

## REPORT SUMMARY

<b>REFERENCE NO - 11/0512</b>		
<b>APPLICATION PROPOSAL</b> An application for Listed Building Consent for internal alterations and extensions to facilitate the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions and internal works; conversion and extension of the existing ball room to 2 dwellings; demolition of existing garage block and erection of 4 terraced properties; conversion and extension of existing glasshouses to 4 dwellings; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works (PLEASE SEE MA/11/0511 FOR FULL PLANNING APPLICATION).		
<b>ADDRESS</b> Wierton Place, Wierton Road, Boughton Monchelsea, Maidstone, Kent, ME17 4JW		
<b>RECOMMENDATION: GRANT LISTED BUILDING CONSENT subject to signing of Unilateral Undertaking and subject to conditions and expiry of advert for departure from development plan</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATIONS:</b> As set out in the report.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The proposal is contrary to the Development Plan and the recommendation is contrary to the views of Boughton Monchelsea Parish Council.		
<b>WARD</b> Boughton Monchelsea And Chart Sutton	<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Wierton Place Homes Ltd <b>AGENT</b> Guy Holloway Architects LLP
<b>DECISION DUE DATE</b> 29/05/11	<b>PUBLICITY EXPIRY DATE</b> 29/05/11	<b>OFFICER SITE VISIT DATE</b>
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

### Planning History:

The site has a significant planning and enforcement history. The relevant history is summarised below:

MA/11/1806 Listed Building Consent for a permanent memorial plaque - APPROVED SUBJECT TO CONDITIONS

MA/11/1805 Advertisement Consent for a memorial plaque upon internal gateway plaque - APPROVED SUBJECT TO CONDITIONS

MA/11/0511 A full planning application for the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions; conversion of the existing ball room to 2 dwellings, including extensions; demolition of existing garage block and erection of 4 terraced properties; conversion of existing glasshouses to 4 dwellings, including extensions; and the erection of 5 detached dwellings to the north and south of the access track, together with associated access and landscape works (CURRENTLY UNDER CONSIDERATION - PLEASE SEE PAPERS).

MA/01/0093 An application for listed building consent for the erection of garden implement store - APPROVED SUBJECT TO CONDITIONS

MA/01/0092 Erection of garden implement store - APPROVED SUBJECT TO CONDITIONS

MA/93/0945 Construction of single storey building comprising garaging and store - REFUSED

MA/93/0364 Single storey garages and storage extension – REFUSED

MA/89/1390 Extensions to provide ancillary residential accommodation, external WC, laundry and store rooms - APPROVED SUBJECT TO CONDITIONS

MA/88/0168 Extension to country club to provide gym, lounge bar, snooker room and store - APPROVED SUBJECT TO CONDITIONS

MA/77/0056 Conversion into 5 residential units of barn, cottage and stable block - APPROVED SUBJECT TO CONDITIONS

MA/77/0089 Extension and alteration to form club - APPROVED SUBJECT TO CONDITIONS

MA/77/0180 The change of use of premises from office and residential use to part private residence, part country club - APPROVED SUBJECT TO CONDITIONS

MA/76/1195 Erection of double garage - APPROVED SUBJECT TO CONDITIONS

MA/75/0138 Renewal of permission for conversion of stable block and grooms quarters to dwellinghouse; improvements to cottage; conversion of barn to dwellinghouse - APPROVED SUBJECT TO CONDITIONS

72/0089/MK3 Extension to form club – APPROVED

71/0180/MK3 The change of use of premises from office and residential use to part private residence, part country club - APPROVED SUBJECT TO CONDITIONS

70/0333/MK3 The change of use of premises to part private dwelling, part country club – REFUSED

70/0185/MK3 (a) the conversion of stable block and grooms quarters to dwelling house; (b) the carrying out of improvements to cottage; and (c) the conversion of barn to dwellinghouse - APPROVED SUBJECT TO CONDITIONS

67/0184/MK3 An outline application for change of use to residential hotel and country club - APPROVED SUBJECT TO CONDITIONS

The complex and sensitive nature of the application, the length of discussions and negotiations and various changes in case officers have resulted in this application and the accompanying application for listed building consent (MA/11/0512) being in for a significant period of time. The applications were on the papers for the Planning Committee meeting held on 14<sup>th</sup> February 2014, however they were withdrawn from the agenda prior to determination.

More recently, since Summer 2015, ecological information requested by the Kent County Council Biodiversity Officer relating to the presence of bats in the main buildings on the site was provided by the applicant in July 2015. A draft Unilateral Undertaking has also been submitted, which is intended to control the phasing of the development and also ensures that the Greenhouse is repaired before the new housing units are occupied.

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is located within the open countryside, approximately 1km to the south of the village of Boughton Monchelsea, which is itself approximately 3 miles from the centre of Maidstone (as the crow flies). The site is located in an area with no specific environmental or economic designations within the adopted Maidstone Local Plan 2000 (MBWLP), however it is within a proposed Landscape of Local Value in the emerging Maidstone Regulation 19 Local Plan (MLP). The site is accessed from Wierton Road to the east by a sinuous tree lined single track private drive of some length (approximately 200m). The route access passes through land in the ownership of third parties, and is itself owned by persons who have now been correctly served with Owners Notices (and the correct Certificate provided to the Local Planning Authority).
- 1.02 On entering the main body of the site, which is irregularly shaped, there are two linear areas of hard surfacing to the north and the south of the access, which appear to have previously been utilised as overflow car parks associated with the former use of Wierton Place as a night club. These areas of hard surfacing are separated from the remainder of the site by two banks of trees that run from north to south within the site.
- 1.03 The main house (Wierton Place itself), which has an existing lawful use as a night club (known as the "Polo Club") and a number of residential apartments, sits centrally within the application site oriented to face southwards over the Kentish Weald. This building, which was Grade II listed in 2002 along with a small detached garden building to the north west, was constructed in approximately 1857 (although a property has been recorded at the site from circa 1760), and comprises a substantial detached property constructed of red brick in Flemish bond with brick headers, and sandstone dressing, with a Kentish ragstone plinth to the rear. The property has a tiled roof, with large ornate chimney stacks, including four tall clustered stacks to the main part of the building. The historical core of the building is two storey, although it has been previously extended through the addition of a three storey extension to its western end. To the eastern end of the main building is a substantial (single storey flat roofed extension) which formerly housed the ballroom associated with the nightclub. Both of these extensions are believed to date from the Victorian or Edwardian era. To the north of the main building is an area of hard surfacing used for car parking ancillary to the use of Wierton Place, together with areas of landscaping. To the west of the main building, approached through a large arch, is a large block of single storey garages dating from the late twentieth century, which are of no architectural or historic merit. Beyond the garages are a small single storey detached garden building believed to be associated with the main property and built in a similar gothic style. The building is believed to have formerly functioned as an ice house; this building was listed in its own right at the same time as the main building.
- 1.04 To the north of the garage block and ice house, and to the north west of Wierton Place, is a walled garden, which contains original and little altered glasshouses which are Grade II listed in their own right in 1987, and as such were recognised for their highly unusual architecture and quality of construction prior to the main building. These glasshouses are in a state of significant disrepair, however, much of the original hardwood main frame remains intact. Although many of the glass panels have been lost as a result of impact from various objects and precipitation as well as the warping of the original metal louvre system, some remain intact. The building also

retains Victorian functional details including floor tiling, work benches and heating systems throughout.

