

**REPORT SUMMARY**

<b>REFERENCE NO - 11/0511</b>		
<b>APPLICATION PROPOSAL</b>		
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 (PLEASE SEE MA/11/0512 FOR LISTED BUILDING CONSENT APPLICATION).		
<b>ADDRESS</b> Wierton Place, Wierton Road, Boughton Monchelsea, Maidstone, Kent, ME17 4JW		
<b>RECOMMENDATION: APPROVE subject to signing of S106 Agreement and subject to conditions</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
As set out the report.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
The Development Manager requested that Members defer consideration of the application at Committee on 25 <sup>th</sup> February 2016 for the following reason:		
<i>"It is requested that the above items be withdrawn in order to carry out further investigation into the following issues and to update the Committee reports accordingly:</i>		
<ul style="list-style-type: none"> <li>• <i>To enable the Officer to deal in more detail with the comments from The Victorian Society, including a written response from the Conservation Officer.</i></li> <li>• <i>To further investigate issues raised in connection with the Enforcement Notice and Untidy Site Notice for Wierton Place.</i></li> <li>• <i>To fully investigate the comments made in the three representations received this week that object to the proposal."</i></li> </ul>		
Members agreed to the deferral. It was resolved that:		
<i>"RESOLVED: That agreement be given to the withdrawal of applications 11/0511 and 11/0512 from the agenda to enable consideration to be given to a substantive intervention received from a consultee."</i>		
<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> 03/07/11	<b>PUBLICITY EXPIRY DATE</b> 03/07/11	<b>OFFICER SITE VISIT DATE</b> Various
<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

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- MA/11/1805 Advertisement Consent for a memorial plaque upon internal gateway plaque - APPROVED SUBJECT TO CONDITIONS
- MA/11/0512 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 – CURRENTLY UNDER CONSIDERATION, REPORTED ON 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 and Enforcement Notice issued. Allowed at appeal.
- 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

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- 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
- ENF/414/3599 – Enforcement Notice for unauthorised change of use of the land for the storage of building materials, plant, machinery, equipment and vehicles for land at Wierton Place.
- Untidy Site Notice – (under ref. ENF/414/3599) for land at Wierton Place Greenhouses.

The application was originally reported to Committee as the proposal is contrary to the Development Plan and the recommendation is contrary to the views of Boughton Monchelsea Parish Council. 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 under consideration 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.

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 S106 Agreement 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.

The applications were reported back to Committee on 25<sup>th</sup> February 2016, but were withdrawn from the agenda for the reasons set out at the start of this report. This report has been updated to include:

- Updated views from the Victorian Society;
- Detailed views from the Conservation Officer;
- Issues relating to the Enforcement Notice and Untidy Site Notice for Wierton Place;
- Additional representations received in relation to the report prepared for the 25<sup>th</sup> February Committee.

Councillor Munford has also requested that the Viability Appraisals be provided to Councillors for confidential viewing under Part 2 of the Agenda.

## **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 the proposed Greensand Ridge 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 a full planning application for the change of use of the existing nightclub to residential use, the conversion of the glasshouses to residential use, the rationalisation of the existing flatted accommodation, and the construction of new dwellings within the grounds of the listed building, together with enhancements to the landscaping within the site, and the rationalisation of car parking arrangements. The current application is accompanied by an application for listed building consent (MA/11/0512) which seeks listed building consent for those elements of the proposal works which require it.

### **Number of Residential Units**

- 2.02 The table below sets out the existing residential development that already exists on the site, the proposed residential development and the net gain of residential units.

<b>EXISTING AND PROPOSED RESIDENTIAL UNITS – WIERTON PLACE</b>						
	Existing Residential Units	Residential Units to be Removed	Residential Units to be Retained	New Residential Units	Overall Final Total of Residential Units on Site	Net Gain of Residential Units
Flats in the existing three storey addition to Main House	12	6 flats	6 flats retained (Units 4 to 9)	0	6	-6
Bungalow and Garage Block	1	1	0	4 (Units 16 to 19)	4	+3
Main House	1		1 (Unit 3)	0	1	0
Glasshouses	0		0	4 (Units 10 to 13)	4	+4
Conversion of Victorian Ballroom	0		0	2 (Units 1 to 2)	2	+2
Enabling development located on car park area	0		0	5 (Units 20 to 24)	5	+5
<b>TOTAL</b>	<b>14</b>	<b>7</b>	<b>7</b>	<b>15</b>	<b>22</b>	<b>+8</b>

2.03 Overall, the table demonstrates 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 net gain or 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 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 via a glazed link. 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 Part L of the Building Regulations). 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. The scheme includes details for a sewage and water treatment and suitable conditions have also been imposed relating to this issue.
- 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, DM11, DM12, DM34 and DM41.  
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;

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- 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, 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;

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- 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 Since February 2015, 3 further objections have been received on the proposal from neighbours. The concerns raised are listed below:

- Proposal is contrary to local plan, developing local plan and does not meet NPPF requirements.
- No mains drainage. Sewerage, drainage and access are not properly addressed.
- Listed Building Status already applies, but MBC have not enforced it.
- Planned development is out of keeping with existing buildings on Wierton Hill and would create sound and light pollution, particularly with the intended upside down design of houses together with an excessive increase in traffic on narrow lanes.
- No objection to restoration and tasteful development of main house but not with number of enabling properties.
- Support the change of use of the nightclub to 1 dwelling in the main house, the proposed 6 apartments in the 3 storey servants extension adjoined to the main house. These main buildings should be conserved, but the amount of enabling is unjustified in the open countryside and contrary to NPPF guidance: 22 dwellings, 15 of them new build, potentially 44+ cars on narrow approach lanes, potentially 44+ children requiring schooling, all over 1½ miles from the nearest shop and further from available schools, with no public transport beyond an inadequate bus service from Marlpit ¾ mile away. This cannot be judged sustainable, it is all just too much.
- In effect over 20 years of MBC's failure to enforce the basic maintenance of the listed greenhouses is being rewarded by conversion to residential. If conversion is the means to ensure the conservation, it needs to be done with due adherence to NPPF guidance, with due sensitivity to the local community, and to the rural environment immediately surrounding the listed buildings.
- Application is grossly over-size for the site and immediate locale, including a length of the public Greensand Way path: too many residential units, with all the ramifications of noise, light, traffic, unsustainability;
- The architectural design is ill conceived and starkly inappropriate for the character of the local area – and far beyond, as the new development will stand out with clear sight lines from the Weald below once the trees are lopped as proposed:
- The upside down design of the units will create undue artificial light in a residential area currently free of such light pollution;
- Light from solar panels are noise pollution remain issues.
- Structures, such as the garage on the western edge of the site, which should be subject to enforcement as an unapproved building, are instead being used as a basis for new build residential units;
- In summary, the scale of the project is too extensive, and the design of conversion, new build and area layout is too out of character, to be justified as enabling the conservation of the listed buildings. They should be conserved more appropriately. I am convinced further transparency in the financial plan would prove that they could be conserved sustainably at significantly less financial cost, causing much less visual harm, environmental damage and disruptive change to the local community.
- Applications have been presented twice before. In June 2011, MBC received 22 letters of objection from local residents; plus 1200 signatures to a petition where this application was core to the matter; a detailed report coordinated by a local group from a professional advisor; and the professional opinion of the CPRE. None of us

who participated in those earlier detailed objections feel that their main content has been given due respect in the revisions. The current application has made some modifications from the original but these indicated change to the worse; more existing trees removed; bitty gardens breaking up the generous space of the grounds of the main house; a tarmac race track of a circular access road around the numerous new houses to be built. The inappropriateness of the overall design and its affront to NPPF guidance remain main reasons why this project should be paired down radically.

