

Planning Committee January 12 2017

REPORT SUMMARY

REFERENCE NO - 16/506735/LBC		
APPLICATION PROPOSAL Listed Building Consent for alterations to boundary wall to facilitate improved access.		
ADDRESS Barty House Nursing Home, Roundwell, Bearsted, Kent, ME14 4HN.		
RECOMMENDATION: GRANT LISTED BUILDING CONSENT		
SUMMARY OF REASONS FOR RECOMMENDATIONS: The proposal will cause harm to the fabric and setting of a Grade II listed building. However, after careful consideration and after balancing the impact of the proposal against the guidance in both the NPPF and Listed Building & Conservation Areas Act, the recommendation is for approval. This however, is subject to a condition linking this approval to that of the application for outline planning permission for 100 dwellings at Barty Farm. Accordingly, this application is dependent on the other in order to be implemented.		
REASON FOR REFERRAL TO COMMITTEE: The application is intrinsically linked to 14/506738 and it is considered appropriate to bring to the committee where the other application is being determined.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Crabtree and Crabtree (Bearsted) Ltd AGENT Hobbs Parker Property Consultants
DECISION DUE DATE 1/11/16	PUBLICITY EXPIRY DATE 4/10/16	OFFICER SITE VISIT DATE various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

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

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

15/504667 Barty House, Roundwell, Bearsted, Kent: Listed Building Consent for alterations to boundary wall to facilitate improved access. **REFUSED** *The proposed development would cause harm to the setting of the Grade II Listed Barty Nursing Home and to the fabric of the curtilage wall. Notwithstanding the lack of a 5 year supply, it is considered that the benefits of the development are not sufficient to overcome the harm identified.*

14/506738/OUT Barty House, Roundwell, Bearsted, Kent: Outline application for the erection of 100 dwellings - reserved matters for which approval is being sought: Access, including access widening comprising relocation of wall forming part of outer curtilage of Barty Nursing Home (Grade II listed). **DELEGATED POWERS TO APPROVE SUBJECT TO COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS 28/4/16**

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

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

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

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

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

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

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

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

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

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

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

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

MAIN REPORT

1.0 DESCRIPTION OF SITE

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

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

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

- 1.2 The property occupies a prominent position on Roundwell set above the road level. The property is set within approximately 0.9 hectares of garden land and the land levels vary across the site with it falling away to the north/north-west.
- 1.3 Once a private residence, Barty House became a care home – hence the history of extensions to the property to make it suited to the change of use.
- 1.4 Access to the property is from an unmade farm track off Roundwell on the northern side of Barty House and parallel to the curtilage wall. The curtilage wall runs in a north easterly direction parallel to the unnamed access track and turns at 90 degrees to the corner of the building. The parking area is to the rear (north-east).

2.0 PROPOSAL

- 2.1 This application comprises a revised proposal to that previously refused (15/504667) for works to the boundary wall of the Grade II Listed Barty House. As before, this Listed Building application is intrinsically linked to the outline planning application for up to 100 dwellings on the field to the west of Barty House. Members may recall, at the meeting held on 28 April 2016, it was resolved to grant planning permission subject to a S106 agreement for a development of up to 100 dwellings; to date this agreement has not been finalised and the outline application is on this same agenda for a further resolution with changes to reflect this submission. This application, however, focuses on seeking listed building consent for the demolition and associated works to the curtilage wall to Barty House which are essential in order to facilitate an acceptable access into the proposed nearby housing development site. The application includes a detailed landscaping scheme, although it should be noted that this has been submitted as supporting information only, as Listed Building Consent is not required for landscaping. The scheme also comprises a section of new wall to be erected adjacent to the car park to the north east; again this does not require LB Consent. The works which do require LB Consent are those to the existing wall, which is to be taken down and rebuilt. The wall has been subject to partial rebuilding and repair over the years and comprises a mix of stone base and brick work to the upper section.
- 2.2 The wall concerned fronts Roundwell and then extends in a northerly direction adjacent to the farm track which leads to the Barty farm complex. The wall also acts as a retaining wall to the garden land on the northern side of Barty House. In order to both widen and upgrade the existing track to accommodate the scale of new development, and to provide adequate visibility splays the only option is to take down

the existing length of wall adjacent to the access track and rebuild this closer to the façade of Barty House.