- 1.05 The glasshouses take a linear form, with two wings extending out to the east and west from a central atrium. The wings take an asymmetric form in order to gain maximum growing benefit from the south facing aspect of the building, however the central atrium has a symmetrical layout, projecting forward of the wings, and is significantly greater in height and overall prominence. Architectural continuity is provided by the rear elevation of the building which extends the full width of the wings and atrium.
- 1.06 The glasshouses represent a particularly interesting building, considered to be of significant merit, as recognised by the relative listing statuses of it and the main property within the site – irrespective of its current condition
- 1.07 The land to the rear of the glasshouses is mainly laid to hard surfacing, although there are some containers within the area, as well as some brick/block constructions that do little to respond to the character of the glasshouses. This part of the site is in an unkempt state, seemingly used for the storage of building materials, together with cars in varying states of disrepair. It is entirely enclosed by the glasshouse building to the south (which it may have originally served as a storage area for gardening), and to the north, east and west by a band of woodland protected under TPO 9 of 1982. Vehicular access to this part of the site is gained via a track which runs to the south and west of the walled garden.
- 1.08 Land levels within the site generally fall from north to south. The northern half of the site, on which the existing and proposed buildings are sited, is approximately level falling to the south, which reflects the underlying geology of the Greensand Ridge. As set out above in paragraph 1.03, the main house overlooks this escarpment, which forms parkland falling away beyond the main garden which has been laid out to the immediate south of the property.
- 1.09 The boundaries of the site are largely defined by fencing of conventional rural construction, supported by mature native hedging. Along the northern boundary of the site is a woodland band protected under the scope of TPO 9 of 1982 to the north of which is a public right of way, the KM120, whilst the eastern boundary of the site is marked by a substantial coniferous hedge on land not within the control of the applicant.
- 1.10 To the west of the gardens and to the south west of the main building are the residential properties “The Old Coach House”, ‘Barn House’ and ‘Weald Barn House’. The closest of these, The Old Coach House, is located approximately 35m to the south of the closest of the additional proposed dwellings.

## **2.0 PROPOSAL**

- 2.01 This is the listed building application that accompanies the full application also on the papers this evening. It relates to internal and external works to facilitate the change of use of existing nightclub and apartments to 1 dwelling and 6 apartments, including extensions; the conversion and extension of the existing ball room to 2 dwellings; the demolition of existing garage block; and the conversion and extension of existing glasshouses to 4 dwellings.

### **Number of Residential Units**

2.02 The tables below sets out the existing residential development that already exists on the site and also the proposed residential development.

<b>Existing Residential Units:</b>	
Flats in the existing three storey addition to Main House	12
Bungalow	1
Main House	1
<b>TOTAL</b>	<b>14</b>

<b>Proposed Residential Units:</b>	
Flats in the existing three storey addition to Main House	6 (units 4-9)
Demolished Bungalow and Garage Block, including restoration of listed ice house	4 (units 16-19)
Restoration and conversion of Main House and nightclub	1 (unit 3)
Conversion of Victorian Ballroom	2 (units 1-2)
Restoration and conversion of glasshouses	4 (units 10-13)
Enabling development located on hard surfaced car parks	5 (units 20-24)
<b>TOTAL</b>	<b>22</b>

2.03 Overall, the tables demonstrate that there are currently 14 residential units on the site. As a total of 22 residential units are proposed on the site, this creates a total increase of 8 residential units. The amended Master Plan (drawing no. 09.79.101 Rev.E), received on 28<sup>th</sup> July 2015, identifies the location of all proposed development and labels the unit numbers. A brief breakdown of the proposal is set out below with a more detailed description given of the proposal from paragraph 2.04 onwards:

- The first floor apartment in the main house will remain as one residential unit, but it will be restored to its original Victorian layout incorporating the ground floor and basement that currently has a lawful use as a nightclub. This is labelled as Unit 3 on all the plans.
- There are 12 flats in the existing three storey addition to the main house, which comprise a mixture of one bedroom and studio flats. These will be converted into 6 two bedroom flats, resulting in a reduction in the overall number of flats by 6 units. The remodelled flats are labelled as units 4 to 9.
- The existing bungalow and garage block will be demolished and replaced with 4 new terraced units including the retention of the listed garden building/ice house. The new units will not result in an increase in built footprint compared to the existing garage block. These units are labelled as units 16 to 19.
- The existing Victorian ballroom located on the eastern end of the main house will be converted into two semi-detached dwellings with no increase in footprint. These units are labelled as units 1 and 2.
- The existing listed glasshouses will be repaired, restored and converted to conservatories for 4 new residential units. The workshops to the rear will be demolished and replaced with the main living areas of the new dwellings, resulting in only a marginal increase in footprint. These units are labelled as units 10 to 13.
- New building enabling development of 5 houses is located on the hardsurfaced overflow car park area. These units are labelled units 20 to 24.
- It should be noted that there are no units 14 and 15 due to amendments that been undertaken to the scheme.

- The demolition of outbuildings, the bungalow and garage will remove 345 sq.m of built footprint. The erection of units 16 to 19 on the site of the garage block will create approximately 397 sq.m of footprint, an overall increase of 52 sq.m.
- The demolition of the modern outbuildings around the glasshouses will remove approximately 692 sq.m of footprint. The new conservatory units will have a footprint of 496 sq.m, resulting in a reduction in built footprint of approximately 196 sq.m.
- The new build enabling development (units 20 to 24) will have a total footprint of 624 sq.m.
- In total, over the entire site, there will be an increase in built footprint of 480sq.m from the all the new residential dwellings. The enabling development clearly comprises the main increase in built footprints on the site, with the other parts of the proposal resulting in only a marginal increase in footprint due to the demolition of various buildings that are modern and detract from the setting of the listed buildings on the site.

### **Detailed Description of Proposal**

- 2.04 The proposal for the change of use of the original building forming Wierton Place (the existing night club, exclusive of the later eastern addition forming the ballroom and western addition housing the existing apartments) is for the conversion of this element of the building into a single large property (unit 3), which would contain five large bedrooms at first floor, living areas at ground floor and a cinema/gym within the basement. Access and car parking serving this property would be from the front (north) of the building. The conversion would largely retain and restore the historic layout of the original Victorian building, however a new window would be installed within the side elevation of the main house, on its eastern elevation.
- 2.05 The existing flats within the existing addition to the western elevation of the original property, of which there are twelve, would be remodelled, resulting in six apartments (units 4 – 9 inclusive), two on each floor, a loss of six units within this part of the building. However, rather than the existing cramped one bedroom and studio flats as they are currently, the new apartments would all be more generous two bedroom units, with internal floor areas of between 98m<sup>2</sup> and 122m<sup>2</sup>. These properties would be accessed via a new glazed shared staircase which would be sited between the oldest part of the house and the more recent three storey addition to its western elevation, and would be recessed back from the main elevation by a minimum of 3m (not considering projecting bays).
- 2.06 The existing 'ballroom' extension at the eastern end of the main building is proposed to be altered to facilitate its conversion into a pair of "semi-detached" dwellings (units 1 and 2). The works proposed would see the retention of the existing walls (aside from an element of the existing 'link' to the main building which would be narrowed), with the introduction of a lightweight, glazed, flat roofed first floor area and terrace above the existing structure. The first floor extension would be set in from the ground floor walls of the existing building by approximately 1-3metres, allowing the creation of a first floor terrace for occupiers. These properties would each provide three bedrooms at ground floor level, and living accommodation at first floor in order to take maximum enjoyment from the views southward. Access to these properties would be from the front (north) for unit 2 and from the eastern side for unit 1.
- 2.07 The key element of the proposal is the conversion of the existing glasshouses within the north western corner of the application site, which, as set out above in paragraph

1.04 to 1.06 inclusive, were listed in their own right as a building of architectural and historic interest prior to Wierton Place itself. The conversion would include the total refurbishment of the existing glass and steel structure, which would form garden rooms to the proposed dwellings (the “wings”) and a shared communal space (the central atrium), as well as the construction of two storey extensions to the rear of the east and west wings of the building, on the hard surfaced area currently used for informal storage. In total, the conversion of these glasshouses would provide four additional dwellings (units 10 – 13 inclusive), a negotiated reduction of two units in comparison to the scheme as originally proposed, together with a communal space within the central atrium opening out onto the (restored) walled garden, the use of which would also be shared by occupiers. The extensions behind the (refurbished) glasshouses would be flat sedum roofed, so as not to ‘compete’ with the form of the glass house, or to compromise views of the host building, whilst allowing the provision of habitable space. These would be single storey, and timber clad to the rear. Private garden areas and parking spaces would be provided to the rear (north) of these properties, with access gained from a new track that would run between the parking area along the northern boundary of the site and the main access point from Wierton Hill in the western side of the application site; pedestrian access only would be allowed to the walled garden to the south of the properties.