- Sentiment remains unchanged to the proposal and due to its size, it will ruin the unique and beautiful character of the small Hamlet of Weirton.
- Many restrictions are being placed on the development, but these will require significant monitoring and enforcement which will not be easy. Satisfying the conditions could drag out timeframe and result in construction work being carried out over several years.

4.06 A further objection letter was received on 24<sup>th</sup> February 2016 from a planning consultant representing views of local residents. In summary, he made the following comments:

- Scheme in unsustainable rural location well outside any area identified for new development. Local residents are not opposed to some sympathetic, appropriate development at this site, but proposal is extremely harmful to an unacceptable degree and the so-called benefits are not agreed.
- Contrary to the development plan. Significant part of justification put forward is the current state of the Grade II listed buildings including incursion by unauthorised developments and uses. Rather than taking proper enforcement action to protect the buildings and remove the unauthorised developments officers are supporting replacement with new housing and redevelopment of the site. Appears to be a clear case of rewarding the neglect of listed buildings contrary to government advice (NPPF paragraph 130). No time limit on enforcement action in relation to unlawful works to listed buildings.
- What has been left out of the reports are the fundamental objections of the main statutory consultee for buildings of this era, the Victorian Society (VS). The VS wrote in September 2015 objecting on a number of grounds; not least the unacceptable proposals for the listed greenhouse and the locations of the new houses. The VS consider that there should be far more information to explain these unacceptable developments.
- The Council has had this objection for over four months and they appear to have been simply ignored (they were not even included in the website documents in relation to the planning application and were not attributed to the Victorian Society on the listed building application), either negligence or deliberate concealment. Either way it does not inspire confidence in the way the officers are dealing with this application.
- Legitimate objections of local residents have been summarised as bullet points in a random fashion. Significant number including fundamental points relating to both national and local policies. Many of the objections raised are not dealt with despite the length of the officer report. There is no consideration of the impact on rural amenities, for example, and the concerns relating to light pollution and noise travel are glossed over. There is no mention of the loss of rural jobs. We believe the report is both biased and flawed. There is a 'spin' that makes us highly suspicious.
- The main element that drives the officer to support the application AND to recommend no affordable housing or infrastructure payments (again contrary to

normal policy and practice) is valuation information that is being kept secret. That is not natural justice. It is also a curious approach given that, by and large, the figures are estimates of future building costs and values for dwellings that have yet to be created. The report refers to increasing construction costs but makes no mention of significantly rising values of new housing. In the original submission some figures were made available but the so-called updated figures are not being disclosed.

- If this application is refused, as we believe it should be, that report will have to be made public in any appeal. Residents consider that in the interests of openness, transparency and a proper approach to decision taking the figures should be made available now.
- Parts of report that are available refer to a slowdown in the housing market in 2007-2008; some eight years ago. The housing market is now very different. Selling just one of the new properties could now return more than the price paid for the whole site. The report has not been updated to reflect the situation in 2016.
- Officers state that there is a draft s106. This appears to be a material consideration in the determination of this application and again it is not available for public scrutiny.
- Statutory duty to consider the impact on listed Buildings and their settings. Officers should be aware of this yet there is no mention of the impact on the separately listed garden building (referred to as the Ice House) which will be dominated by the four new terraced houses proposed immediately adjacent to it. Again this is a fundamental flaw in the report that leaves any decision wide open to challenge.
- Report draws attention to the number of existing dwellings and compares this to the proposal. In fact what is being proposed is the replacement of small substandard apartments within the existing structure, with substantial new detached dwellings in the open countryside in an unsustainable location. Members will know that this is completely contrary to the development plan.
- The report appears to make light of the amount of new building; citing the amount of demolition. Much of what is being demolished is of 20<sup>th</sup> century construction built either with or without planning permission. Other demolition includes older parts of listed buildings.
- There is fundamental disagreement that the proposals represent a high quality of design.
- Officers fail to point out that the developers' own Conservation Architect assesses the development and lists the following adverse effects:
  - \*The addition to the ballroom and insertion of new window openings;
  - \*The installation of en-suite bathrooms within bedrooms; blocking up doorways; and division of the ground floor of the main building;
  - \*The removal of an arch and undercroft; and the extension of a stairwell in the three storey element;
  - \*The construction of the four new houses adjacent to the greenhouse; the subdivision of the greenhouse; the demolition of outhouses; the insertion of additional doors and the subdivision of the adjacent garden;
  - \*The replacement of the garage with four new dwellings; and the subdivision of the garden of the Manor;
  - \*The linking of the garden house as an extension to the new build houses; and
  - \*The construction of 5 new houses in the grounds of the property.
- The Conservation Architect lists just three beneficial effects (two minor, one moderate). Significantly he does not say that the developments would preserve or enhance the character or appearance of the listed buildings.
- It is pointed out, in relation to the Grade II listed conservatory building, when viewed from the Greensand Way long distance footpath there will be entirely new terraced houses. In both footprint and volume the new building will be both taller (than most parts of the existing) and larger than the conservatory element. Some of the buildings

to be removed are unlawful additions to the listed building now being used as justification for new dwellings. In the 'Visual Impact' section of the report the officers have ignored the view from the Greensand Way and fail to include any assessment.

- The so-called restoration of the greenhouse includes new glazing and joinery. What exactly is retained?
- The very attractive, separately listed, garden house will be totally dominated by the four new terraced houses proposed to be built immediately alongside it, with, as noted above, no assessment of the impact in the officer report whatsoever. No one else would be permitted to knock down a 20<sup>th</sup> century garage in the countryside and replace it with four houses on an increased footprint; let alone immediately alongside a Grade II listed building. The Victorian Society object to this location.
- The ballroom building (itself a previous extension) will have a glass box added to the roof completely contrary to the character and appearance of the main house destroying the 'garden wall' concept referred to by the Conservation Architect. As noted, even the developers own assessor identifies that as an adverse effect. It is another element specifically objected to by the Victorian Society.
- In paragraph 7.10 of the planning application report, it says the glasshouse element is "supported" by Historic England (HE). However, at paragraphs 5.10 and 5.11 it says that HE merely 'raise no objection'. That is a long way from actual support and a distortion which demonstrates the unsatisfactory approach of the officer report.
- As part of the so-called enabling development, five totally new dwellings will be dumped on the approach to the main house, again in a design that is out of character and will severely detract from the setting of the listed building; again an adverse impact according to the developers' Conservation Architect.
- We can only repeat that there are solid grounds for refusal and the apparent justification for the multiple departures from the policy is being kept secret from the public. These reports do not properly assess the objections to this development.
- There is no obstacle to refusing both the application for planning permission and that for listed building consent at the meeting. The developers will have the right of appeal. On the other hand, if permission and consent are granted on the basis of these reports there are a number of grounds for challenge. Local residents believe such a decision would be unsound.

