Object - traffic safety as access onto a 60mph road especially as it is close to the brow of a hill, impact on public right of way, break in wall and installation of electronic gates at entrance disrupts street scene and view from road.

English Heritage (1st Response): The applicants have still, in our view, failed to demonstrate that the drive they proposed to reinstate forms part of Brown's design for the landscape. A drive in the position proposed (which incidentally follows a different line to that shown on the 1775 map over much of its course) need not harm the significance of the park, as it could be created in a very low key way, and short break in the wall to create a very low key service entrance would involve only very limited harm. However, the current proposals involve the loss of a large section of what is presumed to be early park wall (no analysis of this has yet been carried out) in order to create a suitable vision splay. This wall is of value both in its own right as a well constructed and attractive traditional park wall and contributes to our understanding of the house by defining the park in which it was designed to sit in (it also forms part of the curtilage of the listed building). Loosing a relatively long section as proposed would materially harm the significance of the park and the house. In addition the revised design, while much more low key than that previously submitted is still relatively grand and still looks like an alternative main entrance rather than a service entrance. We would advise the Council that they should not accept this level of harm unless they are convinced that such a drive was necessary to facilitate the successful use of the house as a private residence.

**English Heritage
(Response to
amended plans):**

**English Heritage
(Response to further
Amended plans)**

No objections, the gate is now as unobtrusive as possible.

**Conservation
Officer (1st
response):**

The additional information and historic maps show that an access drive was in existence in this location prior to Brown's landscaping, albeit not extending so far southwards. I note the comments by English Heritage and the Georgian Group with regards to the impact of the driveway on the registered park. However, given the topography of the land, the significant changes in levels across this part of the park, and the fact that the proposed driveway is to extend further southwards than the historic driveway, I am not convinced that its impact on Brown's landscape would be low. Further information regarding the design of the driveway is required and this should demonstrate that it would not involve any heavy engineering, such as creating cuttings, embankments etc. In terms of the proposed entrance, there is no evidence to suggest what the original entrance would have looked like? I am concerned that the grandiose appearance of the proposed entrance would compete with the grandeur of Brown's west entrance and confuse the historic development of the park. I therefore recommend that the design of the entrance is simplified and reduced in scale and width, giving it a much more low key appearance. The reduction in scale and width of the entrance would also allow the retention of much more of the historic park wall. Suggested reasons for refusal provided.

**Conservation
Officer (Response to
amended plans):**

Notwithstanding any discussion with regard to whether there is a need for a third entrance to the park or concerning the exact line the historic driveway, no objections are raised to this subject to minimal impact on the surface of the park (i.e. no engineering operations), on which basis the impact of this element of the proposals are considered to have a low impact on the character and appearance of the park.

With regard to the new entrance details, no evidence appears to have been provided as to what any (if any) original entrance may have looked like, but it is considered important that if any new exit/entrance is allowed, it should not be seen as another main entrance, of grandiose appearance, competing with the grandeur of Brown's west entrance and thus confuse the historic development of the park. The simplified design and scale, and reduced width, with the height of the wall matching the height of the existing wall, is therefore welcomed. However, the scalloped indentations of the wall are considered to be an unnecessary embellishment, as are the stone cappings on the gate piers. Accordingly, further amendments are requested to straighten and align the rebuilt park wall immediately behind the sight line for the entrance, thus keeping the impact of the alterations to the overall appearance of the park wall to the minimum possible.

The above comments are made based on the perceived impact of the proposals on the park setting and the setting of the listed house, judging them on their own merits and not in terms of any justified need for a third entrance to the park or the historical authenticity of the (driveway) proposals.

**Conservation
Officer (Response to
further amended
plans):**

No objections subject to conditions. Whilst it has not been established with certainty whether the previous entrance and associated driveway in this location was part of Brown's landscape, it is clear that the entrance was of a relatively high status given the fact that it provided access onto the main London to Bath road. Whilst the proposed driveway extends further southwards than the historic driveway, I do not feel that this would cause any harm to the character of the historic park or the setting of the Grade II* listed house, provided that the new driveway does not involve any engineering works. An email confirming that the driveway will not involve any engineering works has now been received (1st April 2014) from the agent. The agent has confirmed that whilst the proposed routing for the driveway does traverse several contours (ranging from 113 to 117 metres at the steepest point) the resulting gradient does not exceed 1:6.3, therefore embankments or cuttings will not be necessary to reconfigure the natural gradient encountered across the proposed routing for the driveway. I recommend that a condition is attached to the planning application ensuring the minimum of disturbance to the landform.

