

BOROUGH OF KETTERING

Committee	Full Planning Committee - 07/04/2015	Item No: 5.2
Report Originator	Christina Riley Senior Development Officer	Application No: KET/2014/0592
Wards Affected	St. Peters	
Location	Convent Of Our Lady, Hall Lane, Kettering	
Proposal	Application for Listed Building Consent: Demolition of Grade II listed chapel. Renovation and conversion into 10 no. residential dwellings of Bryn Hafod and Middle West, including internal alterations and the renovation of their associated 2 no. cottages, including internal alterations. Restoration of the associated gardens and pond to Bryn Hafod	
Applicant	WR (NI) Property Realisations Limited	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED, subject to a S.106 OBLIGATION being entered into, and to the following conditions:-

1. The works to which this consent relate shall be begun before the expiration of 3 years from the date of this consent.

REASON: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and to prevent an accumulation of unimplemented consents.

2. Prior to the commencement of works, method statements and specifications of the proposed works to Bryn Hafod and Middlewest and the two cottages shall be submitted to and approved in writing by the Local Planning Authority. The statements and specifications shall include details of door and window repair, new internal plasterwork and plaster repair, new external render and external render repair, floorboard reinstatement and repair, pointing, cleaning, timber repair / replacement, and works to reinstate and repair the roof structure including tiles. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

3. Prior to the installation of new replacement roof materials, at least three samples of the proposed roof material and a sample of the proposed ridge tile, shall be submitted to, and approved in writing by the Local Planning Authority. Samples shall be accompanied with details of source/supplier. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

4. Prior to the commencement of any new brickwork, a sample panel of brickwork shall be constructed on site for the inspection and written approval of the Local Planning Authority. The sample panel should use the proposed walling material, mortar type, bond, coursing and pointing. The panel shall remain on site until the works are completed. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with policy the NPPF and 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

5. Prior to the commencement of any new external render, roughcast or pebble dash, a sample panel of the proposed covering shall be carried out on site for the inspection and written approval of the Local Planning Authority. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

6. Prior to the installation of any new soil stacks, flues, vents, extracts, ductwork, grilles, security alarms, lighting, cameras or other appurtenances the details of these items and the proposed location shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

7. The proposed new rooflights shall be conservation type, have a vertical glazing bar, have a maximum distance between the top and sides of the window and adjacent roof covering of 50mm, have lead flashings and soakers and have no parts

that project above the plane of the roof, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

8. Prior to the removal of any doors or windows, a schedule detailing which items are to be retained or removed from site is to be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

9. Prior to their installation full details of proposed new windows shall be submitted to and approved in writing by the Local Planning Authority. Details shall include window elevation drawings, horizontal and vertical cross sections at a scale of at least 1:5 and details of mouldings, at a scale of at least 1:2. Details shall confirm the finish of the windows, depth of reveal (to face brickwork) and include opening method and sill. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

10. Prior to commencement of works, full details of proposed new doors shall be submitted to, and approved in writing by the Local Planning Authority. Details shall include elevation drawings, horizontal and vertical cross sections at a scale of at least 1:5 and confirm the proposed finish. The works shall be carried out thereafter in accordance with the approved particulars.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

11. All new and disturbed internal and external surfaces shall be made to match the existing in all respects.

REASON: To protect the character, special interest and significance of the listed building in accordance with the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy Adopted June 2008.

Officers Report for KET/2014/0592

This application is reported for Committee decision because the application requires an agreement under s.106. The proposals are also of particular significance enabling the long term survival and re use of important local heritage assets

3.0 Information

Relevant Planning History

KET/2007/0967 - Part demolition of existing buildings, alteration and conversion of retained premises to comprise 9 houses and a community facility (class D1), erection of 85 new dwellings of houses and flats (including affordable housing) along with associated access, car parking, landscaping and layout of public open space – REFUSED 06/02/2008

KET/2007/1208 - Partial demolition of existing buildings and conversion and alteration of retained listed buildings (Middlewest and Bryn Hafod) to create 7 houses. Refurbishment and extension of two retained cottages – REFUSED 20/02/2008

KET/2008/0824 Application for Listed Building Consent: Demolition of extensions to Bryn Hafod and Middlewest. Remedial work to external elevations. Reinstatement of terrace gardens forming private curtilages. Conversion and extension of Bryn Hafod annex to create 2 no. town houses and retention of existing cottages. APPROVED 26.11.2008

