

**ITEM 14 - Revised Recommendation for listed building consent application reference 11/0512:**

The revisions to the recommendation relate to an amendment to the heads of terms for the S106 Legal Agreement to include a bond (section 9). One condition (condition 8 within the original committee report) has also been removed, as it is already included within the S106 Legal Agreement.

**Revised Recommendation:**

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

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

- a S106 agreement in such terms as the Head of Legal Services may advise to secure the following terms:
  - 1)The development is to be dealt with in phases and the Owner agrees that occupation of the respective dwellings can only take place once the works on that phase have been completed in accordance with the planning permission and the works carried out in accordance with the schedules of works set out in the Valuation Report and Appraisal for Enabling Development (dated 25.06.2014) 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.

9)The applicant shall enter into a Bond to ensure that the above repair and restoration works to all the listed buildings on the site are delivered.

CONDITIONS for listed building consent application 11/0512:

- (1) The works 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) No works 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.

- (3) No works, 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.

- (4) No works 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.

- (5) No works 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
- (iii) Internal and external paint schemes; and
- (iv) All works to existing, and proposals for new, fire surrounds; and
- (v) All services, including computer cabling and lift machinery; and
- (vi) Works of making good; and
- (vii) Schedules of repair work and stone/brick-cleaning/replacement/retention.

Outbuildings and works to the garden walls

- (i) Samples of materials, including sample panels of brickwork, stonework, mortar mix 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.

- (6) No works 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.

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

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

- (8) Prior to the commencement of the works, 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 works 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.

- (9) The works 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.

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

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

Supported by a Bat Survey Report (ref 6037/SBTG dated 5th September 2011) received 7th October 2011; Conservation Statement (dated June 2014), Valuation Report and Appraisal for Enabling Development (dated 25.06.2014); Design and Access Statement, Supplementary Arboricultural Impact Assessment (ref 2082\_RP\_002 dated 29th April 2014), Update Bat Survey Report (ref 6037/4687/SBTG dated 11th June 2014) received 25th June 2014; and Bat Activity Survey Report (dated 20th July 2015) received 20th July 2015; and an Arboricultural Impact Assessment (ref 2082\_RP\_001 date 24th July 2015) received 24th July 2015; Phase 1 Land Contamination Assessment by Ecologica received 16<sup>th</sup> October 2015;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, safeguard and enhance the character, appearance and setting of heritage

assets, secure biodiversity assets and to safeguard the enjoyment of their properties by existing and prospective occupiers.

#### INFORMATIVES

- (1) The proposal, whilst a departure from the local plan, is considered to represent a well designed development that would provide housing within a reasonably sustainable location, and that would prevent the loss and result in the significant preservation and enhancement of the existing listed buildings. This, together with the Council's current lack of a five year supply of housing, results in this departure from the Development Plan being considered acceptable.