- 2.08 The conversion and refurbishment of the glasshouses, and therefore their retention, are a desirable outcome which will cost a considerable sum to achieve to an adequate standard, bearing in mind the heritage sensitivity of the original building, the (in places) dilapidated state of the historic structure, and the extremely specialised techniques which will be required for the glasshouses to have a realistic use for residential purposes. The residential use enables the glasshouses to be used as conservatories for the dwellings so that they can be preserved with as minimal alterations as possible. There are limited other options for re-use, none of which (including the proposed residential use) would be able to cover the prohibitive cost of the glasshouse restoration together with the restoration of the garden and enclosing wall. As such, enabling development to finance the project is proposed, the details of which are set out below.
- 2.09 It is proposed to demolish the existing residential unit known as the bungalow and the unsightly garage block that is sited to the west of the main building together with the flat roofed structure connecting it to the main building, and to replace it with a detached terrace of four contemporary, two storey flat roof dwellings (units 16 – 19 inclusive), which would retain the attractive, single storey ice house that forms part of the listing as an incorporation into the western-most unit of this terrace. This element would be seen in direct relation to the main building, and as such, is to be constructed at ground floor level of matching brickwork, with the first floor set back, and of a more lightweight, glazed construction, mimicking that of the dwellings proposed in the former ballroom (units 1 and 2). Again, a flat (sedum) roof would be provided, with a significant overhang. This building, which would be significantly smaller in height and overall bulk in comparison to the original building, would sit back from the main frontage of the house and project outwards from the rear so as to appear more subservient in views from the main central point of the northern part of the site.
- 2.10 The second part of the new build element of the scheme (and the main enabling development) would see the erection of five houses within the eastern end of the application site (units 20 – 24 inclusive), on the land previously used as an overflow parking area. Two of these properties would be located to the north of the main access, and three to the south. These dwellings, which would all be detached and of two storeys in height, providing four bedrooms each, would be of contemporary

design, being constructed of brick, render, and timber cladding, and provided with a sedum roof, consistent with the other extensions and new builds proposed. The properties to the north of the main access would be arranged around a parking courtyard with gardens to the north of them, whilst the properties to the south of the access would have a more linear arrangement responsive to the extent of the existing area of hard surfacing. These dwellings would be oriented to present their most open aspects to the west or south, and the interior of the site as a whole.

- 2.11 The two northernmost dwellings of this group would have a shared parking area immediately to the north of the main access to the site, whilst the three to the south would have a shared access which would run southwards along the eastern site boundary.
- 2.12 Each of these properties, whilst having clean lines, would incorporate overhanging elements that would project at first floor level to provide visual articulation as well as enhanced internal and external space above garden level. A minimum of two car parking spaces are proposed for each of these properties.
- 2.13 The position and orientation of these new build properties, and that of the access, have been amended from that originally proposed in order to reduce the impact of the adjacent hedge on future occupiers, improve the spatial relationship between the proposed dwellings, and allow occupiers to benefit from the views to the west and south west.
- 2.14 In addition to the above, existing car parking areas to the north of Wierton House and to the south of the walled garden are to be rationalised and existing areas of landscaping within the central part of the site enlarged and enhanced.
- 2.15 The applicants have agreed that the new properties would be constructed to the equivalent of a minimum of level 4 of the Code for Sustainable Homes (although this matter will now be dealt with under the scope of Building Control). In addition, it has been agreed that ecological enhancements will be incorporated within the development, such as the provision of swift bricks and bat boxes within suitable locations throughout the development. Solar panels are proposed on the roofs of the new four bed houses.
- 2.16 There are elements of demolition of existing structures within the proposal, which are detailed in drawing numbers 09.79.50 and 09.79.51 rev B. The buildings to be demolished are, in general, poorly constructed twentieth century additions of limited architectural or historic interest, and in some cases are actively detrimental to the character and appearance of Wierton Place as a heritage asset.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework 2012

National Planning Practice Guidance 2014

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13

Maidstone Borough Local Plan Publication (Regulation 19) Feb 2016: Policy SP17, DM1, DM2, DM3, DM7 and DM13.

Supplementary Planning Documents: Affordable Housing Supplementary Planning Document 2006, Maidstone Landscape Character Assessment 2012, Maidstone Landscape Character Assessment Supplement 2012

Other: Historic England (formerly English Heritage) English Heritage Enabling Development and the Conservation of Significant Places, The Setting of Heritage Assets



#### 4.0 LOCAL REPRESENTATIONS

4.01 Local residents were notified and representations were received from approximately 25 households (some objectors writing more than one letter and also one from a planning consultant employed by local residents). The concerns raised within these letters are summarised below:

- The proposal would result in a significant level of traffic which would be to the detriment of the highway network and residential amenity of the neighbouring occupiers;
- The provision of a single access into and out of the site is unsafe;
- The proposal would result in more noise and disturbance, and smells by virtue of the increase in people living at the site;
- The proposal would have an unacceptable impact upon the setting of the listed building and conservation area;
- There are not sufficient car parking spaces;
- There is insufficient outside space for future residents;
- The proposal would result in an over-intensification of the site, and would not fit in with the historic pattern of development;
- There is insufficient water supply;
- What will happen with the sewerage;
- How will gas be supplied to the dwellings?
- The bat survey was not of sufficient standard;
- The proposed dwellings would be unattractive and out of keeping with the surrounding area;
- It is not clear where the alternative access into the site would be;
- Previous permissions have been declined at this site;
- The proposed materials are unacceptable;
- There would be a doubling of residential units within the hamlet of Wierton;
- The impact upon biodiversity has not been fully considered;
- Inspector's decisions elsewhere within the area have seen new dwellings refused;
- The conversion of the greenhouse would in fact be a new build;
- There are a lack of amenities for future occupiers within the area;
- The proposal would have a detrimental impact upon the setting of the Greensand Ridge;
- This would result in a significant precedent;
- The proposal would be contrary not only to ENV38, but also AH1, ENV34, ENV44, T3, T21 and T23 (not all of these remain in force);
- The proposal would undermine the Council's strategic objectives numbered 1, 2, 3, 5 and 6;
- The proposal would be contrary to policies CC1 and NRM5 of the South East Plan (2009);
- The proposal would be contrary to PPS1, PPS5, PPS7 and PPG13;
- The proposal would result in light pollution to existing residents;
- There would be an unacceptable loss of trees within the site;
- There is a lack of storage space within the development;
- The proposal would result in a loss of privacy to neighbouring occupiers;
- The proposal would impact upon the nearby Special Landscape Area;
- The premises has not been operating as a nightclub for a significant period of time, and as such, the application is misleading;
- The plans are not correct;

- There is poor telephone/internet connection within the locality;
- The business model put forward is out of date;
- There would be an unacceptable impact on an existing, and over-subscribed primary school;
- There is no 'planning gain' being offered as a result of this proposal;
- The proposal would result in an increase in crime in what is at present, a very safe area.

