

Planning Committee April 28 2016

REPORT SUMMARY

REFERENCE NO - 15/504667/LBC		
APPLICATION PROPOSAL Listed Building Consent for alterations to boundary wall to facilitate improved access.		
ADDRESS Barty House Nursing Home, Roundwell, Bearsted, Kent, ME14 4HN.		
RECOMMENDATION: GRANT LISTED BUILDING CONSENT		
SUMMARY OF REASONS FOR RECOMMENDATIONS: The proposal will cause harm to the fabric and setting of a Grade II listed building. However, after careful consideration and balancing the impact of the proposal when taking into account the guidance in both the NPPF and LB & Conservation Areas Act, the recommendation is for approval. This however, is subject to a condition linking this approval to that of the application for outline planning permission for 100 dwellings at Barty Farm. Accordingly, this application is dependent on the other in order to be implemented.		
REASON FOR REFERRAL TO COMMITTEE: The application is linked to 14/506738 and it is considered appropriate to bring to the committee where the other application is being determined.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Crabtree and Crabtree (Bearsted) Ltd AGENT Hobbs Parker Property Consultants
DECISION DUE DATE 29/7/15	PUBLICITY EXPIRY DATE 17/7/15	OFFICER SITE VISIT DATE various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

Planning History:

The site has a lengthy planning history of which the relevant history is summarised below:

RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):

14/506798/FULL Barty House Roundwell Bearsted Kent: Demolition and reposition of part boundary wall REFUSED *The construction of a new boundary wall and adjustment to the parking area would detract from the historical setting and heritage value of this grade II* listed building and as such would result in substantial harm to this listed building contrary to advice contained in The National Planning Policy Framework 2012.*

14/506799/LBC Barty House Roundwell Bearsted Kent: Demolition and reposition of part boundary wall REFUSED *The construction of a new boundary wall and adjustment to the parking area would detract from the historical setting and heritage value of this grade II* listed building and as such would result in substantial harm to this listed building contrary to advice contained in The National Planning Policy Framework 2012.*

13/0736/LBC Listed Building Consent for proposed wing to provide 18 residential rooms
GRANTED 20/6/13

13/0735/FUL Planning permission for proposed wing to provide 18 residential rooms
GRANTED 29/10/13

10/0403 Application to remove condition 4 and 14 of planning MA/09/0490 relating to a glazed link and the BREEAM standards rating GRANTED 26/4/10

10/0836 An application to remove condition 5 and 14 of MA/09/0490 relating to a glazed link and the BREEAM standards rating GRANTED 26/4/10

09/0491/LBC An application for Listed Building Consent for erection of single storey rear and two storey side extension together with internal alterations to provide a total of 54 bedrooms side extension GRANTED 6/6/09

09/0490 Erection of a single storey side and two storey side extension to provide a total of 54no. bedrooms GRANTED 6/6/09

05/1175 Erection of an extension GRANTED 22/10/05

05/1174 An application for Listed Building consent for erection of an extension GRANTED 22/10/05

05/0081 Erection of an extension to provide 33 additional resident rooms Withdrawn 24/2/2005

04/2389 An application for listed building consent for erection of an extension Refused 11/2/2005

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The application site is located within the open countryside, approximately 1km from Bearsted Village centre. Barty House comprises a Grade II listed building with a fairly extensive planning history which has resulted in significant extensions to the original building. The original building dates from the 18th Century and was the subject of extension and/or alterations in the 19th, 20th and 21st centuries. The extensions are concentrated on the north-eastern and rear elevations. The Listing states:

Bertie (as named then/possible typographical error) House Grade II

House. Early C18 with early C19 and later additions. Red brick with plain tile roof. 2 storeys attics and basement with moulded brick string course, moulded brick eaves cornice and plain stone-coped parapet. Ground floor painted red with traces of tuck or painted pointing. Roof hipped to right, gabled behind parapet to left. End stacks. 2 hipped dormers. Regular 5-window front of glazing-bar sashes, with rubbed brick voussoirs, those on ground floor with segmental heads. First floor windows have blind hoods. Large early C19 porch up 4 steps with fluted Doric columns carrying deep entablature and flat hood over. Early C19 door with fielded panels and ornate rectangular fanlight. Left end elevation: has 2-storey canted bay in same style as front elevation but merged with C19 rear additions. 2-storey C19 red brick additions to rear.