4.06 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.
- 5.05 The final District Valuer's report on the Assessment of Viability Appraisal for Wierton Place was issued in April 2015. Therefore, this report is still considered to be relevant and up to date.

### **KCC Biodiversity Officer**

- 5.06 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**

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

### **Parish Council**

- 5.08 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.'*

5.09 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".*

5.10 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**

- 5.11 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.”*

- 5.12 In order to ensure that Historic England still raise no objection to the proposals, the Officer from Historic England was approached for further comments on the scheme. The Officer confirmed in writing on 1<sup>st</sup> April 2016 that Historic England is:

1. satisfied with the principle of the enabling development, subject to the District Valuer agreeing that the proposed enabling development is the minimum necessary to secure the future of the listed buildings.
2. satisfied with the location of the enabling development and its design.
3. content to defer to your Council’s conservation officer’s advice on the detailed proposals for conversion of the main house and glasshouses.

- 5.13 The District Valuer’s report on the viability of the scheme has confirmed that the proposed enabling development is the minimum necessary and a S106 Legal Agreement is proposed to ensure that the enabling development is tied to the work. The comments from the Conservation Officer below set out a response on the detailed proposals for the conversion of the main house and glasshouses.

## **Conservation Officer**

- 5.14 The Conservation was fully involved by the Case Officers in discussions with English Heritage over the course of the application. 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 required on the listed buildings.
- 5.15 The Conservation Officer was formally re-consulted on the proposals on 10<sup>th</sup> March 2016 and had the following detailed comments:

*“Wierton Place is a large country house whose core dates from the 18<sup>th</sup> century but which was re-cased and significantly extended in 1857 and 1899 in neo-Jacobean style. From the late 1960s/ early 1970s the house was used as a country club/ nightclub, but this use ceased a few years ago since when the house has been vacant. During the time it was in use as club premises a number of staff flats were created within the service wing with little regard to the historic layout. The house was not listed until 2002.*

*Within the grounds and attached to the wall of a large walled garden is an impressive conservatory which is listed in its own right (and was listed prior to the main house in 1987). This building has been vacant and deteriorating for the best part of 30 years and is desperately in need of a new use to secure its future.*

*In terms of the re-use of these listed buildings I am satisfied that there is a significant conservation deficit, not least because of the condition of the conservatory. Detailed costings have now been submitted for repair works and both the District Valuer and Historic England are satisfied that the enabling development proposed is necessary and the minimum required to produce a financially viable scheme.*

*In terms of the proposed alterations to the main house, the proposal to return the original part of the building to a single dwelling is to be welcomed as being the best possible use for the building. The proposals will result in some beneficial changes and whilst other alterations such as the insertion of en suite facilities to bedrooms will cause some harm by sub-dividing rooms it is intended to mitigate this by stopping partitioning short so that the full height and extent of the original rooms can still be appreciated. Within the service wing the previous conversion works to form staff flats has already compromised the original layout, and the changes now proposed will result in a less intensive use and no further harm in my view. The provision of a new entrance building in the form of a glazed box of frankly modern appearance, inserted between two wings of the service range is, in my view, an appropriate solution which will not compete architecturally with the original buildings.*

*The “ballroom” is partly formed by a single storey Victorian billiard room to which was added a large flat-roofed extension to form a ballroom for the club. This large extension (unlike the billiard room) is of no significance and indeed it can be said to detract from the setting of the main house (it was added prior to listing). The proposal to convert this wing to 2 dwellings ensures the preservation of the billiard room with its fine neo-Jacobean fittings. The addition of an upper storey will, in my view, have little additional impact on the setting of the listed building and the more domestic appearance will go some way to softening the impact of the presently rather severe building.*

*The garage block to be demolished is a late 20<sup>th</sup> Century building of no merit which detracts from the setting of the main house and the conservatory. In my view its replacement with a block of new houses in an interesting modern style is acceptable and will not result in any additional harm to the setting of the listed buildings. I consider that the glazed link to the separately listed ice house is appropriate and will not harm significance.*

*The conservatory is to be incorporated into 4 new dwellings built to the rear of the garden wall which backs on to it, replacing non-descript and unattractive buildings. Whilst I accept that ideally the conservatory should be kept as a stand-alone building, for it to survive it must have a viable use. In my view the modern style dwellings proposed to the rear are acceptable in their impact and the sub-division of the conservatory is on an architecturally logical basis. The impressive central pavilion is*

*to be retained as a communal feature (this appears to be the original mid 19<sup>th</sup> Century building, the wings being of late Victorian/ Edwardian date).*

*The other new dwellings proposed will be sited to the east of the main house, on areas formerly used as car parks for the nightclub which are fairly well-screened by trees from the main house. Again an interesting modern design is proposed which although entirely different from the listed building I consider to be appropriate in the context.*

*In conclusion, I consider that the proposals in totality will cause some harm to significance; the level of harm would be less than substantial and this needs therefore to be weighed against any public benefit in accordance with the advice in the NPPF. Apart from the provision of new housing, I consider that substantial weight should be given to the re-use/ restoration of the listed buildings which have been problematic for a considerable period.*

### **Recommendation**

- *I RAISE NO OBJECTION to this application on heritage grounds subject to conditions re samples of materials, joinery details, the submission for approval of a detailed schedule of repairs for the main house and the conservatory, removal of all PD rights, landscaping, archaeological watching brief (to cover both works to the existing buildings and groundworks in connection with the new-build units) and the provision of large scale details of the new glazed entrance building and its interface with the existing service wing. We also need to ensure that the restoration/ conversion works to the listed buildings preferably take place at an early stage and before first occupation of the new units”.*

### **KCC Senior Archaeological Officer**

- 5.16 KCC's Senior Archaeological Officer recommends the following conditions to be imposed on any forthcoming consent:

*“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”.*

### **Highway Officer**

- 5.17 The Highway Officer stated that “having considered the development proposals and the effect on the highway network, raise no objection on behalf of the Highway Authority”

**MBC Arboricultural Officer**

- 5.18 The Arboricultural 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.