4.02 Following the last set of consultations in July 2015, approximately 10 objection letters were received on the proposal (with some objectors writing more than one letter). The concerns raised are listed below:

- Do not believe that the protection of the heritage assets in their curtilage and minimising impact of any changes has been achieved.
- No attention has been paid to rural landscape and to the quiet and dark nature of the hamlet and surrounding area;
- Enabling builds should appear in the listed building consent;
- Previous withdrawn committee report failed to provide a balanced view;
- Reports should detail the different information and viewpoints of all rather than the viewpoint preferred by officers;
- Essential that officers ensure that their reports provide this balance as well as indicating their advice/reasoning/evidence
- Grade 2 listed greenhouse is clearly being demolished and only a very few aspects will be retained;
- Is not a renovation of this heritage asset but of its destruction and replacement with a modern double glazed copy. It is possible only the metal posts in the orangery will be saved.
- If the heritage asset is now beyond saving, it should be delisted and made safe or most likely removed and no further build should be permitted within the walled garden;
- Is an Enabling Plan needed if not possible to resurrect the glasshouses to any extent?
- As is clear in the NPPF, neglect must not be rewarded. We object strongly to this incorrect application of heritage.
- Treatment of foul water not been addressed;
- Grounds of grand house should be remain open and not split into individual garden spaces, yet indications that there are to be gardens for the terraced houses;
- There must be protection for all mature and significant trees across the whole site;
- Increased risk of Light and Noise pollution;
- Loss of trees will further exacerbate light and noise pollution across the site and across the Weald Valley;
- Local planning authority should establish that there are access, build and title rights;
- Valuation Report is no longer valid due to relatively stable building costs and rapidly and substantially improved house prices. Add to this the reduced project costs in not renovating the greenhouse, then massive savings are in place which will have an impact on the need for the level of enabling works proposed.
- Footprint of terraces have increased and they have delineated garden areas;
- Believe residential use of Wierton Place is most sustainable, but believe that this is the wrong scheme and should be rejected;
- Are there sufficient rights of access to enable scheme to go ahead?

- How will internal changes to layout of terraces be safeguarded:
- No details relating to drainage:
- Support change of use, but scale wrong;
- The value paid for the property could be achieved by changing the existing house back to a single unit and providing a conservation package to the listed glasshouses;
- The longer the applications drag on, the more the preservation of the glasshouses becomes a lost cause. Council failed in its obligations to ensure that the listed building is maintained;
- Strongly object to 5 new houses which are unsympathetic to their environment;
- Inconsistent approach to applications for other listed buildings in area;
- Not appropriate development alongside 2 listed buildings;
- Will the greenhouse structure and materials be protected?
- It is an inappropriate design.
- Overall number of dwellings is inappropriate.
- The development is not of a high quality design;
- It does not contribute to conserving and enhancing natural environment;
- It does not conserve an important heritage asset;
- Isolated new homes in the countryside should be avoided;
- Intrusive development;
- Increase in amount of tarmac, traffic; noise and disturbance.

4.03 Petitions (with over 1,200 signatures) were also received, objecting to this proposal (and to two other proposals) on the basis that it is development in the open countryside. The petition was open for signatures online. No petition was received following the last consultation on the application.

4.04 The correct notice was not originally served on the owners of the site access, but this matter has now been resolved with the correct certificate of ownership having been provided to the Local Planning Authority and an Owner's Notice served on the relevant party. The driveway access to Wierton Place does not belong to Wierton Place, but to the adjacent land owners of the Buttercup Goat Sanctuary. However, the Land Registry Titles confirm that Wierton Place does have a legal right of way over the driveway with or without vehicles and also for access for maintenance work to fences, water pipes and electricity wires. The applicant has confirmed that this is for the whole extent of the drive and not just the width of the tarmacked area. The concerns of the adjacent land owner regarding the ownership of the access road is noted, however, the ownership of the access drive is not a planning matter, and as the correct procedure has now been complied with, this does not represent a reason for refusal of the application.

4.05 CPRE Kent objected to the proposal on the following grounds:

- It would result in additional dwellings within the countryside;
- There is local opposition to the scheme, which should be given weight;
- There are too many new dwellings within the development;
- The new dwellings would compromise the setting of the listed building;
- There is no management plan shown for the grounds;
- The site is unsustainable;
- The increase in traffic would be unacceptable;
- There is no provision for affordable housing within the development.

## 5.0 CONSULTATIONS

### **Environmental Health Officer**

- 5.01 The Environmental Health Officer recommended approval for the scheme, subject to the imposition of a contamination condition. This has been imposed, with Phase 1 relating to a preliminary risk assessment and site investigation already submitted as part of this application. The Environmental Health Officer considered that the Phase 1 document could be approved, but with the verification conditions requiring to be discharged as part of the contamination condition.

### **KCC Development Investment**

- 5.02 KCC have commented on the issue of contributions towards school and other service expansions from the development. They state that *"from our assessment of the site, there would appear to be 22 new dwellings being created, however there are 14 existing dwellings on the site. This leaves a net of just 8 new homes"*. They conclude that *"we will not be pursuing any contributions from this site"*.

### **District Valuer**

- 5.03 Maidstone Borough Council Housing and Community Services requested that if the applicants are to make a case for social housing to be excluded from this site, they would need to submit a viability appraisal which demonstrates that the scheme would not be viable with the inclusion of affordable housing. The applicant's submitted a Viability Report and the District Valuer was appointed by Maidstone Borough Council to assess the proposal.
- 5.04 The District Valuer reported that construction costs have increased for the proposal. This results in the scheme being on the margins of viability with the proposed enabling development. It would appear that it needs the proposed development to provide the applicant with an appropriate level of return for their risk, but equally it does not require more enabling development than proposed. As a result, the District Valuer, MBC and KCC all accept that no affordable housing provision or other contribution will be sought in connection with this development. The enabling nature of the development is required due to the significantly high development costs associated with the repair and refurbishment of both the listed main house and the unique and independently listed glasshouses.

### **KCC Biodiversity Officer**

- 5.05 The KCC Biodiversity Officer has commented that sufficient information has been submitted to determine the application. It is recommended that the implementation of the precautionary mitigation set out in the bat survey reports are carried out as part of the conditions of the planning permission.

### **Environment Agency**

- 5.06 The Environment Agency commented that they "assessed this application as having a low environmental risk", therefore, they have no comments to make.

### **Parish Council**

- 5.07 Boughton Monchelsea Parish Council wish to see the application refused and reported to Planning Committee in the event of a recommendation for approval, making the following detailed comments in 2011:

*'The Boughton Monchelsea Parish Council would like to see the above application(s) **REFUSED** because:*

*Adverse Effect on Open Countryside. The proposed development, both in scale and design, would be visually intrusive and harmful to the rural character and appearance of the countryside and cause visual harm to the character and appearance of Wierton Hill. It would be overly conspicuous and too intrusive to be absorbed without detriment in the rural setting. It would effectively double the size of the existing hamlet of Wierton. The very few new buildings which have been permitted within the parish to the south of Heath Road have been justified on agricultural or ecclesiastical grounds. No equivalent justification is shown to exist here. The development would be contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, Policy C4 of the South East Plan 2009 and guidance within Planning Policy Statement 7.*

*To approve these applications would be inconsistent with the decision made on another recent and nearby planning application, namely MA/09/1335 Wierton Hall Farm, East Hall Hill. This application was refused and the subsequent appeal was dismissed. In the appeal, the inspector concluded the following:*

*that permitting the proposed development would undermine policies that seek to protect the countryside  
that unacceptable harm would be caused to the character and appearance of the surrounding countryside  
that the proposed development would fail to preserve the setting of the existing listed building.*

