

REFERENCE NO - 18/502850/LBC

APPLICATION PROPOSAL

Listed Building Consent for alterations to boundary wall, relocation of gas cabinet and provision of landscaping to facilitate improved access.

ADDRESS Barty House Nursing Home & Land At Barty Farm, Roundwell, Bearsted, Maidstone, Kent, ME14 4HN

**SUMMARY OF REASONS FOR RECOMMENDATION
(APPROVE SUBJECT TO CONDITIONS)**

- The demolition of the listed wall and its re-build further into the site has been accepted under approved listed building consent 16/506735/LBC and there are no overriding reasons to reach a different conclusion.
- The works to the wall along the front of the site seek less removal than has already been approved and so the harm to the listed wall and the setting of the listed building is less.
- The public benefits of facilitating a safe access to deliver 100 needed dwellings, including affordable housing, on an allocated housing site, and the associated economic benefits through construction jobs and from future residents contributing to the economy, would outweigh the less than substantial harm caused by the proposed works.
- Listed building consent is therefore recommended.

REASON FOR REFERRAL TO COMMITTEE

Councillor Cuming has requested the application be heard at Planning Committee in order to allow the residents affected by the proposed changes to address the Planning Committee.

WARD Detling & Thurnham, and Bearsted	PARISH COUNCIL Thurnham and Bearsted	APPLICANT Crabtree & Crabtree (Bearsted) Ltd & Barty Developments Ltd AGENT Dandara Ltd
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DECISION DUE DATE 27/07/18	PUBLICITY EXPIRY DATE 09/07/18
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RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
18/502860	Variation of Conditions 5 (Surface Materials), 7 (Landscaping), 19 (Foul and Surface Water Drainage), and 31 (Approved plans) of application 14/506/738/OUT (Outline application for the erection of 100 dwellings) to	UNDER CONSIDERATION (AT THIS PLANNING COMMITTEE)	

	allow for flexibility on open space and landscape details, include additional alterations to the listed wall at Barty House, and alter the time for the delivery of approved surface materials and drainage.		
16/506735	Listed Building application for alterations to boundary wall and provision of landscaping to facilitate improved access	APPROVED	05/04/17
15/504667	Listed Building Consent for alterations to boundary wall to facilitate improved access.	REFUSED	08/08/16
14/506738	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)	APPROVED	20/03/18
14/506799	Listed Building Consent - Demolition and reposition of part boundary wall.	REFUSED	12/03/15
14/506798	Demolition and reposition of part boundary wall and adjustment to the existing parking area	REFUSED	12/03/15

1.0 DESCRIPTION OF SITE

1.01 The application relates to a curtilage listed wall on the boundary of Barty House nursing home on the north side of the road 'Roundwell' within the defined urban area of Bearsted in the Local Plan. The wall runs along part of the frontage of Barty House with 'Roundwell', and along its boundary with an unmade track which serves Barty Farm and the car park for the nursing home.

1.02 Barty House is 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.

- 1.03 Bearsted Conservation Area is located around 360m west of the site boundary and Bearsted Holy Cross Church Conservation Area is located some 400m to the southwest.
- 1.04 Just to north of the site is a housing allocation in the Local Plan for approximately 122 dwellings under policy H1(21), and the proposed works are connected to this in that they are proposed in order to provide access to this site.

2.0 BACKGROUND

- 2.01 Listed building consent was previously granted under application 16/506735/LBC for demolition and alterations to the listed boundary wall to facilitate an improved access and visibility for the housing allocation to the north in November 2016.
- 2.02 Connected to this, outline permission was granted under application 14/506738/OUT for 100 houses with access past Barty House onto Roundwell. This application also included the widening of the access track facilitated by the alterations to the listed boundary wall. The applicant is seeking changes to some of the conditions of this permission under application 18/502860/OUT, including altering the plans to reflect the changes proposed under this listed building consent application. This application is also before Members on the Committee Agenda.

3.0 PROPOSAL

- 3.01 Listed building consent (LBC) is sought for the demolition of the existing listed wall which runs from a gate by the entrance to the car park, along the north boundary with the unmade track, and over part of the corner where it meets the main road. The wall acts as a retaining wall to the garden land on the northern side of Barty House. Consent is sought for the rebuilding of this wall in a set-back position around 2m closer the Barty House. It would be rebuilt at a lower height than existing and include a new stepped access, and would link up with wall along the front of the site.
- 3.02 This frontage wall is proposed to be lowered in height to 0.99m which means that around 0.1m would be removed from its top near the junction, increasing to 0.5m further south. The works to the wall along the front of the site seek

less removal of the listed wall than previously approved as a result of discussions with Kent Highways who have confirmed that visibility above a height of 1m is sufficient, and not 0.6m as previously proposed.