**The Victorian Society**

- 5.19 The Victorian Society first commented on the proposal in November 2015. This response was originally missed, but is now set out below:

*“We object to the application in its current form, which is lacking important information and would be harmful to the significance of the heritage assets. An options appraisal and conservation management plan should have been submitted with the proposals, considering the scale of the site and number of designated buildings involved. We accept the need for the reuse and redevelopment of this site and welcome efforts to retain historic fabric. However, it is considered that there are changes which should be made to the enabling developments so that they better serve the listed buildings and historic landscape. Information is somewhat lacking on the latter, which might have been used to better inform the scheme. The application correctly identifies the greenhouse as being remarkable for its type – there are indeed very few remaining of this size and in the presence of their associated country house. The proposed conversion is therefore unacceptable; a greenhouse could never sensitively accommodate residential use and such an exceptional building ought to be conserved. Placing mews houses inside the greenhouse would destroy it, turning it into a caricature of what it once was. Subdividing the space so intensely would result in not only a considerable loss of historic fabric, but also a sense of the building’s purpose. Glasshouses, particularly one of this size, are supposed to be large, open spaces – this characteristic would be entirely lost. We urge that this magnificent example of a dwindling building type is restored to its external and internal formal grandeur. The principle of demolishing outbuildings to the rear of the greenhouse is acceptable; the six dwellings could be located on the site of these buildings, not inside the greenhouse. This might be used as a communal conservatory in its entirety, which the new buildings would face onto. There should not be other enabling development around the main house – surely this would be better located elsewhere. A clear options appraisal would have been particularly informative in this respect. If the principle element of the house is to revert it to a single, five bedroom dwelling, the desirability of the property will be somewhat diminished by the density of the other residential properties. A better solution may be to relocate the mews properties (units 16-19) which are proposed on the site of the garages. By demolishing the garages and not putting new buildings in their place, the house (and listed garden building) would be better revealed. The mews should be located closer to the site boundary, or, the enabling development in the strip (units 20-24) should be increased in density, where it is well shielded by trees. The same principle applied to the ballroom conversion – rather than enlarging this already considerable an unsightly addition, the loss of the proposed dwellings could be made up elsewhere. The large part of the ballroom dating from 1972 would be*

*better demolished, again allowing the architecturally impressive and nationally important house to stand unimpeded by later additions.*

*We therefore recommend that consent for this application is refused.”*

- 5.20 The Victorian Society comments appeared to contain a number of inaccuracies and misunderstanding about the proposal. The comments refer to the scheme for 6 dwellings adjacent to the glasshouses rather than the amended 4 dwellings. The amended scheme reduces the number of dwellings and provides for the main central area of the glasshouses to be communal. The Victorian Society was consulted on 5<sup>th</sup> August 2014, after the scheme was amended to 4 dwellings on 2<sup>nd</sup> July 2014. They were re-consulted again in March 2016 to enable them to comment further on the scheme. They made the following comments:

*“We maintain our objection to the scheme and urge you to consider the points raised in our previous letter.*

*The conversion of the glass house is the most contentious element of the application and we are not at all convinced that the proposals present an acceptable solution.*

*Given that is such a striking example of a dwindling building type, there really needs to be more justification and more detailed contextual information about the*

*glasshouse and other comparable examples, in order to understand its rarity and*

*whether this is indeed the building’s optimum viable use. Paragraph 131 of the*

*NPPF refers to ‘the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation’ –*

*clearly the harm caused by the conversion of the glasshouse to residential use does not make it consistent with its conservation, which should be given ‘great weight’.*

*Finding a commercial use for the building is likely to result in a far less harmful intervention as the space is unlikely to need much subdivision, if any.*

*One such comparable example might be the nearby Walled Nursery at Tongswood, Kent (Grade II, Mid to late C19) which is also of a similar date, on the Heritage at Risk Register and also the subject of a current planning application (16/501397/LBC with Tunbridge Wells Borough Council). The works concern a complete restoration of a large glass house and the applicant notes that they are likely to have the site upgraded to Grade II\* - this illustrates an appropriate treatment of a Listed Building and also just how important the glasshouse at Wierton potentially is (it is already considered nationally important)”.*

## **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**

### **Principle of Development**

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The application site is located within the open countryside where there is a presumption against allowing new residential development, in the interests of sustainability, and impact upon the character and appearance of the countryside.
- 7.02 To this effect, Maidstone Borough Wide Local Plan (2000) Policy ENV28 restricts development within the countryside to a small number of criteria. Residential development – without links to agriculture - does not constitute one of these uses.
- 7.03 Advice set out within the National Planning Policy Framework (herein referred to as the NPPF) states (Para. 47) that Councils should:
- ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.’*
- 7.04 The NPPF provides a clear definition of ‘deliverable’. This states that:
- ‘To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.’*
- 7.05 The NPPF also refers to a Council’s position when there is a lack of a 5 year supply:
- ‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should*

*not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.'*

- 7.06 Maidstone Borough Council is currently not in the position of being able to demonstrate a five year housing land supply. The Maidstone Borough Local Plan – Publication (Regulation 19) was out for consultation from 5<sup>th</sup> February to 18<sup>th</sup> March 2016. The submission to the Inspectorate is now being prepared and is expected to be on 20<sup>th</sup> May 2016. Although not an adopted Local Plan document, it does now carry some limited weight as a material consideration in determining planning applications. However, its draft housing supply figures do not begin to count until May 2016 when the Plan is submitted to the Secretary of State. Until that date, the Council is still unable to demonstrate a five year housing supply and any decisions should be made on that basis.
- 7.07 Policy SP17 of the emerging Regulation 19 Local Plan is the Countryside policy that will largely replace ENV28. It is still a restraint policy with regard to development in the countryside, restricting development to agriculture, forestry, winning of minerals, open air recreation and such other exceptions. It also states in paragraph 8 of Policy SP17 that natural and historic assets will protected from damage. In this instance, it is put forward that the proposal will assist in protecting and preserving the listed buildings in the long term. 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, which this application is also considered to do. Paragraph 131 of the NPPF requires authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. Substantial harm to or loss of a grade II listed building should be exceptional. Paragraph 134 goes onto state that 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.
- 7.08 Clearly, whilst the Council has a shortfall in housing provision, this does not make any site within the Borough acceptable for housing. Whether applying the adopted or emerging Local Plan policies, matters such as visual harm, sustainability and highway safety (amongst others) continue to be an important consideration for any proposal. As such, the Council still has to weigh up the harm caused against the need demonstrated. In this instance the main issue is whether the overall benefits of bringing back the listed structures into use, and the housing need, outweigh the relatively remote location of the application site, i.e. its sustainability.
- 7.09 The site is located within the open countryside, and positioned off a narrow country lane (Wierton Road) which is not provided with footpaths on either side. The site is not located upon a bus route (although these do run along Heath Road) and is not in close proximity to any railway station. I am aware of a previous recommendation which found this location to be sustainable on the basis that it is “within a short drive of the local primary [and secondary] school, and shop”, however I disagree with this conclusion; to my mind, occupiers would inevitably be reliant on private vehicles for transport to basic services and facilities by virtue of the distances involved and the fact that the walk to the nearest village of Boughton Monchelsea would prove difficult at any time but particularly of an evening, by virtue of the lack of lighting and pedestrian footpaths.
- 7.10 However, the unsustainable location of the site for residential development is outweighed by the heritage benefits that would accrue from the development, and in

particular the change of use and associated restoration of glasshouses which might otherwise be lost. Historic England are satisfied with the location and design of the enabling development. 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, which has been scrutinised by the District Valuer. This evidence is not based on figures in 2007 and 2008 as referred to in third party representations. House prices were based on figures for both 2013 and 2014 and the District Valuer's final report on the Valuations was produced in April 2015. It confirmed that the development would not exceed that 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. Documentation relating to financial viability is attached to Part 2 of this Report. This information is confidential as it contains sensitive financial information.

