

<b>REFERENCE NO - 20/500154/LBC</b>		
<b>APPLICATION PROPOSAL</b> . Listed Building Consent for internal alterations including removal of internal partitions (non original) and small sections of original walls and external repairs and restoration of the building, detached garden pavilion and boundary walls in connection with the conversion of the building from 42 flats occupied by the elderly and warden flat to 35 flats.		
<b>ADDRESS</b> 1 Rocky Hill Terrace, Terrace Road, Maidstone, ME16 8HT		
<b>RECOMMENDATION</b> Grant Listed Building Consent subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The external repair and restoration works to the application building will conserve and enhance the significance of this Grade II listed building and features of special architectural or historic interest using specialist skills with matching materials in line with Local Plan policies SP18 and DM4.  In contrast to the outside of the building, a large amount of unsympathetic work has been carried out to the internal building layout as part of the conversion works from 6 houses to 42 flats for the elderly and a warden flat in 1974. Whilst it is not feasible to revert back to the original 6 houses, the submitted proposal seeks to reverse some of these changes and simplify the internal layout so that it more closely reflects the original building layout.  As part of the works to reduce the number of units to 35 and to ensure that the layout of the accommodation adequately functions, the works involve the removal of a small section of original building wall on each floor. In terms of the NPPF assessment the impact of this demolition work is considered to be 'less than substantial'. In the context of the overall improvements that are proposed, the investment in the building and bringing the building back into beneficial use the proposed changes are considered acceptable and when assessed against NPPF paragraph 196 the public benefits of the proposal and securing a viable use outweigh the negative impact.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Cllr Purle has commented that this is quite a significant development concerning a listed building that should be subject to public discussion including in relation to affordable housing, CIL payments, and possible impact of meeting the needs of future occupants. If officers are minded to approve either the application for planning permission or listed building consent, I would ask that the matter be "called in" to the Planning Committee.		
<b>WARD</b> Bridge	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Mr Peter Hall (Sanctuary Housing Association) <b>AGENT</b> BM3 Architecture
<b>TARGET DECISION DATE</b> 31/05/2020 (EOT)		<b>PUBLICITY EXPIRY DATE</b> 20/02/20

**Relevant planning history**

- 20/500153/FULL Change of use from 42 flats occupied by the elderly and warden flat to 35 residential dwellings, comprising 15 studio apartments, 6 one bedroom and 14 two bedroom apartments including refurbishment of the existing building with external

and internal alterations. Conversion of existing garden pavilion to cycle storage.- pending consideration and assessed in a separate report.

- 87/1961 Take down top parapet wall, take out dormer windows, take down chimney stacks and rebuild, strip roof and take up kerbs. Approved: 17 March 1988
- 74/1050 Conversion of six houses to 42 'old peoples flats' comprising 18 bedsitters, 20 one bedroom flats, 3 two bedroom flats and a warden flat, with parking spaces Approved: 04 April 1975

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

See separate report for 20/500153/FULL

### **2. PROPOSAL**

2.01 This application is linked to the application for full planning permission under reference 20/500153/FULL. This application comprises the conversion of the existing 42 flats occupied by the elderly and a warden flat to provide 35 residential dwellings. The proposed 35 flats comprise 15 studio apartments, 6 one bedroom and 14 two bedroom apartments.

2.02 The application for listed building consent relates firstly to the external works to repair the main building and the detached garden pavilion, and secondly to the proposed internal alterations as part of the conversion works. The external works are outlined below followed by a summary of the internal works

#### **Proposed external building works**

##### Victoria Street (south) elevation

- Repair damaged and rotted timberwork to oriel window
- Ironmongery repaired and replaced where necessary,
- Sash windows restored where possible and new frames inserted to match existing where decay is too advanced for restoration(subject to the window condition survey required by a planning condition).
- Cracking to brick chimney stack to this side elevation repaired
- Section of garden wall rebuilt and repointed using the existing reused bricks due to a large crack

##### Terrace Road (east) elevation

- Full window condition survey by a specialist sash window company.
- The front entrance door to No. 2 unsealed and made operational
- Repair and redecorate second-floor cornice, lintel and render above the underside of the cornice which is cracked in places
- Repair copings to the basement wall and the stone facades to the basements
- Rendering will be raked out and repaired, prior to the redecoration of the elevations.
- Railings will have paint removed, rust remover applied and repainted.
- Louvre to the basement window will be removed making good all disturbed surfaces and replacing the glass as necessary.