*Adverse Effect on Listed Buildings. The development both in scale and design would be visually intrusive and compromise the setting not only of the existing listed buildings within the development site but also of other nearby traditionally constructed buildings. In particular, the design of the 'wings' to the existing house, and the five 'enabling' houses are detrimental to the context of the listed buildings. Without in any way conceding that this scheme does preserve them, the preservation of the listed Victorian greenhouses would not justify the implementation of the remainder of the development. The development as a whole would be contrary to Policy B6 of the South East Plan.*

*Adverse Effect on Special Landscape Area and the Greensand Way. The development would be inappropriate within the Special Landscape Area of the Greensand Ridge. It would be visible both from the internationally renowned Greensand Way, so as to affect adversely the enjoyment of those using it, and also from the Weald to the south. Inevitably, the development would be lit and would also be visible by night.*

*Adverse Effect on Highway Network. Access from the development site to the highway is poor. The development would generate a type of traffic entirely different in nature from that generated by the current permitted use and a vastly increased volume of traffic which the adjacent public highway and the network of lanes leading from this (mainly single track with passing places) could not safely accommodate.*

*Adverse Effect on Local Infrastructure. Local infrastructure in terms of water pressure, sewerage and drainage is already stretched. Local amenities cannot absorb further development on this scale, particularly the village primary school, which is over subscribed.*

*Other Matters:*

*The development would require the removal of trees with Tree Preservation Orders (ref TPO number 9 of 1982, file reference 406/105/13).*

*There is no quota of affordable housing within the proposed development.*

*The Borough Council has not acted for many years on enforcement of the Victorian greenhouses. As detailed above, the preservation of the greenhouses does not justify the implementation of the remainder of the development.'*

5.08 The following comments were received in response to a reconsultation in 2014:

*"The Parish Council would like to comment on the amended applications as follows :*

- 1. We recognise that a residential solution for this site is appropriate however we need full visibility of the associated viability reports. We understand that these are now being released however we have yet to receive copies*
- 2. The comprehensive refurbishment of the existing greenhouses is incongruous with the existing listed buildings*
- 3. Although the most recent proposal contains two fewer properties, the total number of bedrooms in the development has only been reduced by two. The overall square meterage of new development appears to have actually increased.*
- 4. The increase in area of hardstanding is excessive and causes concern regarding surface water run off".*

5.09 Most recently, the following comments were received in 2015 following a further reconsultation on amendments to the scheme and additional information:

*"The Parish Council's original objections also still stand.*

*The applications were discussed and the following items were noted, the overall development had been reduced by two bedrooms from the original application. It was also noted that the glass houses are no longer incurring costs as they are gradually being demolished, this forms part of the listed building.*

*For the enabling work to take place the viability study is now out of date and should be carried out again. The scheme has changed in cost of development as house prices have increased since the original application was submitted and this would be the reason for a new viability study. There seems to be a difference between applications 11/0511 and 11/0512 as they both do not seem to include the 5 bedroom detached dwelling.*

*It was also noted that this should be taken into consideration when making any decision Wierton Place sits right in the middle of the Greensand Ridge and this is an area of special value.*

*Members asked the Conservation Department to thoroughly investigate the existing trees on the site as some appear to have been removed. On the west side it seems that ground cover and hedgerows will need to be removed to allow enabling works and housing to take place.*

*The members stated that this is not a sustainable location to put the number of units in the application. There will also be high level light shining across the Weald. It is not accessible for public transport. The members would also like to see confirmation from the Environment Agency on Sewage, surface water etc.*

*The member would also like to see a full construction statement carried out on the site and it is a must that all construction traffic should come from the north.*

*The design is inappropriate for this Grade II Listed Building. The very contemporary design of the 5 new dwelling houses is damaging within a Heritage site.*

*The Parish Council would like to see the application refused on the above grounds and on their previous comments made which are added below for your information.*

*RESOLVED: all members present would like to see the application refused”.*

### **Historic England**

- 5.10 Historic England raise no objection to the proposal subject to the enabling development being suitably scrutinised and controlled, making the following detailed comments (summary only):

*“Wierton Place is a small country house dating from 1760, but substantially remodeled in the late nineteenth century. It is now listed at grade II, along with various associated garden buildings, including a kitchen garden wall and large greenhouses. English Heritage does not object in principle to enabling development as a means of securing the future of this group of assets that has fallen into disrepair. However, we are unable to identify from the applicant’s valuation report and appraisal what the conservation deficit is in this case, and therefore what quantum of development is necessary to address that deficit.*

*English Heritage recommends that planning permission should therefore only be granted if your Council is able to satisfy itself that the quantum of enabling development proposed is the minimum necessary to secure the future of the designated heritage assets in the Wierton Place estate and that the benefits of securing a positive future for those assets outweigh any disbenefits associated with the scheme. In the event of planning permission being granted, those benefits should be legally and enforceably tied to implementation of the enabling development.”*

- 5.11 Historic England, having been provided with a copy of the District Valuer’s report on the viability of the scheme, has confirmed that no objection is raised. The proposed development is the minimum necessary to secure the future of the listed buildings and a Unilateral Undertaking is proposed to ensure that the enabling development is tied to the work required on the listed buildings.

### **KCC Senior Archaeological Officer**

- 5.12 KCC’s Senior Archaeological Officer recommends the following conditions to be imposed on any forthcoming consents:

*“No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic landscape survey and assessment in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

*Reason: To ensure that features of historic landscape and garden history interest are properly examined and recorded”.*

*“No development shall take place until the applicant has secured and implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority;*

*Reason: To enable the recording of any items of historical or archaeological interest.”*

*“No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved*

*by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

*Reason: To ensure due regard is had to the preservation in situ of important archaeological (including garden history) remains”.*

#### **Conservation Officer**

- 5.13 The Conservation was fully involved by the Case Officer in discussions with English Heritage. Following various amendments to the scheme and submission of joinery details, he raises no objection to the proposed development, subject to the imposition of suitable conditions relating to an appropriate programme of building recording and analysis, a programme of repairs to all the listed structures, large scale details relating to the main house, outbuildings and garden wall and samples of materials.

#### **MBC Landscape Officer**

- 5.14 The Landscape Officer has raised no objection to the proposal subject to the imposition of conditions. The conditions imposed include a landscaping scheme, which should include a long term management plan, safeguarding of trees during construction in accordance with the Lloyd Bore Tree Protection Plan and the Arboricultural Impact Assessment received on 24<sup>th</sup> July 2015.

### **6.0 BACKGROUND PAPERS AND PLANS**

- 6.01 The proposal is shown on drawing numbers D132799/1 rev 2, D132799/2, D132799/3, D132799/8 rev 1, D132799/9 rev 1, D132799/10, D132799/11 and D132799/12 received 31<sup>st</sup> March 2011; drawing numbers 09.79.50, 09.79.51 rev B, 09.79.104 Rev B, 09.79.105 Rev A, 09.79.106 Rev B, 09.79.107 Rev B, 09.79.108 Rev B, 09.79.109 Rev A, 09.79.111 rev A, 09.79.112 rev A, 09.79.113 Rev B, 09.79.114 Rev B, 09.79.115 Rev B, 09.79.125, 2082\_DR\_001-A, 2082\_DR\_002-A, received 25<sup>th</sup> June 2014; drawing numbers WM/Joinery/01,WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7<sup>th</sup> July 2015; drawing numbers 09.79.110 Rev B and 09.79.116 rev B received 8<sup>th</sup> September 2014; drawing number 09.79.101 rev E received 23<sup>rd</sup> July 2015; drawing numbers 2082\_DR\_001 rev B and 2082\_DR\_002 rev B received 24<sup>th</sup> July 2015; drawing numbers 09.79.117 rev A, 09.79.118 rev A, 09.79.119 rev A, 09.79.120 rev A, 09.79.121 rev A, 09.79.122 and 09.79.123 received 28<sup>th</sup> July 2015.