- 7.11 It is important to note that the site already has a mixed lawful use for fourteen residential units and a nightclub, uses which themselves would generate significant vehicle movements and associated activities.

#### **Visual Impact/Architectural Quality**

- 7.12 As the site lies within the open countryside, the grounds of a listed building, and with land to the south being identified as being of Special Landscape Importance (SLA) – although the application site falls completely outside of this designation (Members will be aware that the emerging Regulation 19 Local Plan proposes to extend this designation to include the proposal site within the Landscape of Local Value. The site is served by a private drive, which has substantial tree planting on either side, restricting views into and out of it. Likewise, to the north of the site is a significant level of tree planting, which restricts views in. The existing building is prominent, being of two and three storey in height, and of a substantial scale. As such, it can be seen from the wider area, in particular from the south, where land levels fall.
- 7.13 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.
- 7.14 In terms of the alterations to the main building itself, I consider that the proposal would ensure a high quality of design. As stated by the Conservation Officer, the proposal to return the original part of the building to a single dwelling is to be welcomed as being the best possible use for the building. The proposals will result in some beneficial changes and whilst other alterations such as the insertion of en suite facilities to bedrooms will cause some harm by sub-dividing rooms. However, it is intended to mitigate this by stopping partitioning short so that the full height and extent of the original rooms can still be appreciated. Within the service wing the previous conversion works to form staff flats has already compromised the original layout, and the changes now proposed will result in a less intensive use and no further harm in the Conservation's Officers view. 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'. The Conservation Officer has commented that this is an appropriate solution that would not compete architecturally with the original buildings. Therefore, I consider that this is to the benefit of the existing building. Overall, the proposal enables the conservation of many heritage assets within the main building and the less intensive use of the service wing. Some alterations are considered to cause limited harm to the listed building, but the limited harm or loss will enable the conversion of the listed building to its original use and will secure its long term future.

- 7.15 The proposal includes alterations to the existing 'ball room' which would include a more substantial link to the main house. It is partly formed by a single storey Victorian billiard room to which was added a large flat-roofed extension to form a ballroom for the club. 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 now shown to utilise much of the existing structure, whilst creating a new point of access into the building, with demolition of a small element. Furthermore, the Conservation Officer comments that it ensures the preservation of the original billiard room with its fine neo-Jacobean fittings. The upper storey will have little additional impact on the setting of the listed building and the more domestic appearance will go some way to softening the impact of the presently rather severe building. The Victorian Society commented that the ballroom is a 1972 addition, which would be better demolished. However, as the structure includes the original billiard room and part of the ballroom incorporates the original stables, the retention and conversion of this building is considered to be the preferred option. It also avoids erecting additional enabling development elsewhere on the site and increasing the footprint of new development on the site as a whole. Subject to suitable materials being used, and a bond that matches the existing structures, this is part of the proposal is now considered to be satisfactory and acceptable.
- 7.16 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 garage block that is to be demolished for units 16-19 is a lawful building that was approved with conditions at appeal on 3<sup>rd</sup> August 1994. The existing garage is of a significant scale, with a high and dominant roof form and poor quality design and appearance, 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. It is considered that the proposed new dwellings will be much less dominant over the listed ice house than the existing, bulky garage. The attractive, single storey ice house is to be incorporated into the western-most unit of this terrace via a glazed link. This will ensure that one side elevation and then both the front and rear elevations remain unaltered, with only minor alterations to one

flank wall and the roof where the glazed link connects. It will bring the building back into active use ensuring a viable future, with its original form and design still retained. 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).

- 7.17 The Victorian Society commented in November 2015 that the principal element of the proposal is to revert the house back to a single five bedroom dwelling and that the desirability of this proposal is somewhat diminished by the density of the other residential properties, such as units 16-19. However, this fails to acknowledge the existing three storey staff accommodation attached to the house, located between the main house and units 16-19. This staff accommodation already contains 12 flats and is proposed to be reduced to six flats. The main original house is not detached, being enclosed by the flats to the west and the ballroom to the east. The position of the mews buildings (units 16-19) have been carefully designed to be located on the position of the existing modern garage block and are considered to be a more sympathetic replacement. To move these units nearer to the enabling development, as suggested by the Victorian Society, would increase the density of the development on this part of the site when it has been carefully designed to reflect the rural character of the area. Historic England and the Conservation Officer are satisfied with the location and the design of the mews buildings. Therefore, for the reasons set out above, the replacement of the garage block and bungalow with a row of terraced properties is considered to be acceptable in terms of design, scale, appearance, siting and density.
- 7.18 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, scale and design. Also external finish material will be of high quality.
- 7.19 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 finished materials.
- 7.20 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. In addition, as stated by paragraph 130 of the NPPF, the deteriorated state of a heritage asset should not be taken into account in any decision. However, the NPPF goes on to state in paragraph 131 that LPA's should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Only a viable re-use of the glasshouses can ensure the long term survival of this historic building, regardless of their current condition.

- 7.21 As stated by the Conservation Officer, the retention of the Glasshouses in their original form would be the ideal, but the building must have a viable use to survive. The building is too large to be used as a communal facility in its entirety and no alternative uses would provide the necessary funding for its long term preservation. The impressive central pavilion is to be retained as a communal feature (this appears to be the original mid 19<sup>th</sup> Century buildings, the wings being of late Victorian/Edwardian date). 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 sub-division of the glasshouses is on an architecturally logical basis. 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 substantial 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.
- 7.22 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. It will provide a viable use for the glasshouses, which will ensure their long term survival. To just repair them and not provide an alternative use would not provide suitable protection for them in the long term.
- 7.23 The Victorian Society's original comments in November 2015 were based on the misunderstanding that there would be 6 mews houses and that they were to be placed inside the greenhouse and that this would destroy it. Indeed, placing houses inside the glasshouses would not be acceptable. It should be noted that this is **not** the case, the proposed units are adjacent to the glasshouses on the position of the demolished outbuildings, which the Victorian Society actually states to be acceptable in their first comments: "the six dwellings could be located on the site of these buildings, not inside the greenhouse". The Victorian Society commented that the

glasshouses would be better retained as a communal conservatory in its entirety, possibly with the mews houses facing them. However, it is important to note that the glasshouses are not one large open structure that would readily accommodate such a 'communal' use. They are already subdivided and this has been utilised within the design of the scheme to provide conservatories to the 4 mews houses with one central communal area. This design has received the support of Historic England and the Conservation Officer.