- 2.3 This scheme is a revision to that previously refused. The Design and Access Statement advises that it has been designed with input from expert advice and 'recommendations from experienced heritage and landscape professionals'. A slightly different approach has been taken on this scheme whereby a greater emphasis has been given on enhancing the setting of the Listed Building. The issue of setting has been discussed in the accompanying planning application. The main difference between this Listed Building application and that previously refused is that when the wall is rebuilt, it is proposed to include a stepped access through it and rebuild it to a lower height than existing. The steps will come from the new footpath being created.
- 2.4 Landscaping is not a consideration under a Listed Building application. The landscaping details show extensive Yew hedging together with low shrub planting within the revised garden of Barty House – the planting would be set around hard landscaping comprising York stone style paving creating pathways and terraces for the users of Barty House. This information is helpful in setting the scene for the relocated wall, but it must be remembered that it is the physical works to the wall which require the LB Consent.
- 2.5 It is still proposed to carefully remove each brick, clean each brick which is capable of being reused and store until the rebuild in the new location. The rebuild will use matching mortar and pointing. Bricks which are inappropriate i.e non-matching as used in the past for repair work, will not be reused; instead matching bricks will be resourced to make up any shortfall. The revised position of the wall will take it between 2.5-3.5m closer to the northern elevation of Barty House.
- 2.6 In addition to the above, it is also shown on the submitted plans that the stretch of wall which fronts Roundwell will need to be lowered to 600mm in order to provide the necessary visibility splays at the junction of the upgraded road with Roundwell. Where this front wall is to be reduced in height, the existing lawn level will also require regrading due to this being a retaining wall and ensuring there is no inconsistency with providing the visibility splay. This part of the proposal is consistent with the application considered in April 2016.
- 2.7 The majority of the submitted information is to support the application for the demolition and rebuilding of the wall. The information is designed to demonstrate that the proposal can be undertaken without detriment to the Grade II Listed Barty House. However, I reiterate that the actual element which requires Listed Building Consent is the works to the fabric of the existing wall.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (NPPG) 2014
Planning (Listed Buildings and Conservation Areas) Act 1990
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
Submission version -Maidstone Borough Local Plan Publication (Regulation 19)
2016: Policy SP17, DM3, DM10
Other: Historic England (formerly English Heritage) English Heritage Enabling Development and the Conservation of Significant Places, The Setting of Heritage Assets

4.0 LOCAL REPRESENTATIONS

4.1 Local residents were notified and representations were received from 13 residents. The concerns raised which relate specifically to the listed building application are summarised below:

- Inaccuracies and errors in information.
- Adverse impact on Barty House and would damage village history – similar applications have been refused before and so should this one be.
- Whilst the wall may not be listed, it is within the curtilage of a listed building and forms an integral part of its setting.
- No drawing has been submitted showing the replacement wall.
- Does not include proposals to alter the car park.
- Significant amount of planting within the visibility splay.
- Structural engineers comments not taken into account – as proposal takes wall closer to a tree and includes a new hedge (reasons given for damage to existing wall).
- Reference to improving visibility splays but no drawings to support this.
- Unacceptable to move a boundary wall to create a money making exercise.
- No good reason to depart from previous decisions to refuse the application.
- Misleading to claim that the wall is not listed and the history of access arrangements to the property is irrelevant.
- The Council's expert Conservation Officer has consistently advised the wall is an attractive feature and that in situ repair could be undertaken.
- The harm from the proposal will be 'substantial' not 'less than'.
- The tests in para 133 of the NPPF should be applied.
- There is no public benefit arising from this scheme; the housing scheme has not got the benefit of planning permission; the wall does not need to be moved if the housing scheme didn't exist.
- Considerable weight and importance should be given to the harm this proposal causes.
- The extent of damage to vehicles driving closer to the listed building cannot be predicted.
- An alternative access less damaging access should be found.
- The loss of approximately 88sqm of landscape garden around Barty House is very significant.
- The application clearly and incorrectly plays down the significance & historical importance of the wall.