##### Bedford Place (north) elevation

- Conserve damaged elements, including the entrance door architrave which is missing render over the door. This will be repaired and redecorated.
- Section of garden wall rebuilt and repointed using the existing reused bricks due to a large crack
- Replace badly damaged garden gate with a door and frame of the appropriate style, design and material.

- Repair and redecoration works to the damaged right-hand garden gate pier.

#### Birnam Square (west) elevation

- Repair windows
- Paint removed by specialist from facing brickwork
- The awning which is in a poor condition will be removed.
- Restore original double doors to the garden patio.
- Railings at the rear stripped of paint, rust remover applied and redecorated
- Repair cracks in the stone and concrete window seals
- Garden pavilion
- Repair roof replacing defective tiles to match material, colour and texture.
- Loose brickwork pointing raked out and repointed
- Sash windows repaired or replaced in line with the recommendations of the window survey undertaken by specialists.
- Replace entrance door to the pavilion.

#### **Proposed internal building works**

- Re-ordering of the spaces, taking a light-touch approach to change at all levels.
- Modern partitioning will be removed
- Rationalisation so plan form reflects more closely the original plan form.
- Modern partitioning removed to reveal larger spaces, as originally designed.
- Replace damage or absent floor board with matching boards
- Rake out and patch repairs to damaged or cracked plasterwork
- Small sections of the original 19th century spine walls will be removed to allow the proper functioning of the units, with nibs retained wherever possible.

### **3. POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan 2017  
SP18, DM1, DM4,
- Supplementary Planning Document:  
- London Road, Bower Mount and Buckland Hill Area' SPD
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

#### **Side (south) elevation with access from Victoria Street**



### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

See separate report for 20/500153/FULL)

**Councillor Jonathan Purle**

- 4.01 This is quite a significant development concerning a listed building, that should be subject to public discussion including in relation to affordable housing, CIL payments, and possible impact of meeting the needs of future occupants. Should officers be minded to approve either of these (Listed Building Consent and Full Planning Permission), I would ask that the matter be "called in" to the Planning Committee for members to decide.

**5. CONSULTATIONS**

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

**Historic England**

- 5.01 No comment. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

**Georgian Group**

- 5.02 The Group recommends that local authority requires more information from the applicant in regard to the date of the windows and their condition. If the windows are confirmed to be original, this aspect of the scheme should be omitted. (NB: These comments have been discussed with the applicant and a condition is recommended seeking a full window survey).

**Conservation Officer (MBC)**

- 5.03 No objection subject to planning conditions. The proposed conversion of the building to 35 residential dwellings is acceptable in heritage terms and would preserve the architectural and historic interest of the listed building. The works would provide enhancements to the listed building including partial reinstatement of historic floor plan and extensive repairs and maintenance.
- 5.04 My preferred approach is the retention and repair of the existing windows and I suggest a window repairs schedule is required by condition.
- 5.05 I would be concerned if a proliferation of bathroom / kitchen extracts is proposed to serve each individual unit, and recommend details are requested.  
(NB: Separate comments provided on the full planning application listed building application 20/500153/FULL)

**6. APPRAISAL**

**Main Issues**

- 6.01 The key issues for consideration with the application for Listed Building Consent relate to the potential heritage impacts on the Grade II listed application building.
- 6.02 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.03 The National Planning Policy Framework states: In determining applications, local planning authorities should take account of: a) desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) desirability of new development making positive contribution to local character and distinctiveness.