- 7.24 The Victorian's Society latest comments in March 2016 are based on the conversion of the glasshouses to 4 dwellings. They still maintain many of their original objections to the scheme and comment that the conversion of the glasshouses is the most contentious element of the application. The Society is not convinced that their conversion to residential is consistent with its conservation and that finding a commercial use for the building would be likely to result in a far less harmful intervention as the space is unlikely to need much subdivision, if any. It has been stated in the previous paragraph that as you walk through the glasshouses, they are actually not one large open area, they are already sub-divided. By maintaining the main, domed central area as communal, it is considered that the main feature of the glasshouse is retained at the same time as protecting its long term future with a viable use.
- 7.25 An options appraisal was submitted with the proposals as part of the viability reports. The proposals were found to be the only viable re-use of the buildings and that the scheme was on the margins of viability with the proposed enabling development (see paragraph 7.49 of the Committee report). As a result, it is considered that the development is the minimum necessary to ensure that all the existing listed buildings are repaired and restored to an appropriate standard and to a use that will ensure their long term protection. Not many commercial uses would be able to make use of glasshouses and no commercial use would be able to provide the necessary finance to repair and maintain the glasshouses to the required standard.
- 7.26 The Victorian Society refers to Walled Nursery at Tongwood, near Hawkhurst (Grade II, Mid to late C19) as a comparable example. The works concern a complete restoration of a large glasshouse under reference 16/501397/LBC. Having researched the application, its description is for Listed Building Consent to provide a temporary polycarbonate covering over Vinery for a period of 5 years and deconstruction of Carnation House pending reconstruction. This was approved in February 2016. Therefore, there is no change of use involved in this proposal, it is continuing an existing horticultural use and involves the actual removal (albeit temporary) of the Carnation House.
- 7.27 Upon investigation, the Walled Nursery site (which until more recently was known as Tongwood Gardens) is a very large nursery site containing 13 large glasshouses, extensive cold frames, walled gardens and large grounds. As an example, the Melon House is 100 foot long and there are also similar sized Carnation House, Cucumber House, Peach House and Fruit House. There is also a Vinery and large gardens, all with an extensive horticultural history. Clearly the Walled Nursery is on a substantially greater scale than Wierton Place and is capable of actually operating as

a nursery with its associated walled gardens and land. It originally provided for the whole of the Tongswood Estate. Wierton Place glasshouses are much smaller, are subdivided, have only a small walled garden area and have never been used for such intensive horticultural purposes and nor could they support such a use. They were built only to serve Wierton Place, not a large estate or a horticultural business. As a result, it is difficult to provide a direct comparison between the current applications for Wierton and those at Tongswood. It is interesting to note that at Tongswood there are cottages and storehouses attached to the rear of the garden walls with glasshouses on the opposite side of the wall. It is considered that the design utilised by the 4 proposed mews houses for Wierton Place actually replicates this historic feature of utilitarian buildings being sited immediately adjacent to the gardeners cottage. As a result, the example of Tongswood provides some useful examples of how cottages and brick stores have historically been attached to glasshouses and walled gardens in the past. Therefore, this current application for Wierton Place is a unique and interesting use of design that has some historical associations, whilst also ensuring a new use that will preserve the glasshouses and require minimal internal alterations. The glasshouses will only be used as conservatories and will not be used as habitable rooms of the dwellings, such as kitchen, lounge etc.

- 7.28 The design of the proposals for the new residential units at the glasshouses and also the enabling development are all low slung to minimise their visual impact, not only in connection with the listed buildings on the site, but also on the surrounding landscape. The new development has been located within areas surrounded by tree cover, which it is proposed to be retained. The use of sedum roofs also reduces visual impact and blends the buildings into the landscape. The most dominant feature on the site will remain the listed main house and its adjacent three storey servant wing. Overall, it is considered that the site is well screened and this combined with the design of the new buildings would limit any long distance views on the adjacent SLA and the proposed Landscape of Local Value.
- 7.29 The Conservation Officer concluded his comments by stating *“I consider that the proposals in totality will cause some harm to significance; the level of harm would be less than substantial and this needs therefore to be weighed against any public benefit in accordance with the advice in the NPPF. Apart from the provision of new housing, I consider that substantial weight should be given to the re-use/ restoration of the listed buildings which have been problematic for a considerable period”*. Historic England were consulted on all the revised plans for the scheme and have been consulted again in March 2016 to confirm their views. They have stated that they are satisfied with the location of the enabling development and its design and are also content to defer to the Council’s conservation officer’s advice on the detailed proposals for conversion of the main house and glasshouses. Overall, therefore, 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. It is considered that the proposal is also in accordance with paragraph 131 of the NPPF, which refers to ‘the desirability of sustaining and enhancing the significance of heritage assets and



putting them to viable uses consistent with their conservation'. I therefore raise no objections on these grounds.

### **Residential Amenity**

- 7.30 The application site is a significant distance away from any existing residential properties, and there is existing substantial boundary treatment, and landscape buffers. As such, I do not consider that the proposal would result in any significant overlooking or overshadowing of these properties.
- 7.31 The new properties that would be erected closest to the nearest existing property would not have any windows that would overlook this property, nor would there be any new boundary enclosures erected. As such, I do not consider that there would be any significant impact upon these residents in terms of overlooking, or the creation of a sense of enclosure. It has been raised that the proposal would result in an over-intensification of the site and that it would result in a doubling of residential units within the hamlet of Wierton. This is misleading as there are approximately 47 existing properties within Wierton and the proposal is for an increase of 8, which relates to 17%. Overall, the site is 3.77 hectares and on average there would be 0.42 acres per residential unit. The communal grounds will create a sense of space and I consider that the development will not feel cramped, intensive or overdeveloped.
- 7.32 The nightclub has full planning permission and a premises licence for a maximum of 350 people. As such, the proposal would not generate a significantly greater level of traffic movements beyond the level generated by the current lawful use. Within the site, there will be more activity on the northern side of the application site, but this would be bound by the buildings to the south and is some considerable distance away from the nearest residents. Furthermore, any vehicle movements are also more likely to be within 'normal' times associated with residential use, rather than the late night hours associated with the nightclub use that are far more likely to cause noise disturbance to local residents, not just on the access road and adjacent to the site, but also along the roads leading to the main road. Any other general noise and disturbance generated by an additional 8 residential properties is also considered to be minimal and also needs to be compared to the use of the site as a nightclub for 350 patrons. As such, I do not consider that there would be an unacceptable level of noise and disturbance generated by these proposals.
- 7.33 The Environmental Health Officer has raised no objection to the proposal on the grounds of noise or light pollution. The upside down design of Units 16 to 19 (in the position of the existing and lawful garage block that is to be demolished) will not be out of keeping with the adjacent flats, which already contain main kitchen and living areas on the upper floors of Wierton Place. There would be an increase in lighting within the site, due to the additional new properties, and increased fenestration within the existing buildings. However, with the existing buildings already being of a substantial scale – and provided with large amounts of glazing, together with the existing lawful use of the site – that of nightclub which will cease as part of this proposal – I do not consider that this proposal would result in an unacceptable level of light pollution, or disturbance to the existing neighbouring occupiers. A condition is recommended seeking details of any external lighting to be submitted for approval by LPA.
- 7.34 For these reasons it is considered that the application is acceptable in terms of impact on residential amenity.

### **Highways**

- 7.35 Kent County Council Highways Services have raised no objection to this proposal. The site is served by an existing access which would not be altered as a result of this proposal. This access road is relatively narrow, and speeds are restricted by the nature of its width, and also the speed bumps already in place. The access into and out of the site, on to Wierton Road has a low ragstone wall on either side, which provides for suitable visibility splays.
- 7.36 The existing lawful use of this site is for residential (with 14 existing units) as well as a lawful nightclub use with a Premises Licence for 350 patrons. As such, it is not considered that the proposed only residential use would generate a significantly greater level of traffic movements beyond the present level generated by the current lawful use.
- 7.37 In terms of the level of parking within the site, this is considered to be sufficient for a development of this scale. In any event, should parking take place upon the internal access roads, as this is a no-through road, I do not consider that this would give rise to any highway safety concerns.
- 7.38 For these reasons it is considered that the application is acceptable in terms of highway safety.