Bearsted & Thurnham Society: recommend the application be refused as relocating the wall will cause demonstrable harm. The proposed scheme will harm the historic character of the street scene and all the details combined for change will destroy the integrity of the wall and substantially reduce the lawn which is so important to the setting. The LB application should be determined on its own merits and not in conjunction with public benefit arising from the housing scheme. MBC need to demonstrate what material change has occurred since the previous refusal.

5.0 CONSULTATIONS

5.1 **Bearsted Parish Council:** - The Parish Council has no material planning grounds to object to this application but would like to see the wall re-built on its original situation.

5.2 **Historic England:** do not consider it necessary for the application to be notified to Historic England under the relevant statutory provisions.

5.3 **MBC Conservation Officer:**

These works are associated with an outline planning application to erect 100 dwellings on nearby land. Whilst the housing development in itself will have only a limited impact on the setting of the Grade II listed Barty House, works to improve the access to the site will have a far greater impact. A resolution has been passed to grant planning permission for the housing scheme but listed building consent was refused for the demolition of the boundary wall and its relocation.

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

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

Whilst the wall shows evidence of some cracking and bulging which may require attention, in my view this could be addressed by careful and conservative in situ repair. Contrary to the claim in the Design and Access Statement this would not be impossible and similar historic retaining walls have been successfully repaired/ rebuilt in other locations in the Borough (in Upper Street, Leeds, for example). The revised proposal is to build a new but lower wall sited some 2-3 metres or so further back in to the plot. This will reduce the curtilage of Barty House on this side, leaving the house in a less spacious setting. The lower wall would also have less visual presence than the existing one; the introduction of a flight of steps up the landscaped bank behind the proposed wall would provide an inappropriate focus on a subsidiary entrance to the building which lies within the apparently post 1908 rear wing. Views of the house from this direction are the most important ones as it is only from this side that the listed building can be appreciated in its original form and size, without the large modern nursing home extensions being readily visible. The setting would be further damaged by the change from an unmade track to a surfaced and engineered road with pavements which would be an urbanising feature. I therefore consider that the proposals will cause harm to the significance of the listed building because of the loss of historic fabric and the impact on the setting of the listed building. The submitted heritage statement admits that less than substantial harm to the significance of Barty House would be caused by the loss of the existing historic wall. I agree with this assessment of the level of harm.

This being the case, the NPPF requires that the harm be balanced against any public benefit accruing from the proposals. In coming to a decision, the Council is obliged by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting and the courts have made it clear that where there is harm to the setting of a listed

building this is a consideration which should be given considerable importance and weight.

The Government published Planning Practice Guidance “Conserving and enhancing the historic environment” in 2014 and paragraph 020 of this document gives advice on what can be considered to be public benefits. It states that public benefits can be anything which delivers economic, social or environmental progress (as set out in Paragraph 7 of the NPPF, which identifies the provision of an adequate supply of housing land to be a public benefit) and that they should flow from the proposed development. It also outlines a number of heritage benefits which can also be taken into account, such as:-

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting – the proposals insofar as they relate to the boundary wall cause harm to significance.
- Reducing or removing risks to a heritage asset – Barty House is not considered to be at risk
- Securing the optimum viable use of a heritage asset in support of its long-term conservation – these proposals will do nothing in this regard.

The proposals insofar as they relate to the demolition and rebuilding of the boundary wall will result in less than substantial harm to the significance of the Grade II listed Barty House. As such, in accordance with paragraph 134 of the NPPF, this harm needs to be weighed against the public benefits provided by the housing scheme for which a resolution to grant planning permission has been passed.