In terms of the proposed entrance and gates, the latest amended plans (drg. no's. 3714 PL302 D & 3714 PL303 D) have further simplified the design and overall appearance of the proposed entrance and gates. I am of the opinion that the amended proposals have created a low key entrance that would not detract from the character of the historic park or the setting of the Grade II* listed house.

**Berkshire Gardens
Trust:
The Georgian
Group:**

No objections.

No objections.

Representations:

11 representations received objecting to the proposal citing: Parkland set out by Capability Brown and needs to be protected rigidly and driveway should not impinge upon it, highway safety; traffic approaching from the Hungerford direction will have just broached the hill prior to coming across the proposed new entrance, consequently there will be a very real danger of collisions between these unsuspecting vehicles and ones emerging out of the proposed new driveway entrance; proposed new driveway will cut across an ancient, well established and regularly used public footpath; increase likelihood of accidents; entrance location close to brow of hill; existing well used adequate access to property in a safe well lit accessible location therefore need for new access unnecessary; inappropriate development in a rural area; wall is listed therefore inappropriate to demolish part of it and change its character.

Public footpath affected which is used by a wide variety of walkers, runners and people using it to access Marsh Benham; Access at a point where drivers accelerate from Newbury; witnessed double overtaking and excess speed all the time; number of crashes on this stretch of A4 some of which resulted in wall being re-built; drivers from Hungerford would suddenly come upon drivers exiting from the new access; access from/to Marsh Benham is currently unsafe; will existing east entrance be closed; pre-existing entrance was little more than a tradesman's entrance and service track to the back of the estate; new drive over this historical parkland and crossing a public right of way would detract from the walking experience; existing traffic calming measures do little to reduce speeds; cars overtaking vehicles entering new access would result in crashes; re-instatement is a convenient interpretation of what appears to have been a cart track.

Proposal is a new major piece of construction across an historic and landscaped park; footpath predated whatever track is to be reinstated; no genuine public benefit; loss of amenity to users of public right of way; degradation of tranquil park vista; does not fall within definition of re-instatement; significant excavations and ground works would be necessary to provide a suitable and stable track affecting the tranquillity of park and not enhancing the setting of a listed building; proposed drive would induce significant water flows during periods of heavy rain to the lower west drive; discussions with West Berkshire Council and Highways Agency regarding highway safety have been taking place over a number of years; numerous accidents over the past 4/5 years; proposed entrance on a relatively high speed bend with an associated dip which collects water during heavy rain presenting a highway safety issue; no conclusive evidence to support argument that drive location is an addition by Brown; recent deaths and serious injuries in the last 6 weeks; dangerous mile of road and more hazards are unsuitable; excess speeding down the hill by motorists but at weekends especially by motor bikers; witnessed bikers overtaking on brow of hill and riding three abreast as well as doing wheelies and speeding in excess of 100mph; reported concerns to Thames Valley Police.

Representations

(continued):

Due to speed of traffic and sheer weight of traffic at peak hours it is really difficult to turn right of cross the A4 either by car or on foot; horses are regularly exercised in the area posing difficulties in crossing the A4; cars turning right into Marsh Benham from Hungerford direction at present are often stationary in the middle of the A4 when cars coming from Newbury have been overtaking other cars and proposed access would experience this highways safety issue; overgrown verges inhibit visibility to see left and right on A4 when emerging from both Marsh Benham and Stockcross; strategic review of Milkbottle Lane/Gravel Hill/A4 junctions required; survey conducted by West Berkshire Council in 2011 at time when A4 was closed at The Halfway; since survey 2 more accidents occurred; over 3000 accidents a year involving horses and riders with fatalities to drivers, riders and the animals themselves; road identified on motor cycle blogs as 'ton-up' route and is not policed.