Supported by a Bat Survey Report (ref 6037/SBTG dated 5<sup>th</sup> September 2011) received 7<sup>th</sup> October 2011; Conservation Statement (dated June 2014), Design and Access Statement, Draft S106 agreement; Supplementary Arboricultural Impact Assessment (ref 2082\_RP\_002 dated 29<sup>th</sup> April 2014), Update Bat Survey Report (ref 6037/4687/SBTG dated 11<sup>th</sup> June 2014) received 25<sup>th</sup> June 2014; and Bat Activity Survey Report (dated 20<sup>th</sup> July 2015) received 20<sup>th</sup> July 2015; and an Arboricultural Impact Assessment (ref 2082\_RP\_001 date 24<sup>th</sup> July 2015) received 24<sup>th</sup> July 2015.

- 6.02 In addition, details relating to the viability of the scheme have been provided, and commented on by the District Valuer. These documents are confidential as they contain commercially sensitive financial information. Since then, a more detailed breakdown of the figures has been provided so as to leave no doubt as to the costings for the proposal. A Unilateral Undertaking is proposed to control the phasing of the works on the site and to ensure that the Listed Greenhouse is repaired



to the satisfaction of the Local Planning Authority prior to the occupation of any of the new residential units.

## **7.0 APPRAISAL**

- 7.01 Policy ENV9 of the adopted Maidstone Borough Wide Local Plan 2000 requires any development involving proposals to extend or alter a listed building to preserve the building, its setting and any features of special architectural or historic interest. Policy ENV10 sets out how consent will only be granted for the demolition of a listed building in exceptional circumstances. Every effort must be made to find a suitable alternative use. Policy ENV11 allows a change of use to a listed building if its character and features of special architectural or historic interest would be preserved or enhanced by the proposal. Policy ENV12 requires that proposals are assessed on whether they would harm the setting of a listed building.
- 7.02 Policy DM3 of the emerging Local Plan requires new development to protect and enhance the historic environment and to provide for the long term maintenance and management of all heritage assets. It is important to assess whether the proposal protects and enhances the listed buildings and structures within the site.
- 7.03 The existing Grade II property and glasshouses are of significant historical and architectural interest, and their setting must therefore be protected, and where possible enhanced through any development being proposed. This proposal does see the erection of a significant level of development around the main building, including some alterations to it, as well as substantial extensions to the glasshouses and the introduction of new dwellings on the approach to the listed buildings. A key consideration is therefore whether the proposal is sympathetic to the listed buildings and their setting.
- 7.04 In terms of the alterations to the main building itself, I consider that the proposal would ensure a high quality of design, in so far as the glazed section that would sit centrally would provide a contemporary and lightweight appearance to the structure. At present, it is my opinion that the relationship between the original structure and the existing modern extensions to the east jars, with the materials and proportions of the addition being at odds with those of the original building. The proposal would provide a division between these two elements that would enhance the appearance of the building through the introduction of a visual separation between them, providing a cleaner 'break'. I consider that this is to the benefit of the existing building.
- 7.05 The proposal includes alterations to the existing 'ball room' which would include a more substantial link to the main house. A significant level of discussion has taken place with regards to this element, as there was concern that this would prove overbearing on the main house. However, the plans as submitted are shown to utilise much of the existing structure, whilst creating a new point of access into the building. Subject to suitable materials being used, and a bond that matches the existing structures, this is considered to be satisfactory and acceptable.
- 7.06 The demolition of the existing garage block and bungalow, and the erection of a row of terraced properties to the west of the main house (opposite the entrance to the greenhouses) would, I consider, enhance the setting of the main building. The existing garage is of a significant scale, and is to my mind harmful in relation to the main house. Its loss, and replacement with a well designed row of residential properties, lighter in appearance and of an articulated design less dominant in bulk, would create more visual interest that would respond positively to the appearance of the remainder of the development. The proposals would be low slung, and would be provided with a sedum roof which would provide an overhang of the first floor. This would provide a delicate feature that would provide a suitable 'top' to the structure.

The design would respond to that of the dwellings proposed to the former ballroom to the eastern end of the building and provide balance.

- 7.07 The applicant is seeking to retain the hardstanding to the front, albeit, in a more formalised manner, which again I consider to respond to the setting of the building (front gardens etc. would appear as overly domestic in this setting, and it is important that these buildings remain subordinate in both appearance and function).
- 7.08 With regard to the proposed new build dwellings to the eastern side of the application site, these would be relatively detached from the main house, however they would form part of the context and would be visible in the approach to the main buildings. Careful consideration has been given to the design of these properties, to ensure that they appear as subordinate to the main building, and to not appear overbearing as one enters the application site. The properties to the north of the access are designed in such a way as to create a small courtyard, albeit of a contemporary form. The provision of a brick wall, with overhanging elements, and contemporary glazing would result in a well proportioned and subtle building at this point of access. It is considered that neither of these buildings would have a negative impact upon the setting of the listed buildings, by virtue of their location, and their high standard of design.
- 7.09 This would also be the case with the properties located to the south of the access, at the eastern end of the application site. The buildings would have a similar 'low slung' design that would provide a horizontal emphasis, and which would also respond to the small change in land levels at this point – the lands falls gently to the south. Views of these properties would be limited from outside of the application site due to the level of vegetation that is both within, and adjacent to the properties' boundaries. Again, I consider the architecture of these properties to be of a high standard, with the relatively simple form, punctuated by projecting and recessed elements, and high standard of finished materials.
- 7.10 With regard to the refurbishment of the glasshouses, I strongly consider that this is one of the major benefits of this planning application. The glasshouses are a particularly attractive, and relatively unusual, feature within the grounds of this property, and are independently listed in their own right. However, in recent years there has been serious neglect of this building, and as a result, they are now in a state of disrepair, and without a viable commercial use, would be likely to be lost should works not be undertaken within the short to medium term. That said; they remain listed, and as such, any works proposed should ensure that their form and elements of architectural interest are protected and retained.
- 7.11 This proposal would see the form of the front elevations of the buildings retained, and the unsightly rear elevations removed, and replaced with a more subordinate, and simple form. The proposed additions to the rear would be low set and despite the "punching through" of openings in the original rear brick wall to the glasshouses to allow movement between the existing and proposed structures, would not be prominent in key views from the south. Whilst the character of the buildings would undoubtedly change, by virtue of the domestic paraphernalia both within and outside of the buildings, I do not consider that this would be so intrusive as to be to the detriment of their fabric, nor overall form. It should be noted that the number of dwellings proposed to be created from the glasshouses has been reduced from six to four, which would allow a lesser extent of built form to be added, better proportions to the dwellings, and increased separation between this element of the scheme and the trees protected under TPO 9 of 1982. The access to this part of the scheme has also been redesigned to go to the north of the site in order to provide distance between it and the occupiers of existing residential properties to the south west.