- 3.03 It is proposed to carefully remove each brick, clean each brick which is capable of being reused and store until the rebuild in the new location. The rebuild will use matching mortar and pointing. Bricks which are inappropriate i.e non-matching as used in the past for repair work, will not be reused; instead matching bricks will be resourced to make up any shortfall.
- 3.04 The works are proposed in to both widen and upgrade the existing track to facilitate access to the approved housing site to the north under application 14/506738, and to provide sufficient visibility along Roundwell.
- 3.05 The excavation works to the remove the bank outside Barty House to enable re-building of the wall do not require LBC and have been approved under application 14/506738. This is also the case for the section of new wall adjacent to the car park to the north east and relocation of the gas cabinet.
- 3.06 The application includes a detailed landscaping scheme, although it should be noted that this has been submitted as supporting information only, as LBC is not required for landscaping and this is covered/would be secured under the new application to change the conditions of the outline permission (18/502860/OUT) which is also before Members on the Committee Agenda.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SP18, DM4
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning (Listed Buildings and Conservation Areas) Act 1990

5.0 LOCAL REPRESENTATIONS

- 5.01 **Local Residents:** 11 representations received. Most points raised relate to housing on the nearby allocated site which is not relevant to this LBC application. Points that are relevant are summarised as follows:

- Will materially affect and compromise Barty House and its setting.
- Re-constructing wall would be a poor pastiche and vague representation of the original.
- The line of the wall and the wall itself, comprise an integral part of the street scene.
- Steps up to the house introduce a new and unprecedented element into the setting of a Grade II listing building.
- Changing and re-locating the wall will not enhance either Barty House or its setting.

- The proposed 'urbanising' of the garden of Barty House completely destroys the existing setting.

6.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

6.01 **Thurnham Parish Council:** No response received.

6.02 **Bearsted Parish Council: No objections.**

6.03 **Conservation Officer: Raises no objections** subject to conditions attached to previous permission and covering brick bonding, grade of lime mortar uses, and fabrication of the piers. Advises that the less than substantial harm would be caused to the listed wall and setting of the listed building.

6.04 **Historic England:** No need to consult us.

7.0 APPRAISAL

7.01 The Council accepted the demolition of the listed wall and its re-build further into the site under application 16/506735/LBC subject to detailed conditions. This is an extant consent that could still be implemented. The conclusion for that application was as follows:

"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.

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.

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."

- 7.02 This part of the proposed works are exactly the same as previously approved and I have no reason to reach a different conclusion. Since that decision the new Local Plan has been adopted with relevant heritage policies SP18 and DM4. The proposals would conflict with policy DM14 as they would not conserve the significance of the heritage assets but the accompanying text to this policy outlines that any harm should be weighed against wider benefits of the development as outlined in the NPPF. In this regard, I reach the same conclusion as before. With adoption of the Local Plan, the housing site for which these works facilitate access is now allocated adding further weight in favour.
- 7.03 With regard to the works to the wall along the front of the site, the application seeks less removal of the listed wall so that its minimum height would be 0.99m. This is as a result of discussions with Kent Highways who have confirmed that visibility above a height of 1m is sufficient, and not 0.6m as previously proposed.
- 7.04 The proposals would therefore lessen the impact upon the listed wall itself and the setting of the listed building from that which the Council has already approved as a greater proportion of the listed wall would be retained. However, this would still result in less than substantial harm to wall and the setting of the listed building, which is also a view shared by the Conservation Officer who raises no objections subject to conditions. The proposals would therefore conflict with policy DM14 of the Local Plan as they would not conserve the significance of the heritage assets. The accompanying text to this policy outlines that any harm should be weighed against wider benefits of the development as outlined in the NPPF (paragraph 134). In balancing matters, it is concluded once more that the public benefits of facilitating a safe access to deliver 100 needed dwellings, including affordable housing, now on an allocated housing site, and the associated economic benefits through construction jobs and from future residents contributing to the economy, would outweigh the less than substantial harm in this case. In reaching this conclusion regard has been given to 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 or any features of special architectural or historic interest.
- 7.05 As before detailed conditions requiring a method statement covering the process of demolition and re-use of bricks; and sample panels for the new/replacement walls with mortar/brick bond and pointing details are necessary.

8.0 CONCLUSION

- 8.01 For the reasons outlined above the public benefits of facilitating a safe access to deliver 100 needed dwellings, including affordable housing, now on an allocated housing site, and the associated economic benefits through construction jobs and from future residents contributing to the economy,

would outweigh the less than substantial harm caused by the proposed works. Listed building consent is therefore recommended subject to conditions.

9.0 RECOMMENDATION:

APPROVE Listed Building Consent subject to the following conditions:

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 wall until a method statement has been submitted providing the following information:

(a) confirmation that all existing bricks will be re-used where possible;
(b) process of demolition, materials to be used to clean up the bricks and means of storage of bricks to be re-used.

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 or 18/502860. 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 applications 14/506738 or 18/502860 the listed building consent would be unacceptable.

5. The works permitted shall be undertaken in strict accordance with the following plans/documents: 2527-03RevK (proposed boundary wall), 2527-16 (boundary demolition plan), and 2527-20 E (site location plan).

Reasons: To clarify the approved details and to ensure the design, materials and construction of the boundary wall is visually acceptable.

6. The demolition of the existing wall shall not commence until a detailed photographic survey of the existing wall along the Northern and Western boundaries of Barty House Nursing Home has been submitted to and approved in writing by, the local planning authority;

Reason: In order to record the character, appearance and alignment of the existing wall which is of historical significance.

Case Officer: Richard Timms