- 1.2 The property occupies a prominent position on Roundwell set above the road level. The property is set within approximately 0.9 hectares of garden land and the land levels vary across the site with it falling away at the eastern and south eastern boundaries.
- 1.3 Once a private residence, Barty House became a care home – hence the history of extensions to the property to make it suited to the change of use.
- 1.4 Access to the property is from an unmade farm track off Roundwell on the western side of Barty House and parallel to the curtilage wall. The curtilage wall runs parallel to Roundwell and turns the corner to run adjacent to the access track and stopping at the entrance to the car park. The parking area is to the rear (north/north-east).

2.0 PROPOSAL

- 2.1 This listed building application is intrinsically linked to the outline planning application for up to 100 dwellings on the field to the west of Barty House. This application seeks listed building consent for the demolition and realignment of the curtilage wall to Barty House in order to facilitate an acceptable access into the proposed development site. It also comprises a section of new wall within the scheme adjacent to the car park to the north. The existing wall has been subject to partial rebuilding over the years and comprises a mix of stone base and brick work to the upper section.
- 2.2 The wall concerned fronts Roundwell and then extends in a northerly direction adjacent to the farm track which leads to the Barty farm complex. The wall also acts as a retaining wall to the garden land on the southern and western side of Barty House. In order to both widen and upgrade the existing track to accommodate the scale of new development, and to provide adequate visibility splays the only option is to take down the existing length of wall and rebuild this closer to the façade of Barty House.
- 2.3 It is proposed to carefully remove each brick, clean each brick which is capable of being reused and store until the rebuild in the new location. The rebuild will use matching mortar and pointing. Bricks which are inappropriate i.e non-matching as used in the past for repair work, will not be reused; instead matching bricks will be resourced to make up any shortfall. The revised position of the wall will take it between 2.5 – 3.5m closer to the western elevation of Barty House (not the 1.8m as stated in the planning statement)
- 2.4 In addition to the above, it is also shown on the submitted plans that the stretch of wall which fronts Roundwell will need to be lowered to 600mm in order to provide the necessary visibility splays at the junction of the upgraded road with Roundwell. Where this front wall is to be reduced in height, the existing lawn level will also require regrading due to this being a retaining wall and ensuring there is no inconsistency with providing the visibility splay.
- 2.5 It is also proposed to provide a new stretch of wall adjacent to the Barty House car park, thereby framing the entrance into Barty House. This will follow the design, materials and detail of the rest of the wall. The new stretch of wall will also facilitate an additional 10 car parking spaces to the nursing home, whereby ground works will be undertaken to level the site and the wall will also act as a retaining structure.

- 2.6 In addition to the widened and resurfaced access, a footpath will align the newly positioned wall to be constructed from charcoal cobble style block paving.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (NPPG) 2014
Planning (Listed Buildings and Conservation Areas) Act 1990

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
Maidstone Borough Local Plan Publication (Regulation 19) Feb 2016: Policy SP17, DM3.

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

- 4.1 Local residents were notified and representations were received from approximately 15 residents including an opinion from Landmark Chambers. The concerns raised which relate specifically to the listed building application are summarised below:

- Contradictory drawings;
- Adverse impact on setting of Barty House – including moving advertisement and gas cabinet nearer;
- Concern that drawings listed against the outline application are not part of the listed building application;
- No justification to rebuild the wall and even if there was then it should be done in situ;
- Sightlines must have been adequate when the Nursing home was approved – so why not now?
- Significant reduction in landscaped area affecting privacy and living conditions;
- Unique heritage of this part of Bearsted compromised;
- Agree with comments of MBC's Conservation officer;
- Change to farm track will destroy the setting of the building;
- Adverse impact on Barty Cottage;
- Irrelevant whether existing bricks reused as harm will take place when wall built in different location;
- Additional traffic movements will have an adverse impact;
- Proposed access in a dangerous location;
- No additional parking necessary at Barty House.
- Vision splay will be compromised by gas cabinet and advertisement sign;
- Curtilage wall constructed out of many original bricks (these will be lost);
- Previous applications refused – so should this one be;
- Works would be irreversible.
- Discrepancies between distances quoted as to how far the wall would be moved;
- The proposed new boundary wall to the north of the nursing wall will also cause harm to the setting;
- Impact on the trees.