- 7.12 I would emphasise that the proposal is securing the repair and restoration of the glasshouses. They are not to be demolished or rebuilt as a new structure, which is a comment that has been raised in many objection letters. The repair and restoration will be a detailed and costly process, but it will result in the long term preservation of the building for future generations. This is a major benefit and gain that will result from this application.
- 7.13 Overall, I consider the conversion works proposed to be of a very high quality of design. The works that are proposed to the listed buildings would, to my mind, enhance their appearance – particularly the glasshouses. In addition, the new build elements, whilst contemporary in design, would very much complement the existing buildings, whilst not competing with them. The site is well screened from long distance views, with much of the new development proposed within areas surrounded by tree cover which it is proposed to be retained. For these reasons, I do not consider that the proposal would cause any harm to the longer distance views into the application site and the development to be of an appropriately high quality of design. I therefore raise no objections on these grounds.
- 7.14 Historic England commented that the new build elements of the proposal have been put forward as enabling development to finance the considerable costs of the works to restore and convert the existing buildings, which in the case of the glasshouses are extremely likely to continue to deteriorate if not converted to residential use. Viability documentation has been provided in support of the application (including updated information in 2014 and in November 2015) which has been scrutinised by the District Valuer and found not to exceed what would be required to undertake the required works to an appropriate standard. The margins, however, are such that no contributions will be being sought in respect of affordable housing or social/transport infrastructure, in accordance with the finding of the District Valuer.
- 7.14 The existing lawful use of this site is for residential as well as a nightclub. The proposed residential development will provide the funds to enable the repair and restoration of the buildings and also a long term use that is not so reliant on changing trends and demands in the late night economy or commercial success. It will return Wierton Place to its original use as a dwelling house and its Victorian layout.
- 7.16 The proposal would not result in significant alterations to the landscaping within the application site. The majority of the existing trees are to be retained, in accordance with the submitted Lloyd Bore tree report. Of the trees that would be removed, it is proposed that replacement planting be provided. The landscaping masterplan proposes new tree planting, hedgerows, and herb gardens within the application site, which also takes into account the historic landscape of Wierton Place.
- 7.17 Within the area for the ‘new development’ the trees on each flank of the area are to be retained, maintaining a sense of enclosure. Any additional planting here would be restricted to individual garden areas. It is noted, that these areas are currently covered in hardstanding, and as such, the provision of such gardens would be an overall gain to the site.
- 7.18 A number of the new build properties would also be provided with sedum roofs, which would again benefit the scheme in terms of ecology, as well as benefiting visual impact.
- 7.19 The Landscape Officer has raised no objection to the proposal. Overall, it is considered that the loss of some of the trees on the site is outweighed by the proposed new landscaping. The new enabling development will also assist in the restoration and repair of the listed buildings on the site and also the restoration and repair of the historic gardens, which will enhance the setting of the listed buildings.

Conditions have been imposed to require account to be made of the historic garden in the landscaping proposals.

### **Other Matters**

- 7.20 The applicants have submitted viability appraisals that demonstrate that the cost of this development would result in no contributions being made available for affordable housing provision, or for contributions towards other infrastructure. These assessments have been independently verified. Whilst the provision of infrastructure is a strong material consideration for developments of this scale, to my mind, the overriding benefits of this development towards the enhancement of the listed building, and in particular the greenhouses, are considered justification for departing from this requirement. It has been accepted by the District Valuer that with increasing construction costs, the scheme is on the margins of viability with the proposed enabling development. It is the minimum necessary to ensure that the existing listed buildings are repaired and restored to an appropriate standard and to a use that will ensure their long term protection.
- 7.21 A breakdown of the number of existing and proposed housing units on the site is set out in paragraphs 2.02 and 2.03 of this report. It is noted that the overall increase or net gain in residential units would be 8. Much of the residential development is provided through the conversion of the existing buildings and will not result in any increase in footprint. For example, units 1 to 9 relating to the conversion of the main house and ballroom, and new build units 16-19 located on the position of the existing garage block will result in an increase of just 52 sq.m in built footprint. Units 10 to 13 relate to the conversion of the glasshouses and the new build element of these dwellings are mostly located in the position of the existing workshop and storage buildings and actually results in a reduction of 196 sq.m in built footprint. Units 20 to 22 will have a built footprint of approximately 624 sq.m. In total, however, over the entire site, there will be an increase in built footprint of 480sq.m from the all the new residential dwellings.
- 7.22 The enabling development clearly comprises the main increase in built footprint on the site, with the other parts of the proposal resulting in a reduction due to the demolition of various buildings that are modern and detract from the setting of the listed buildings on the site. It is considered that this increase in built form is acceptable to ensure that the scheme is viable. Any reduction in the amount of enabling development would result in the scheme not being viable, preventing the restoration and repair of the listed glasshouses.
- 7.23 A draft Unilateral Undertaking has been provided by the applicant and the main Heads of Terms has been set out in the officer recommendation below. The legal agreement will split the development into phases with the occupation of the respective dwellings only being permitted once the works on that phase have been completed. In particular, the document focuses on ensuring that all restoration and repair of the main house, the glasshouses and the garden wall have been completed to the satisfaction of the local planning authority prior to the occupation of any of the converted or new residential units (units 1-2, 10-13 and 16-24). As there are existing dwellings within the main house, the proposed residential units within Wierton House itself, units 3 – 9, will be able to be occupied once the works to the main house are complete. This will then assist in the funding of the remaining works on the site. It should be particularly highlighted that no new residential units can be occupied until the glasshouses have been repaired and restored to the satisfaction of the Local Planning Authority as this was an issue of concern raised by local residents. It is also proposed that the legal agreement includes a Management Plan to identify how the long term maintenance of communal areas of the listed buildings and the gardens will be provided for.

## **Conclusion**

- 8.01 The proposal would have significant benefits in terms of enhancing both the setting of the listed house and bringing Wierton Place and the greenhouses back into good condition, I consider that there is justification for departing from the Development Plan in accordance with national planning policy and guidance. The application has been re-advertised as a departure to the Local Plan. This advert will expire before the applications are determined on the proposal. If any new issues are raised as a result of the advert, the proposal will be reported back to Committee.
- 8.02 The applicants have submitted a thorough application, that demonstrates that a very high standard of design would be achieved within the site, and this is, in part the justification for allowing such a development. This is not a site where 'standard' house types would be acceptable as 'enabling' development.
- 8.03 Careful consideration has been given to the quality of the architecture proposed, and I am of the opinion that these proposals would not result in any significant visual harm to the locality. Indeed, I consider that the proposal would result in an enhancement of the setting of the buildings due to the works to take place to the listed structures. This is a key consideration in the determination of the applications.
- 8.04 The viability work that has been done demonstrates that there is no scope for the provision affordable housing, or other developer contributions to be made as part of this development.
- 8.05 The terms of a S106 Legal Agreement (Unilateral Undertaking) will ensure that the new residential units cannot be occupied until the restoration and repair of the main house, the glasshouses and the garden wall have been completed to the satisfaction of the local planning authority.
- 8.06 It is for this reason that I recommend that delegated powers be granted to Officers to approve these applications, subject to the signing of a Unilateral Undertaking and subject to the conditions set out below.

## **9.0 RECOMMENDATION – Grant Subject to a Section 106 Legal Agreement and the following conditions:**

The head of Planning be given DELEGATED POWERS TO GRANT listed building consent subject to the conditions and informatives set out in the report and to the prior completion of a Section 106 Legal Agreement in such terms as the Head of Legal Services may advise to secure the following:

- no new issues being raised as a result of the advertisement of the application as a departure to the local plan;
- a S106 agreement in such terms as the Head of Legal Services may advise to secure the following terms:
  - 1) The development is to be dealt with in phases and the Owner agrees that occupation of the respective dwellings can only take place once the works on that phase have been completed in accordance with the planning permission and the works carried out in accordance with the schedules of works set out in respect of the greenhouse/glasshouses and the main House to the satisfaction of the Council.
  - 2) Phase 1 must be completed before any occupation of the new dwellings.
  - 3) Phase 3 must be completed before any occupation of any dwellings included in Phases 4 or 5.