- 6.04 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.05 NPPF Paragraph 196 is also relevant advising "*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, where appropriate, securing its optimum viable use*".
- 6.06 When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must 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. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings.
- 6.07 The application site is occupied by a Grade II listed row of terraced houses dating to circa 1830. The Historic England listing from 1974 is as follows: "*2. Circa 1830. 3 storeys attic and basement with area stuccoed. Cornice and parapet above 2nd floor. Cornice above 1st floor and stringcourse above ground floor. 2 windows and 2 dormers to each house. Windows in moulded architrave surrounds with glazing bars intact. Doorcases in moulded architrave surrounds with projecting cornices over supported on consoles, rectangular fanlights and door of 8 moulded panels. Cemented balustrade to the areas. Nos 1 to 6 (consec) form a group. Listing NGR: TQ7534155553*".
- 6.08 The detached building to the rear of the site is part of a 19<sup>th</sup> century rear extension, and along with the ragstone boundary walls is considered curtilage listed (this is the garden pavilion building which is to be restored and used for secure cycle storage).
- 6.09 The submitted heritage statement advises that the building was built "*...to the designs of John Whichcord Senior (1790–1860). Whichcord was a prolific English architect notable for his contribution to local 19th century architecture in Maidstone, in particular public and institutional buildings in the town which include the churches of the Holy Trinity and St. Philip*".
- 6.10 The London Road, Bower Mount and Buckland Hill Area' SPD describes the building "*The listed Rocky Hill Terrace runs between Victoria Street and Bedford Place. Set behind a screen of trees and a landscaped parking area with a small communal garden, the terrace is an elegant 4 storey building in grey and white with maroon doors accessed via flights of steps. A balustrade runs along the length of the building and the central section of the front elevation is set back*".
- 6.11 There have been significant internal alterations previously carried out to the application building. The conversion of the terrace to provide 42 separate residential units in 1974 introduced a high number of internal building partitions, with the removal of sections of wall and several historically significant staircases. As a result of these works limited internal historic fabric remains apart from retained staircases, the floorboards, and the tiled floor in the oriel window.
- 6.12 The current proposal will provide a smaller number of units and an aim of the works was to rationalise and reduce the number of internal partitions to show more of the original building layout. Existing and proposed ground floor plans are provided above.



- 6.17 A planning condition is recommended seeking the submission of a full window survey. The condition will also require details of all the windows due to be retained , details of the method in which it is proposed to restore windows and details of the status of any windows that are considered beyond repair and the specification of the proposed replacement windows including frame sizes, proportions and quality.
- 6.18 The conservation officer has expressed a concern about the visual harm to the building caused by the potential proliferation of bathroom and kitchen extracts to serve each individual unit A planning condition is recommended to prevent this potential visual harm to the building with the condition also preventing cables, wires, aerials, pipework, meter boxes and ducting from the external faces of the building.
- 6.19 With the external appearance of the building generally preserved without any damaging alterations or extensions, the proposed external works concentrate on repair and restoration work to the building. The proposed repair and restoration works that have been outlined earlier in this report are sympathetic to the design and appearance of the original building, with these works ensuring the future use and maintenance of the building.
- 6.20 In addition to the removal of the partitions associated with the 1974 conversion, the submitted proposal also involves the removal of small sections of the original internal walls on all levels of the building. The removal of these internal walls is required to allow the proposed accommodation to function correctly in terms of the use of space and circulation.
- 6.21 With the previous negative building alterations and the other internal works now proposed aimed at simplifying the building layout it is considered that the removal of these small sections of wall is considered acceptable. Using the assessment set out in the NPPF the proposed works are considered to represent 'less than substantial' harm to the listed building.

## **7. CONCLUSION**

- 7.01 The external repair and restoration works to the application building will conserve and enhance the significance of this Grade II listed building and features of special architectural or historic interest using specialist skills with matching materials in line with Local Plan policies SP18 and DM4.
- 7.02 In contrast to the outside of the building, a large amount of unsympathetic work has been carried out to the internal building layout as part of the conversion works from 6 houses to 42 flats for the elderly and a warden flat in 1974. Whilst it is not feasible to revert back to the original 6 houses, the submitted proposal seeks to reverse some of these changes and simplify the internal layout so that it more closely reflects the original building layout.
- 7.03 As part of the works to reduce the number of units to 35 and to ensure that the layout of the accommodation adequately functions, the works involve the removal of a small section of original building wall on each floor. In terms of the NPPF assessment the impact of this demolition work is considered to be 'less than substantial'. In the context of the overall improvements that are proposed, the investment in the building and bringing the building back into beneficial use the proposed changes are considered acceptable and when assessed against NPPF paragraph 196 the public benefits of the proposal and securing a viable use outweigh the negative impact. .