- 4.2 **Cllr Mike Cuming:** Objects strongly to the application, he states, 'moving the wall would have a seriously detrimental effect on the setting of this listed building, by way

of a significant reduction of the lawned area to the north-west of the main building, as acknowledged by the refusal, in March 2015 of 14/506798 and 14/506799. The Listed Building Statement supplied by the applicants quotes in section 4.1 that the wall would be "...re-sited back a maximum of 1.8m ...", yet the addendum to the Design & Access Statement claims, at the end of section 2.1 "erecting it between 2 and 3 metres to the east and thus closer to Barty House."

In the Design, Access & Heritage Statement, on page 4, it is claimed that "The wall ... requires rebuilding..." If this were the case, it could be built in situ, not moved up to 3 metres nearer the house.'

5.0 CONSULTATIONS

5.1 **Bearsted Parish Council:** The Parish Council would like to object on the grounds that the re-positioning and demolition of the wall would have a detrimental effect on the street scene and to the grade II listed building.

5.2 **Historic England:** no response

5.3 **MBC Conservation Officer:** Raises objection for the following reasons:

Whilst the housing development in itself will have only a limited impact on the setting of the Grade II listed Barty House, works to improve the access to the site will have a far greater impact.

The proposal seeks to demolish an existing boundary wall defining the curtilage of Barty House at the edge of the unmade track leading to the side of the listed building and to rebuild a new wall further back into the site. The reason for the re-positioning of the wall is to create a widened vehicular access to service the proposed housing development site on land behind properties fronting Roundwell.

The wall in question, which acts as a retaining wall, appears for almost its entire length along the track to be of late 18th/ early 19th Century date. It is an attractive feature which makes a positive contribution to the setting of the listed building. It appears to be the last surviving section of the original boundary enclosure of Barty House. The curved section towards the junction with Roundwell indicates where the former driveway which ran across the frontage of Barty House entered the plot. For these reasons I consider that it adds to the significance of the listed building.

Whilst the wall shows evidence of some cracking and bulging which may require attention, in my view this should be addressed by careful and conservative in situ repair. The proposal is to build a similar new wall, but sited some 2.5 – 3.5m metres or so further back in to the plot. This will reduce the curtilage of Barty House on this side, leaving the house in a less spacious setting. Views of the house from this direction are the most important ones as it is only from this side that the listed building can be appreciated in its original form and size, without the large modern nursing home extensions being readily visible. The setting would be further damaged by the change from an unmade track to a surfaced and engineered road with pavements which would be an urbanising feature. I therefore consider that the proposals will cause harm to the significance of the listed building because of the loss of historic fabric and the impact on the setting of the listed building. The submitted supporting statement admits that some harm to the setting of Barty House would be caused by the loss of the existing historic wall.

In my view the harm would amount to less than substantial harm. This being the case, the NPPF requires that the harm be balanced against any public benefit accruing from the proposals. In coming to a decision, the Council is obliged by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting and the courts have made it clear that where there is harm to the setting of a listed building this is a consideration which should be given considerable importance and weight.

6.0 BACKGROUND PAPERS AND PLANS

- 6.1 This report should be read alongside the report dealing with outline planning permission for the current housing scheme at Barty Farm.

The following plans and documents were submitted in support of this application: Drawing no.s 2527-03G, 2527-04 rev c, 2527-05 rev c, and 2527-06 rev c; 1:200 Section through brick wall; Mini pile foundation. Design, Access & Heritage Statement; Addendum to Design & Access Statement; Supporting Statement by Hobbs Parker; Structural report by Alan Baxter Partnership. Method Statement For Constructing Brick Wall in Root Protection Zone (RMB consultants).