6.0 BACKGROUND PAPERS AND PLANS

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

The following plans and documents were submitted in support of this application:
Drawing no.s 2527-07; 2527-16; 2527-20 Rev A; 2527-03H
Design & Access Statement August 2016; Supporting Statement by Hobbs Parker August 2016; Alan Baxter Partnership letter dated 17 September;
Method Statement For Constructing Brick Wall in Root Protection Zone (RMB consultants).
BARTY HOUSE BOUNDARY WALL, HERITAGE IMPACT ASSESSMENT
SEPTEMBER 2016

7.0 APPRAISAL

- 7.1 It is specifically set out in s.16 and s.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that the Council must have special regard to the desirability of preserving the listed structures or their settings or any features of special architectural or historic interest which they possess. The main issue for consideration is the impact of the proposal on the fabric of the Listed structure, together with the level of harm that would be caused and whether there is any justification for allowing the harm i.e. benefits arising. Impact on character, appearance and setting of the listed building are considered under the planning application. There has been concern over whether or not the wall is listed and for clarity I advise as follows: The Planning (Listed Buildings and Conservation Areas)

Act 1990 states that the statutory protection afforded to listed buildings extends to any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1948. As such, whilst not listed in its own right, the wall is considered 'curtilage listed'.

7.2 Policy DM3 of the emerging Local Plan requires new development to protect and enhance the historic environment and to provide for the long term maintenance and management of all heritage assets. Chapter 12 of the NPPF sets out criteria for local authorities in assessing planning and listed building consent applications and stipulates the following key points should be considered:

- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,*
- *The desirability of new development making a positive contribution to local character and distinctiveness.*

It is important to assess whether the proposal not only protects but enhances the listed building – this is an assessment that has been undertaken in the planning application. The NPPF seeks to conserve heritage assets and in paragraph 17 advises this should be done 'in a manner appropriate to their significance so that they may be enjoyed for their contribution to the quality of life of this and future generations'. Paragraphs 131 – 134 provide advice on the determination of planning applications and weighing up the significance of a heritage asset. Depending on whether it is felt that substantial harm or less than substantial harm will be caused by a proposal, then this informs the process of acceptability or otherwise and the matters for consideration.

7.3 The existing Grade II property is of significant historical and architectural interest and importance. The key consideration for this application is whether the physical works that are proposed to the wall would inflict an unacceptable level of harm to the setting of the property.

7.4 I have set out in full the Council's Conservation Officer's views. It will be recalled that in the application refused at Planning Committee in April 2016, that he clearly raised objection to the proposed re-siting of the boundary wall. He objected due to the loss of the historic fabric (the wall) and the impact on the setting of the Grade II Listed Barty House that would arise. Notwithstanding the officer's recommendation, the application for Listed Building Consent was refused for the following reason: ***The proposed development would cause harm to the setting of the Grade II Listed Barty Nursing Home and to the fabric of the curtilage wall. Notwithstanding the lack of a 5 year supply, it is considered that the benefits of the development are not sufficient to overcome the harm identified.***

7.5 In assessing this application I have had total regard to the outcome reached on those previous applications. Previously it was identified that the difference between the two recommendations on the listed building applications rested largely on whether there was justification to permit the scheme - in light of the fact that the planning permission for the wall was being sought through the outline planning application for up to 100 dwellings. The initial planning application (14/506798/FULL) was a standalone scheme which if approved could have led to the alterations to the curtilage wall without the housing scheme being delivered. Comments have been

received from objectors stating that there would need to be a material change in circumstances for the case officer to come to a different view than the refused scheme. However, the previous reports recommended a grant of planning permission for the outline scheme and a grant of Listed Building consent, so a further positive recommendation would not mean the officer had changed their view. It is however clear that a previous decision is a material consideration in the determination of the current application.