- 4) For the avoidance of doubt all phases can be developed contemporaneously but occupation of the respective dwellings may only occur in accordance with the above.
- 5) The Phases are as follows:

**Phase 1**

Demolition of out buildings currently used for industrial works and construction of the new greenhouse homes to the north of the greenhouse. Restoration of the greenhouse and garden wall. No occupation of units 10-13 inclusive until such time as the repair works have been completed.

**Phase 2**

Demolition of the garage and bungalow, and replacement with new-build terraced block consisting of four houses. No occupation of units 16-19 inclusive until such time as the works in Phase 1 have been completed.

**Phase 3**

Restoration and repair of the main house and adjoining additions. Units 3-9 inclusive. No occupation of the house and adjoining additions until these repair works have been completed.

For clarification until the works on Phase 3 are completed none of these obligations will prevent the occupation of the existing main house and flats in the extension to the house.

**Phase 4**

Conversion of the ballroom to two houses. Units 1-2 inclusive. No occupation until Phase 1 and Phase 3 works have been completed.

**Phase 5**

The enabling development of five houses Units 20-24 inclusive. No occupation until Phases 1, 2, 3 and 4 have been completed.

- 6) The Second Schedule shall set out a full method statement for the repair and restoration for the glasshouses.
- 7) The Third Schedule shall set out a full method statement for the repair and restoration of the main House.
- 8) A management plan should be set out to ensure the long term maintenance and repair of the communal areas of the listed buildings and gardens at Wierton Place.

CONDITIONS to include

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) No development shall take place until the applicant has secured and implemented a programme of archaeological work in accordance with a written specification and

timetable which has been submitted to and approved in writing by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest.

- (3) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic landscape survey and assessment in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of historic landscape and garden history interest are properly examined and recorded.

- (4) No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure due regard is had to the preservation in situ of important archaeological (including garden history) remains.

- (5) No development, including demolition of existing structures, shall take place until a programme of building recording and analysis (the "Programme") of the main building, the glasshouses and the garden building/ice house has been submitted to and approved in writing by the Local Planning Authority. The Programme shall include a written scheme of investigation, which shall be implemented in full in the implementation of the planning permission. The resulting report shall be submitted to the Local Planning Authority, the Historic Environment Record held by Kent County Council and the Maidstone Museum before first occupation of the development hereby permitted ;

Reason: To ensure that historic building features are properly examined and recorded.

- (6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance to the development and safeguard the fabric, appearance, character and setting of listed buildings.

- (7) No development shall take place until details (in the form of large scale drawings and samples as appropriate) have been submitted to and approved in writing by the Local Planning Authority in respect of the following:

Main House

- (i) Internal and external joinery (all windows to be timber); and
- (ii) New plasterwork; and
- (ii) Internal and external paint schemes; and
- (iii) All works to existing, and proposals for new, fire surrounds; and
- (iv) All services, including computer cabling and lift machinery; and
- (v) Works of making good; and
- (vi) Schedules of repair work and stone/brick-cleaning/replacement.

Outbuildings and works to the garden walls

- (i) Samples of materials, including sample panels of brickwork, stonework and re pointing; and
- (ii) Internal and external joinery details at an appropriate scale (all windows to be timber) except for joinery to existing glasshouse building which shall be undertaken in accordance with drawings WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015 ; and; and
- (iii) Window details at an appropriate scale; and
- (iv) Repair schedules for the walls; and
- (v) Details of windows, eaves, ridges, doors and door surrounds, bands, plinth mouldings and quoins; and
- (vi) The details and design of any gates proposed.

The development shall thereafter be undertaken in accordance with the subsequently approved details except as agreed in writing by the Local Planning Authority;

Reason: To ensure the fabric, appearance and character of heritage assets are maintained and to secure a high quality of new development within the site.

- (8) No development shall take place until samples and details of the surface treatment of all hardstandings, courtyards, pathways driveways and access ways of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality appearance to the development and safeguard the fabric, appearance, character and setting of listed buildings and the historic gardens.

- (9) The development hereby permitted shall not commence until a programme of repairs to the main house, glasshouses, garden building/ice house and garden wall have been submitted to and approved in writing by the Local Planning Authority in consultation with Historic England and the development, insofar as it relates to the glasshouses, shall thereafter be undertaken in full accordance with the approved details;

Reason: To ensure that the fabric, appearance, character and setting of the heritage assets is preserved.

- (10) No dwelling units within the grounds of Wierton Place hereby permitted (excluding the 7 approved units within the main house) shall be occupied until such time as the restoration works to the glasshouses have been completed to the satisfaction of the Local Planning Authority and that such approval has been given in writing;

Reason: To ensure that the fabric, appearance, character and setting of the heritage assets is preserved and to safeguard against the introduction of new residential development in an unsustainable rural location for which the justification is that it represents enabling development to ensure the survival of heritage assets which may otherwise be lost.

- (11) Prior to the commencement of the development, details of all fencing, walling and other boundary treatments including gates, together with any vehicle barriers to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the



approved details before the first occupation of the development and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (12) The development shall not commence until, details of the colour of the external finish of the new build dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and safeguard and enhance the character, appearance and setting of heritage assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (13) The development hereby permitted shall be undertaken in strict accordance with the following plans and supporting documentation:

Drawing numbers D132799/1 rev 2, D132799/2, D132799/3, D132799/8 rev 1, D132799/9 rev 1, D132799/10, D132799/11 and D132799/12 received 31st March 2011; drawing numbers 09.79.50, 09.79.51 rev B, 09.79.104 Rev B, 09.79.105 Rev A, 09.79.106 Rev B, 09.79.107 Rev B, 09.79.108 Rev B, 09.79.109 Rev A, 09.79.111 rev A, 09.79.112 rev A, 09.79.113 Rev B, 09.79.114 Rev B, 09.79.115 Rev B, 09.79.125, 2082\_DR\_001-A, 2082\_DR\_002-A, received 25th June 2014; drawing numbers WM/Joinery/01, WM/Joinery/02, WM/Joinery/03, WM/Joinery/04, WM/Joinery/05, WM/Joinery/06, WM/Joinery/07, WM/Joinery/08, WM/Joinery/09 and WM/Joinery/10 all received 7th July 2015; drawing numbers 09.79.110 Rev B and 09.79.116 rev B received 8th September 2014; drawing number 09.79.101 rev E received 23rd July 2015; drawing numbers 2082\_DR\_001 rev B and 2082\_DR\_002 rev B received 24th July 2015; drawing numbers 09.79.117 rev A, 09.79.118 rev A, 09.79.119 rev A, 09.79.120 rev A, 09.79.121 rev A, 09.79.122 and 09.79.123 received 28th July 2015.

Supported by a Bat Survey Report (ref 6037/SBTG dated 5th September 2011) received 7th October 2011; Conservation Statement (dated June 2014), Design and Access Statement, Draft S106 agreement; Supplementary Arboricultural Impact Assessment (ref 2082\_RP\_002 dated 29th April 2014), Update Bat Survey Report (ref 6037/4687/SBTG dated 11th June 2014) received 25th June 2014; and Bat Activity Survey Report (dated 20th July 2015) received 20th July 2015; and an Arboricultural Impact Assessment (ref 2082\_RP\_001 date 24th July 2015) received 24th July 2015; Phase 1 Land Contamination Assessment by Ecologica received 16<sup>th</sup> October 2015;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage assets, secure biodiversity assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

## INFORMATIVES

- (1) The proposal, whilst a departure from the local plan, is considered to represent a well designed development that would provide housing within a reasonably sustainable

location, and that would prevent the loss and result in the significant preservation and enhancement of the existing listed buildings. This, together with the Council's current lack of a five year supply of housing, results in this departure from the Development Plan being considered acceptable.

Case Officer: Diane Chaplin

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.