7.0 APPRAISAL

- 7.1 It is specifically set out in s.16 and s.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that the Council must have special regard to the desirability of preserving the listed structures or their settings or any features of special architectural or historic interest which they possess. The main issues for consideration are the impact of the proposal on the fabric, character, appearance and setting of the listed building. The relocation of the wall will clearly alter the existing historic setting of Barty House and this physical change will also result in an unmade farm track changing to a formal road to serve the proposed nearby development – this will also impact on the setting of the listed building. Whilst not listed in its own right, the wall is curtilage listed.
- 7.2 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 building. The NPPF seeks to conserve heritage assets and in paragraph 17 advises this should be done ‘in a manner appropriate to their significance so that they may be enjoyed for their contribution to the quality of life of this and future generations’. Paragraphs 131 – 134 provide advice on the determination of planning applications and weighing up the significance of a heritage asset. Depending on whether it is felt that substantial harm or less than substantial harm will be caused by a proposal, then this informs the process of acceptability or otherwise and the matters for consideration,
- 7.3 The existing Grade II property is of significant historical and architectural interest, and its setting must therefore be protected, and where possible enhanced through any development being proposed. The key consideration for this application is whether the re-siting of the wall (with some consequent loss of fabric) and the resulting reduced curtilage to a grade II listed building would inflict an unacceptable level of harm to the setting of the property.7.4 The Councils Conservation Officer has objected to the proposed resiting of the boundary wall. He objects due to the loss of

the historic fabric (the wall) and the impact on the setting of the Grade II Listed Barty House that would arise. The objection was expected and is entirely consistent with the two previously refused applications (planning and listed building) as detailed in the history section of this report. In assessing this application I have had total regard to the outcome reached on those previous applications. The difference between the current application and that previously refused rests largely on whether there is justification to permit the scheme, in light of the fact that the planning permission for the wall is sought through the outline planning application for up to 100 dwellings. Previously the planning application was a standalone scheme which if approved could have led to the alterations to the curtilage wall without the housing scheme being delivered. The previously refused scheme had slight design differences in that the side wall along the access track was proposed to be rebuilt as per the existing step down profile when nearing Roundwell; the revised scheme shows this now as a sloping profile – in my view a less jarring finish to the wall and possibly more in keeping with the setting.

- 7.5 The significance of the building is set out in the listing at the beginning of the report. It is noted that the wall itself is not mentioned in the listing, although I note the comments of both the conservation officer and local residents whom advise of the historic nature and importance of the wall in terms of both the setting and context it provides and the presence of original bricks. The building has been significantly extended at the rear (north/east elevation) - the mass of this is not fully appreciated from the principal elevation of the building. At present the access to Barty House is an unmade farm track to the Barty Farm complex and Barty House. The main view is informal and due to the alignment of the street, the prominent view from the south/west is of the house in its garden setting enclosed with boundary wall. The proposal will result in a formal foreground of greater width and a reduced 'green' setting. There are therefore three aspects of harm which I have identified and these comprise the reduction in the current spacious setting of Barty House, the loss of the material fabric – the wall (as not all bricks will be capable of re-use and character will be lost by rebuilding) and the impact of the new formal two-way road off Roundwell to the development site together with the formal footpath. I also note concerns raised by residents regarding the section of new wall to the north which would facilitate an increased parking area to the serve the Nursing Home.
- 7.6 It is however, interesting to note that from the research undertaken in support of the application that the entrance has been altered previously. In fact, submitted photographs show that in 1940, in addition to the existing rear access, that there was also an access at the front of the property comprising an in-out driveway on and off Roundwell. This front access was removed prior to the Listing in 1968 by which time it had been replaced with lawn as can be seen today.
- 7.7 However, considering the proposal in its current setting, I concur with the conservation officer's view that the proposed development would cause visual harm on the setting of Barty House and as such it falls to consider whether the impact warrants a refusal of listed building consent. In order to reach a conclusion it is essential to consider Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be had to the desirability of preserving the building or its setting. It is clear from the assessment undertaken by the conservation officer that there is harm to the setting and fabric of this listed building and as such this should be given considerable importance and weight. The applicant also acknowledges that a level of harm will occur. Therefore, with regard to section 16 I conclude that a level of harm will be caused.
- 7.8 In my mind, this is a clear case of balancing the benefits of the development versus the harm to the listed building. The proposed development would undoubtedly have

a visual impact on the historic setting of the nearby Grade II listed building and result in the loss of fabric of the building, in this instance the wall. In my view and that of the conservation officer, the level of harm would be less than substantial.

- 7.9 The NPPF states that 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'. Clear justification needs to be given if an asset is to be degraded as once lost the harm cannot be undone. Substantial harm to a Grade II listed building is considered in paragraphs 132 and 133 of the NPPF and indeed, were the proposal to be considered to cause substantial harm then, without an exceptional reason, then consent should be refused. However, in this instance the level of harm is not considered to be substantial and therefore Paragraph 134 should be applied.