- 7.6 The significance of the building is set out in the listing at the beginning of the report. It is noted that the wall itself is not mentioned in the listing, although I note the comments of both the conservation officer and local residents whom advise of the historic nature and importance of the wall in terms of both the setting and context it provides and the presence of original bricks. The building has been significantly extended at the rear (north/east elevation) - the mass of this is not fully appreciated from the principal elevation of the building. At present the access to Barty House is an unmade farm track to the Barty Farm complex and Barty House. The main view is informal and due to the alignment of the street, the prominent view from the south/west is of the house in its garden setting enclosed with boundary wall. The proposal will result in a formal foreground of greater width and a reduced 'green' setting. The main aspect of harm which falls for consideration is the physical works required to the wall and whether it can be taken down without detriment to the fabric of the Listed Building. I note concerns raised by residents regarding the introduction of the new stepped access which would also impact on the structure when rebuilt.
- 7.6 As was previously noted from the research undertaken in support of the application, the entrance has been altered previously. In fact, submitted photographs show that in 1940, in addition to the existing rear access, that there was also an access at the front of the property comprising an in-out driveway on and off Roundwell. This front access was removed prior to the Listing in 1968 by which time it had been replaced with lawn as can be seen today. Residents disregard this information and do not consider it has a bearing on the acceptability of the proposal. I have not given great weight to the previous circumstances of the site as at the time of listing the access arrangements were as seen today. I consider the important consideration is in relation to the changes proposed now.
- 7.7 Considering the proposal in its current setting, it is apparent that a fairly significant change will occur to the setting of the listed building – this was the subject of discussion when the planning application was considered. I recognise that the scheme has put more focus into enhancing the setting of the listed building through a carefully thought out formalised garden. However, notwithstanding the efforts to address the refusal of the most recent listed building application, I feel that the combination of changes that need to take place will have a harmful impact on the listed building. I therefore concur with the conservation officer's view that the proposed development would cause visual harm on the setting of Barty House. It falls to consider whether the harm caused by works to the wall warrant a refusal of listed building consent.
- 7.8 In order to reach a conclusion as to whether the proposal can be deemed acceptable, it is essential to consider Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be had to the desirability of preserving the building or its setting. It is clear from the assessment undertaken by myself and the conservation officer that there would be harm to the setting (considered in the planning application) and fabric of this listed building and as such this should be given considerable importance and weight. The applicant

also acknowledges that a level of harm will occur. Therefore, with regard to section 16 of the above Act, I conclude that a level of harm will be caused.

- 7.9 In my mind, this is a clear case of balancing the benefits of the development versus the harm to the listed building. The proposed development would undoubtedly have a visual impact on the historic setting of the nearby Grade II listed building and result in the loss of fabric of the building, in this instance the wall. I agree with the view of the Conservation Officer, in that there will be harm caused to the Listed Building and that this harm will be less than substantial.
- 7.10 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight should be given to the asset's conservation'. Clear justification needs to be given if an asset is to be degraded as once lost the harm cannot be undone. Substantial harm to a Grade II listed building is considered in paragraphs 132 and 133 of the NPPF and indeed, were the proposal to be considered to cause substantial harm then, without an exceptional reason, then consent should be refused. However, in this instance the level of harm is not considered to be substantial and therefore Paragraph 134 should be applied.