## **8. RECOMMENDATION**

GRANT LISTED BUILDING CONSENT subject to the following conditions:

- 1) The works to which this consent relates must be begun before the expiration of three years from the date of this consent.

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

- 2) Full details (including size, appearance, location on the building method of installation and concealment) of any external building alteration (including installation of cables, wires, aerials, pipework, rainwater downpipes, meter boxes, ducting or flues) shall be submitted to and approved in writing by the Local Planning Authority prior to installation, the alteration shall be carried out in accordance with the approved details and maintained as such thereafter

Reason: To safeguard the appearance of the development, the historical significance of the building and the visual amenities of the area.

- 3) Prior to the commencement of any works to, or the removal of any external window or door in the building a condition survey shall be carried out by a specialist contractor of all the existing external windows and doors in the building with the survey results submitted to and approved in writing by the Local Planning Authority. The survey shall report the condition of every external window and door in the building and whether the window or door is to be retained, restored or replaced and the reason for this decision. Replacement will only be allowed where it is proven that the window is beyond repair/restoration.

Reason: To safeguard the appearance of the development, the historical significance of the building and the visual amenities of the area.

- 4) Prior to the replacement of any external window or door, details of the replacement window or door shall be submitted to and approved in writing by the Local Planning Authority with the works carried out and maintained in accordance with approved details

Reason: To safeguard the appearance of the development, the historical significance of the building and the visual amenities of the area.

- 5) Works to the listed building will proceed in accordance with the submitted Master Repairs Schedule, and be completed prior to first occupation of any of the residential units hereby approved. Any building fabric or architectural feature that are repaired or restored or any historic feature that fails shall be replaced on a like for like basis using the same materials. Reason: To safeguard the appearance of the development, the historical significance of the building and the visual amenities of the area.

- 6) Unless set out in the Master Repairs Schedule, all original architectural and any original decorative features and all those identified as having heritage significance as per the heritage statement undertaken by Heritage Collective, dated January 2020 shall be retained, this includes the original staircases, balustrades, windows, doors, and any other decorative features detailed within the heritage statement. In the event that any original architectural or decorative features need to be removed full details (including why removal is necessary and details of the replacement) shall be submitted to and approved in writing prior to removal taking place with the replacement in place in accordance with agreed timescales.

Reason: To safeguard the special architectural or historic interest of the listed building

**Informative**

The applicant is advised that the following plans and documents were considered as part of the assessment of this application:

- 70583-D003-Proposed site plan (Rev. A rec.06.04.2020)
- 70583-D100A-Existing and Proposed Lower Ground Floor Plan (rec.06.04.2020)
- 70583-D101A-Existing and Proposed Ground Floor Plan (rec.06.04.2020)
- 70583-D102A-Existing and Proposed First Floor Plan (rec.06.04.2020)
- 70583-D103A-Existing and Proposed Second Floor Plan (rec.06.04.2020)
- 70583-D104-Existing and Proposed Third Floor Plan
- 70583-D203-Existing and Proposed Garden Pavilion
- 70583-D204 Proposed Front Elevation
- 70583-D205 Proposed Side Elevations
- 70583-D206 Proposed Rear Elevation
- Air Quality Assessment
- Master Repairs Schedule, documents 1 to 4
- Noise assessment.
- Transport Statement (Transport Planning & Highway Solutions Limited December 2019)
- Arboricultural Impact Assessment (Tyler Grange Group Limited 7th January 2019 ref 12361\_R01\_JP\_AS)
- Heritage Statement (Heritage Collective January 2020, Project Ref 5074A)
- Preliminary Ecological Appraisal (April 2019 Greenspace Ecological Solutions Ltd Report Number J20683)

Case Officer: Tony Ryan