The NPPF at paragraph 134 requires that the harm be balanced against any public benefit accruing from the proposals. *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

- 7.10 In this instance it is therefore considered that the significant public benefits arising from an additional 100 houses (which includes 30% affordable housing) together with generating construction jobs, an enhanced public bus service and additional revenue through use of local shops and services in Bearsted, would, in my view and in light of the significant shortfall with regard to the 5 year supply, outweigh the harm to the setting and fabric of the Grade II listed building and should not prohibit the development of the site. As this application and the outline application are linked, and the planning permission for the works to the wall is included in the outline application, should the housing scheme not come on-board then the listed building consent will not be capable of implementation. Therefore the works can only proceed if the outline application succeeds.
- 7.11 I also consider that some mitigation will be provided as it is proposed to retain existing bricks from the wall and re-use in the reconstruction thereby retaining some of the historic fabric of the wall. This can be subject to condition, together with requiring details of wall bond/pointing details, appropriate mortar mix to ensure the original wall is reflected in both character and detail as far as can be.

Other Matters

- 7.12 The applicants have submitted a structural report in support of the demolition of the wall. In coming to my view, I have therefore taken note of the structural appraisal undertaken by 'Alan Baxter Partnership' dated 17 September 2015. The report notes a bulge and lean to the existing wall and general poor condition (visual cracks) throughout. Due to these weaknesses the wall is purported as being unsafe. It is therefore contended by the applicant that the wall is in need of rebuild in any event. I do not consider any weight should be attached to this document in balancing the acceptability of this proposal; should the wall require rebuilding or remedial work then this can take place in situ. I concur with the conservation officers views on this matter and agree that any weaknesses in the stability of the wall does not provide justification for its relocation within the setting.
- 7.13 Comments have been received from residents regarding the plans submitted with this application. I would clarify that as this application is concerned with the listed

building consent to relocate and build the wall, it is not necessary to provide full details of the access to the new development as these are all provided in the outline permission. The application is assessing the impact of moving the wall, the physical changes taking place and the principle of the alterations by formalising the access track. I am satisfied that the appropriate plans have been submitted in order to reach a recommendation on this application.

- 7.14 With regard to the additional parking area to the rear of the Barty House, the main concern with this related to the impact on two mature trees. Further information has been sought through the planning application on this and I confirm no landscape objections subject to conditions.

8.0 Conclusion

- 8.1 The proposed relocation of the wall is considered to cause harm to the setting and fabric of the listed building (Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is however considered to meet the guidance contained in Paragraph 134 of the NPPF which indicates that if the harm caused brings about sufficient benefits to the wider public then permission can be granted.

- 8.2 In this instance it is considered that whilst the relocation of the wall is neither essential in terms of repair work nor desirable in terms of reducing the setting to this grade II listed building, justification can be found due to the works facilitating a much needed housing development.

- 8.3 Were it not for the linkage with the outline planning application the recommendation would be one of refusal as the need and harm could not be justified.

9.0 RECOMMENDATION – Grant Listed Building Consent subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of four years from the date of this permission;

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. Works shall not commence on the demolition of the existing wall until a method statement has been submitted providing the following information:

- Process of demolition
- Materials to clean up bricks
- Storage of bricks

Reason: To ensure the protection and re-use of existing brick work.

3. Works on rebuilding the wall shall not commence until a sample brick panel of both bricks for the new wall and replacement have been constructed and inspected on site by the local planning authority. Written details shall also be provided confirming details of mortar bond and pointing. The wall build shall be undertaken in accordance with the approved details.

Reason: To ensure the design, materials and construction of the boundary wall is visually acceptable.

4. The listed building consent hereby approved shall only be implemented in conjunction with the valid implementation of outline planning permission pursuant to planning application ref. 14/506738/OUT.

Reason: Without justification of application 14/506738 the listed building consent would be unacceptable.

5. The development hereby permitted shall be undertaken in strict accordance with the following plans and supporting documentation:

Drawing no.s 2527-03G, 2527-04 rev c, 2527-05 rev c, and 2527-06 rev c;
1:200 Section through brick wall; Mini pile foundation.

Design, Access & Heritage Statement; Addendum to Design & Access Statement; Supporting Statement by Hobbs Parker; Structural report by Alan Baxter Partnership.

Method Statement For Constructing Brick Wall in Root Protection Zone (RMB consultants).

Case Officer: Amanda Marks

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.