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

- 7.11 It is therefore still considered that the significant public benefits arising from an additional 100 houses (which includes 30% affordable housing) together with generating construction jobs, an enhanced public bus service and additional revenue through use of local shops and services in Bearsted, would, in my view outweigh the harm to the setting and fabric of the Grade II listed building and should not prohibit the development of the site. It is the case that the outline planning application was given a resolution to grant planning permission subject to a s106 legal agreement at the planning committee held on April 28 2016. However, the outline scheme is on the agenda for this evening due to material changes since the previous resolution. As stated in my previous reports, the need for this proposal is generated by the housing proposal and should the housing scheme not come on line then this scheme will not be implemented.
- 7.12 It is welcomed that the applicant proposes to retain existing bricks from the wall and re-use in the reconstruction thereby retaining some of the historic fabric of the wall. Clearly the success of this will be dependent on the quality of the bricks. This can be subject to condition, together with requiring details of wall bond/pointing details, appropriate mortar mix to ensure the original wall is reflected in both character and detail as far as can be.
- 7.13 As stated, it is a material consideration that two previous Listed Building applications have been refused for essentially the same proposal. The applicants have tried to overcome the concerns expressed in the reason for refusal by submitting more supporting detail to the scheme, such as landscaping, in an attempt to mitigate the impact of the works. The insertion of the stepped pedestrian access and the graduation of the profile of the wall, are intended to support a more sympathetic way of dealing with the works to the wall. I note that the Conservation Officer is firmly of the view that the introduction of steps is not a positive change and it is the works to the wall that require the Listed Building Consent.

Other Matters

- 7.13 The applicants have submitted a Heritage Impact Assessment (HIA) in addition to the previous structural report in support of the demolition of the wall. The HIA provides a chronology of the historic development of Barty House through ordnance survey maps. It analyses the make-up of the curtilage wall and differentiates between the modern infill wall at the front (western boundary) and the historic wall which incorporates some ragstone in parts. The HIA considers that the significance of the wall is in relation to its aesthetic and attractive setting it provides to the boundary of the listed building, but that its value has been compromised through repairs and alterations over the years prior to its listing. In coming to my view, I have also taken note of the structural appraisal undertaken by 'Alan Baxter Partnership' dated 17 September 2015. The report notes a bulge and lean to the existing wall and general poor condition (visual cracks) throughout. Due to these weaknesses the wall is purported as being unsafe. It is therefore contended by the applicant that the wall is in need of rebuild in any event. I do not consider any weight should be attached to this document in balancing the acceptability of this proposal; should the wall require rebuilding or remedial work then this can take place in situ. I concur with the conservation officers views on this matter and agree that any weaknesses in the stability of the wall would not provide justification for its relocation within the setting.
- 7.14 Comments have been received from residents regarding the plans submitted with this application (an issue raised on the previous application). I would clarify that as this application is concerned with the listed building consent to relocate and build the wall, it is not necessary to provide full details of the access to the new development as these are all provided in the outline permission. The application is assessing the impact of moving the wall, the physical works that are taking place. I am satisfied that the appropriate plans have been submitted in order to reach a recommendation on this application, however I have requested a copy of the elevational plan which is contained in the D&A statement in order to make things simpler for referencing.

8.0 Conclusion

- 8.1 The proposed relocation of the wall is considered to cause harm to the setting and fabric of the listed building (Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, however this harm is considered to be less than substantial. In accordance with advice contained in paragraph 134 of the NPPF which indicates that if the harm caused brings about sufficient benefits to the wider public then permission can be granted.
- 8.2 In this instance it is considered that whilst the relocation of the wall is neither essential in terms of repair work nor desirable in terms of reducing the setting to this Grade II listed building, the public benefit test in the NPPF cannot be ignored. If Listed Building Consent is granted, then it will facilitate the development of 100 houses on the nearby site. The site in question, is an allocation in the emerging local plan, which would deliver much needed affordable homes and other benefits such as support of the local economy.
- 8.3 Were it not for the linkage with the outline planning application the recommendation would be one of refusal as the need and harm could not be justified.

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

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

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

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

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

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

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

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

4. The listed building consent hereby approved shall only be implemented in conjunction with the valid implementation of outline planning permission pursuant to planning application ref. 14/506738/OUT. In accordance with this condition, prior to the demolition of the listed wall subject of this application, the applicant/future successor in title will enter into a signed contract with the developer to ensure the delivery of the associated housing development. A copy of the signed agreement shall be provided to the Council before the wall is taken down.

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

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

Drawing no.s 2527-03H; 2527-07; 2527-16 Boundary demolition plan; 2527-20 Rev D site location plan; 475-127A.

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

Case Officer: Amanda Marks

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