4. Policy and Legislation Considerations

4.1 The West Berkshire Core Strategy has been adopted by the Council and as such now forms the Local Plan. Therefore the following policies carry significant weight in the decision making process:

- ADPP 1: Spatial Strategy
- ADPP2: Newbury
- CS 14: Design Principles
- CS 19: Historic Environment and Landscape Character

4.2 The West Berkshire Core Strategy replaced a number of Planning Policies in the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. However the following Policies remain in place until they are replaced by development plan documents and should be given due weight according to their degree of consistency with the National Planning Policy Framework:

- HSG1: The Identification of Settlements for Planning Purposes
- TRANS1: Meeting the Transport Needs of New development

4.3 Other material considerations for this application which includes government guidance are:

- The National Planning Policy Framework (March 2012) (NPPF).
- Speen Village Design Statement.
- Supplementary Planning Document: Quality Design (SPDQD)
- The Wildlife and Countryside Act 1981 (as amended).
- The Conservation of Habitats and Species Regulations 2010.
- The National Planning Policy Guidance.

5. Description of Development

5.1 Listed Building consent is sought for the reinstatement of historical site access with associated amendments to public highway. A new driveway through the listed parkland is proposed. It is claimed in the application submissions that the access and a section of the proposed driveway (approximately one third of the driveway proposed) previously existed and was created by Capability Brown.

5.2 An associated Planning Application has also been submitted (ref: 13/02629/FUL).

6. Consideration of the Proposal

The main issues to consider are:-

- 6.1 The impact on the Listed Building, Listed Park and Garden and its setting
- 6.2 Other Matters

6.1 The impact on the Listed Building, Listed Park and Garden and its setting

- 6.1.1 The application site, known as Benham Valence, currently comprises the Mansion House that is Grade II* Listed, the security lodge and East Lodge both Grade II Listed, several Gate Piers and Gates that are Grade I Listed and various derelict buildings including an aviary, summer house and ice house. Linked to the Mansion House, at ground floor level on the east elevation, was a substantial office complex that was constructed in the early 1980's and is currently under demolition as approved by permission 12/02210/FULMAJ and Listed Building Consent 12/02211/LBC. The gardens, grounds and parkland are themselves a Grade II Listed registered park and garden. Furthermore, the site is within the Benham Park Conservation Area.
- 6.1.2 Permission has been granted for the reinstatement and restoration of Benham Valence from B1 offices to a single occupancy dwelling, complete demolition of the late 20th century office buildings and the provision of new ancillary accommodation together with associated outbuildings, staff accommodation and equestrian facilities (ref 12/02210/FULMAJ and 12/02211/LBC). These permissions are currently being implemented.
- 6.1.3 In general terms the application site is 46.08 hectares in size. Currently access is provided from the eastern corner of the site. There is a disused access point in the north western corner of the site. The site sits to the west of Newbury close to the A4/A34 junction. There are significant level changes on site with the land primarily rising from the Mansion House towards the sites northern boundary.
- 6.1.4 The application site is located in a rural area and as one moves along the A4 from the roundabout junction with the A34 and B4000 the verdant nature and continuous boundary wall along the south side of the A4 reinforces the rural character of the area with a large country estate to the south. The existing entrance gates at the eastern and western corners of the estate contribute to the character of the area and the presence of the parkland and house and hints of the grandeur and beauty that lie within.
- 6.1.5 Despite the various submissions of evidence and maps it has not been established that the historic driveway was necessarily part of Capability Brown's landscaping for the site. Irrespective of this it is acknowledged that a form of driveway and access previously existed, as shown on a map from 1775, albeit not along the entire route proposed under this application. However, it is clear that the previous entrance was of a relatively high status given the fact that it provided access onto the main London to Bath road.
- 6.1.6 The proposed driveway through the historic parkland would extend further southwards than the previous historical route to the Mansion House. The proposed driveway would cross an existing public right of way (SPEE/9/1) and continue south to meet an existing track within the parkland that runs from the now closed western entrance to the front of the Mansion House.
- 6.1.7 In respect of the impact on the listed building the proposal would be located in excess of 200 metres from the Grade II* listed Mansion House within the estate and as such is not considered to directly impact upon the listed building.