### **Landscaping**

- 7.39 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.
- 7.40 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.
- 7.41 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.
- 7.42 Overall, it is considered that the loss of some of the trees on the site is outweighed by the new proposed landscaping and also the enabling development that will assist in the restoration and repair of the listed buildings on the site and also the restoration and maintenance of the historic gardens. The Landscape Officer has raised no objection to the proposal, subject to the imposition of suitable conditions.
- 7.43 For these reasons it is considered that the application is acceptable in terms of impact upon the landscape of the locality, subject to the imposition of suitable conditions.

### **Enforcement Matters**

- 7.44 An Enforcement Notice and Untidy Site Notice were issued by the Council on 9<sup>th</sup> December 1999 (ref. ENF/414/3599). The applicant was contacted by the Enforcement Officer in September 2011 regarding these issues. The Enforcement Notice required that the change of use of the land to use for the storage of building materials, plant, machinery, equipment and vehicles and all buildings materials,

plant, machinery and equipment be removed. From examination of photographs taken at the time, the open area in front of the greenhouses was used for extensive storage of vehicles, tractors and building materials. The agent confirmed on 21<sup>st</sup> October 2011 that this part of the Enforcement Notice had been complied with and the use of the land for this purpose appears to have ceased. Indeed, most of this area is now clear and the only building materials that remain are those that are being used in connection with the repair and maintenance of Wierton Place.

7.45 The Enforcement Notice also referred to the demolition of four structures within the walled garden area of the glasshouses. Two of the buildings referred to do not now exist and the two buildings on the western boundary of the walled garden had evidence of bats and therefore no further works were carried out on these buildings so as not to contravene the legislation relating to the protection of Bats. As the current applications had already been submitted, the agent confirmed that the Ecology Report prepared by Betts Ecology as part of the proposals would address this issue. Indeed, the report has confirmed that the buildings are not used or occupied by bats and so their demolition can proceed. It was intended that they be demolished as part of the Phase 1 works for the glasshouses. It is important to note that no unlawful buildings are proposed to be converted as part of this scheme.

7.46 The Untidy Site Notice required works to be undertaken on land at and surrounding modern outbuildings, the glasshouses and the walled garden area. The following steps were required:

1. Remove all vegetation that is escaping from within the greenhouses.
2. Clean up all woodwork.
3. Repair all defective timber, matching detail of existing timber.
4. Replace all glass panes that are missing.
5. Paint all wood work in white paint.
6. Brush down and repaint all guttering and downpipes.
7. Replace all sections of missing guttering and downpipes.
8. Repair all flashing.
9. Remove corrugated tin sheeting from the roof and walls of the rear of the central pavilion, as shown on the attached photograph, and replace with original roof and window panes.
10. Remove all rubbish, rubble, dumped and derelict items from the land; including pipes, metal boxes, kerb stones, pallets, derelict cars, vans, items of plant, plastic sheeting, white goods.

7.47 Step 10 was mostly been complied with due to the walled garden area being almost entirely clear of building materials, plant, equipment, machinery and vehicles. There is some maintenance plant, equipment and materials stacked up against the inside of the front wall, but this is being used in connection with ongoing repair and maintenance. It is noted that a derelict, rusty vehicle remains to the rear of the modern outbuildings. This is contrary to the Untidy Site Notice, but once again the applicant had been intending to clear this area when the outbuildings were demolished as part of the current proposals as the vehicle is not fit to be driven. If planning permission is not granted, then action can be taken to ensure that the vehicle is removed as part of Step 10.

7.48 When the current Case Officer visited the site in November 2015, all vegetation had been cleared from the inside of the glasshouses in accordance with step 1 of the

Untidy Site Notice. However, the Greenhouse is still in disrepair contrary to the Untidy Site Notice, however, research through the old Enforcement files has revealed that even in May 2000, a letter from the then Director of Development Services confirmed that *"the cost of the necessary works is considerable"*. This is why the applicant investigated an alternative, viable use for the site that would provide sufficient funds for the repair and restoration of the Glasshouses and the long term maintenance.

- 7.49 Once the applications for the change of use of the glasshouses were submitted, any Enforcement was not actively pursued as the proposals addressed many of the remaining issues of the Untidy Site Notice. The repair of the glasshouses set out under steps 2 to 9 are all proposed to be included as part of the phase 1 work for the proposals. Even just the repair of the glasshouses will involve significant costs due to the size of the structure, hence the need for enabling development set out in the applications. Some comments have been made that the granting of any permission would be a 'reward' for neglect of the glasshouses. However, only clearance works and basic repairs and maintenance can be undertaken without a viable use to provide funding. A viable, long term use needs to be found for the glasshouses to ensure their preservation into the future. The enabling development is important to providing for the conversion, repair, restoration and long term maintenance of all the listed buildings on the site, including the glasshouses that are listed in their own right. Up until now, no previous use of the site has ever provided a viable use for the glasshouses and it is considered that this scheme will ensure the repair, restoration and long term maintenance of the listed glasshouses.

#### **Other Matters**

- 7.50 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 protection and preservation 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. Please refer to Part 2 of the Agenda for the confidential Valuation Reports.
- 7.51 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 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 a net increase in built footprint of 480sq.m from the all the new residential dwellings.

- 7.52 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 modern buildings that detract from the setting of the listed buildings on the site. It is considered that this on balance the proposed increase in built form is acceptable to ensure that the scheme deliver long term protection of these heritage assets. Any reduction in the amount of enabling development would result in the scheme not being viable and thus prejudice long term preservation and protection of these listed buildings.
- 7.53 A Section 106 will be required to be completed prior to the grant of planning permission. 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.
- 7.54 Concern has been raised over the loss of rural jobs. However, although the nightclub use is lawful and can be restarted at any time, it has been struggling over the years due to its location away from the town centre. It has now not been operating for some considerable period of time and so is not contributing towards rural jobs. The original viability appraisals submitted with the scheme set out the different uses that the site could be used for. However, none on them, including the existing nightclub, would provide sufficient funds to provide for the long term maintenance and repair of all of the listed buildings on the site and this is the crux of the issue: the importance of providing a long term, viable use for the listed buildings.
- 7.55 It is considered that the provision of new dwellings on the site would be likely to have some positive impact on the rural economy through an increase in demand for services and facilities associated with residential use. As there are only 8 new units this contribution will be limited. Due to the marginal viability of the scheme, no contributions have been requested towards schools or other services. New residents will be likely to drive to local services and facilities. It has previously been discussed in this report that the site is not in a sustainable location. However, the unsustainable location of the site for residential development needs to be balanced against the existing nightclub use. It is considered the unsustainable location is outweighed by the removal of the nightclub use and by the existing heritage benefits that would accrue from the development, and in particular the change of use and associated restoration of glasshouses.
- 7.56 In terms of the impact upon ecology, a bat assessment has been submitted with the application, that concludes that whilst the proposal would result in the loss of potential habitat, being an existing garage, suitable mitigation could be provided on site. Should this be built prior to the loss of the existing garage, the proposal would not result in the loss of any significant habitat, although, it is requested that some additional enhancements be made to the landscaping that would enhance the habitat within the grounds of the building. For these reasons it is considered that the

application is acceptable in terms of impact upon biodiversity, subject to the imposition of suitable conditions.