- 6.1.8 Following the submission of amended plans is it considered that whilst the proposal would introduce a break in the walled boundary along the A4 Bath Road, the design and appearance of the proposed entrance has been amended sufficiently to propose a simple discreet access. A section of wall approximately 8 metres in length to the east of the proposed access, together with a section of wall approximately 65 metres in length to the west of the proposed access, will need to be demolished and rebuilt using salvaged bricks to accommodate suitable visibility splays at the proposed access. The relocation of the boundary walling is not considered to weigh in favour of the application. However the reinstatement of the wall with the minimal break, as shown in the latest set of amended plans, is not considered to significantly harm the setting of the listed building or parkland to warrant a refusal.
- 6.1.9 A small number of trees at the proposed access are to be removed to accommodate the proposal. These trees are not considered to contribute significantly to the overall parkland or the setting of the listed building. Mature and veteran trees within the parkland are to be protected from the proposed development to ensure their continued existence as these trees are considered to contribute significantly to the parkland and setting of the listed building.
- 6.1.10 The agent for the application has confirmed that the proposed new driveway would not involve any engineering works. Whilst the proposed routing for the driveway does traverse several contours (ranging from 113 to 117 metres at the steepest point) the resulting gradient does not exceed 1:6.3. Therefore embankments or cuttings will not be necessary to reconfigure the natural gradient encountered across the proposed routing for the driveway. A condition can be attached, should the application be approved, to ensure that minimum disturbance to the landform occurs through the submission of a construction method statement, as requested by the Conservation Officer.
- 6.1.11 The driveway is proposed to be constructed using crushed stone with tarmac at the entrance with the A4. It is acknowledged that the installation of the driveway would be noticeable from the public right of way within the Grade II registered park and garden. However, as demonstrated from photographs submitted by the applicant of a similar driveway on another estate, the proposal would have no kerbstones or lighting. As such the proposed driveway is not considered to introduce a harmful impact on the setting of the listed building or registered park and garden sufficient to warrant a refusal.
- 6.1.12 It is considered that the impact on views from the public right of way would be limited. It is noted that the Public Rights of Way Officer has requested by condition in the associated planning application for details of warning signs both on the footpath and the proposed drive alerting the public and drivers to the presence of pedestrians and vehicles to ensure public safety. The presence of such signs would contribute to the impact on the setting of the parkland and listed building. However the signs would not need to be of significant size to introduce sufficient concern.
- 6.1.13 It is therefore considered, on balance, that the proposed new access and driveway would not detrimentally impact on the setting of the listed building or registered park and garden.

6.2 Other Matters

National Planning Policy Framework

6.2.1 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental sustainability aspects of the proposal. The economic considerations are considered to be limited. The proposed scheme is not considered to adversely impact upon environmental and social sustainability for the reasons detailed above. As such the development is considered to constitute sustainable development in accordance with the NPPF.

7. Conclusion

7.1 It is acknowledged that there is an existing access serving the estate at the east of the application site. The need for a new access has been raised in a number of the representations received. It is considered that the proposed new access has limited public benefit; rather it will serve the occupants of the Mansion House only. The provision of the access would however contribute overall to the continued upkeep of this significant heritage asset.

7.2 Therefore, having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that, although the considerations are finely balanced, the development proposed is acceptable and a conditional approval is justifiable for the following reasons.

7.3 It is considered that the proposed access and driveway would not harm the Grade II* listed building or the registered Grade II listed park and garden. The creation of the new access and installation of a low key driveway is not considered to significantly harm the setting of the listed building or parkland.

7.4 As such the application is considered to accord with the National Planning Policy Framework, the National Planning Practice Guidance, Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

8. Full Recommendation

8.1 **DELEGATE** to the Head of Planning and Countryside to **GRANT** listed building consent subject to the following conditions and informatives:

8.2 Schedule of conditions

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Approved plans

2. This listed building consent relates only to work described on the drawings and in the documents identified below:

Drawing title numbers 3714 PL302D, 3714 PL303D received on 11th March 2014;
Drawing title numbers 3714 PL300A and 3714 PL301A received on 29th January 2014;
Drawing title number 4630.001 Rev A received on 23rd October 2013.

Email from Chris Trickey received on 1st April 2014.

No work shall be carried out other than in accordance with the above drawings and documents.

Reason: To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the building.

Brickwork

3. Facing bricks from the existing wall, which need to be removed as part of the proposal, shall be reused in the proposed works. Where insufficient numbers of salvageable bricks are available, matching reclaimed bricks shall be used.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

Making Good

4. All new facing brickwork and wall capping, including works of making good, shall match the existing brickwork in terms of bricks (size, colour and texture); mortar (mix, colour and texture); joint profile; and bond.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

8.3 Informatives

1. The decision to grant listed building consent has been taken because the development is in accordance with the development plan and would have no significant impact on the listed building, registered parkland or the setting of the listed building or registered parkland. This informative is only intended as a summary of the reason for the grant of listed building consent. For further details on the decision please see the application report which is available from the Planning Service or the Council website.
2. All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & The Conservation of Habitats and Species Regulations 2010. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.
3. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

DC