### **Conclusion**

- 8.01 Whilst the application site lies within the open countryside, where new residential development is ordinarily resisted, due to the fact that the Council does not have a five year land supply and, more importantly, because the proposal would have significant benefits in terms of enhancing both the setting of the listed house and bringing the listed 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 advertised as a departure to the Local Plan.
- 8.02 In conjunction with the Conservation Officer, I consider that the proposals in toto will cause some harm to significance; the level of harm would be less than substantial and this needs therefore to be weighed against any public benefit in accordance with the advice in the NPPF. Apart from the provision of new housing, I consider that substantial weight should be given to the re-use/ restoration of the listed buildings which have been problematic for a considerable period. 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. The enabling development is important to provide for the conversion, repair, restoration and long term maintenance of all the listed buildings on the site, including the glasshouses that are listed in their own right. Up until now, no previous use of the site has ever provided a viable use for the glasshouses and this scheme will ensure the repair, restoration and long term maintenance of the listed glasshouses.
- 8.03 Careful consideration has been given to the quality of the architecture proposed. It is considered 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 There are no highway objections to this proposal, and I do not consider that there would be any significant impact upon the amenity of the existing residents close to the application site. It is considered that the unsustainable location of the site for residential development is outweighed by the removal of the nightclub use from the centre of this residential hamlet.
- 8.05 The viability work that has been carried out demonstrates that there is no scope for the provision affordable housing, or other developer contributions to be made as part of this development. It is essential that a long term, viable use be found for the glasshouses to ensure their future preservation.
- 8.06 The terms of a s106 legal agreement 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.
- 8.07 It is for this reason that I recommend that delegated powers be granted to the Head of Planning and Development to approve these applications, subject to the signing of S106 Legal Agreement 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 permission subject to the conditions and informatives set out below and subject 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:

- 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

- (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) The development shall not commence until details of foul water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out and maintained thereafter in strict accordance with the approved details;

Reason: In the interest of pollution and flood prevention.

- (3) The development hereby permitted shall not commence until a detailed sustainable surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to the Local Planning Authority and approved in writing in consultation with the Lead Local Flood Authority.

The drainage details submitted to the Local Planning Authority shall:

- Include details of all sustainable drainage features; and
- Specify a timetable for implementation; and
- Provide a long term management and maintenance plan for the lifetime of the development which shall specify the responsibilities of each party for the implementation of the SUDS scheme and any other arrangements to secure the operation of the scheme throughout its lifetime; and
- Provide relevant manufacturers details on all SUDS features.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- (4) 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.



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- (5) 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.

- (6) 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.

- (7) 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.

- (8) 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.

- (9) 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.

- (10) 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.

- (11) 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 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.

- (12) 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.

- (13) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of those to be removed and retained, together with a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment (Linton Greensand Ridge landscape type) 2012 and Landscape Character Assessment Supplement 2012. The landscape scheme shall include the following, inter alia:

The retention of all trees and hedges identified as such in the Arboricultural Impact Assessment (ref 2082\_RP\_001 date 24th July 2015) received 24th July 2015; and  
The provision of cordwood greater than 150mm in diameter arising from tree clearance retained and stacked safely within landscaped areas and other appropriate features of biodiversity enhancement; and  
The retention and where appropriate enhancement of existing tree lines; and  
The use of a range of native flowering and berry bearing species of trees; and  
Areas of grassland to be managed as rough grassland;

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained, 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 enhance biodiversity assets.

- (14) The development hereby permitted shall be undertaken in full accordance with the Loyd Bore Tree Protection Plan shown on drawing numbers 2082\_DR\_001 rev B and 2082\_DR\_002 rev B received 24th July 2015 and detailed in Arboricultural Impact Assessment (ref 2082\_RP\_001 date 24th July 2015) received 24th July 2015;

Reason: To safeguard existing trees and hedges to be retained, 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.

- (15) The planting, seeding and turfing specified in the approved landscape details shall be carried out during the first planting season (October to February) following first occupation of the development hereby permitted. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of the development, die or become so seriously damaged or diseased that their long term health has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation;

Reason: To safeguard existing trees and hedges to be retained, 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.

- (16) No tree identified as being retained as identified in drawing numbers 2082\_DR\_001 rev B and 2082\_DR\_002 rev B or the Arboricultural Impact Assessment (ref 2082\_RP\_001 date 24th July 2015) received 24th July 2015 shall be cut down, uprooted or destroyed, or topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

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Reason: To safeguard existing trees and hedges to be retained, 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.

- (17) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of highway and pedestrian safety.

- (18) 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.

- (19) The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

- (20) 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.

- (21) No external lighting shall be placed or erected within the site without the prior written approval of the Local Planning Authority. Any submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and minimise effects on fauna including bats. The development shall thereafter be carried out and retained in accordance with the subsequently approved details;

Reason: To prevent light pollution in the interests of the character and amenity of the area in general and to prevent harm to biodiversity assets.

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- (22) The development shall be carried out in strict accordance with the Bat Survey Report (ref 6037/SBTG dated 5th September 2011) received 7th October 2011; 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 with the mitigation proposed (which shall include the provision of a bat roost within the main building, bat tubes incorporated in to the fabric of new buildings and bat boxes within the grounds attached to suitable trees) provided prior to occupation of the development hereby permitted and thereafter maintained;

Reason: In the interests of providing suitable mitigation for ecology.

- (23) The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority;

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

- (24) No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority;

Reason: To secure a high standard of design.

- (25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F, G and H, Part 2 Class A and Part 16 to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the property and the surrounding area, and in acknowledgement of the special circumstances of permitting this development.

- (26) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority;

(a) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment set out in the approved Phase 1 Land Contamination Assessment by Ecologica, received on 16<sup>th</sup> October 2015. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency actions.

(b) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (a). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components, including the approved Phase 1 Land Contamination Assessment, require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003), unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for the carrying out the works
- Measures to minimise the production of dust on the site
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site
- Design and provision of site hoardings
- Management of traffic visiting the site, including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to minimise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: To prevent harm to human health and pollution of the environment.

- (27) 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,

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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 developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.
- (2) You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)
- (3) No construction vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).
- (4) Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.
- (5) Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.
- (6) The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.
- (7) As the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.
- (8) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

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Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

- (9) The installation of any communications equipment on the site which is normally permitted development under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 has been restricted by condition 25 of the planning permission. This is in order to protect and enhance the setting of the listed building. It is advised that a single installation of one telecommunications device or structure within the application site, that can be suitably sited and well screened from the listed building, would be more favourably received than multiple applications for individual satellite dishes or other equipment for each residential unit.

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.