KET/2008/0769 Full Application: Part demolition of existing buildings with alteration and conversion of premises to provide 2 additional dwellings and a community facility (Class D1). Erection of 58 additional dwellings with associated access, car parking, landscaping and public open space. APPROVED 19.12.2008

KET/2011/0760 Renewal of Extant Permission: KET/2008/0769 (Part demolition of existing buildings with alteration and conversion of premises to provide 2 additional dwellings and a community facility (Class D1). Erection of 58 additional dwellings with associated access, car parking, landscaping and public open space. No formal decision. This is expected to be withdrawn or will be finally disposed of.

KET/2011/0761 Replacement of extant consent (Listed Building):
KET/2008/0824 (Demolition of extensions to Bryn Hafod and Middlewest. Remedial work to external elevations. Reinstatement of terrace gardens forming private curtilages. Conversion and extension of Bryn Hafod annex to create 2 no. town houses and retention of existing curtilages. No formal

decision. This is expected to be withdrawn or will be finally disposed of.

Site Description

Officer's site inspection was carried out on various dates in December 2014 and January and March 2015.

The site comprises substantial former dwellings, Bryn Hafod and Middle West, both grade II listed buildings and two associated cottages set within spacious grounds.

Land levels slope steeply down from west (Hall Lane) to east (Greenfield Avenue), with parts of the site being terraced.

Residential development surrounds the site presenting a variety of properties of varied character and appearance. To the west of the site is Hall Lane, here properties are chalet bungalows, with gable ends facing the road. Greenhill Road with two storey properties is to the south. To the rear (east) is Greenfield Avenue which has a mix of two storey properties and bungalows, all of which are characterised by hipped roofs. Substantial detached dwellings are present along Northampton Road to the north.

To the north of the site is the side of a bungalow and access road which leads to a backland development of three dwellings. These dwellings have a mix of styles, with the front elevation angled to face the site.

Bryn Hafod

Bryn Hafod was designed in 1896, by local architect John Alfred Gotch, (1852 – 1942) as a single family dwelling for Charles Wicksteed, founder of Wicksteed Park. John Alfred Gotch also designed Wicksteed Park, the Alfred East Art Gallery, Elm Bank (Northampton Rd) and our own Council Offices.

Charles Wicksteed's initials and the date 1898 are carved onto the southern elevation of Bryn Hafod, suggesting that it was completed on or around this year. Records suggest that Charles Wicksteed lived in the house until his death in 1931. By the end of the 1930's Bryn Hafod was used as a convent, with Middlewest, the house next door, being used as a school.

In 1963 a chapel was constructed in the grounds and attached to Bryn Hafod by an enclosed link accessed from the southern elevation of the house. This resulted in a new opening in the southern elevation and the sub-division of the drawing room into a smaller room and corridor to the main hall. Other internal works included the addition of fire screens, loss of a wall separating the china closet from the kitchen and blocking up of the original door to said closet, addition of windows to the scullery and wash kitchen. A two-storey extension

comprising bedrooms, toilets, sick bays etc. was added in 1966 to the north. All of this work was carried out prior to the building being listed in 2004.

The building is characterised by canted bay windows to either side of the eastern entrance and a large central hall with a main staircase, and exit directly into the gardens. The main family rooms face the garden, not Hall Lane and the main entrance to Bryn Hafod is on the elevation facing away from Hall Lane, leading to a more utilitarian appearance on the 'public face' of the building than would perhaps normally be expected.

Gardens

The gardens include the remains of significant landscaping, some carried out for Charles Wicksteed. This includes formal ornamental tree planting, terracing and a pond. Both the 1900 and 1926 OS map of Bryn Hafod shows the pond in the north-eastern corner of the gardens. A traditional orchard is also present on the site.

Bryn Hafod Cottage

Bryn Hafod Cottage is considered to date from the same time as the house, and was probably provided servants accommodation. The OS Map of 1900 shows the cottage as being within the curtilage of the main house, with paths linking the two.

Middlewest

The architect of Middlewest is uncertain, and may, or may not have been Gotch. What is certain is that many features used by Gotch in Bryn Hafod are also used in Middlewest – for example the design of the eastern entrance door and use of canted bay windows to either side of the eastern entrance. Again the main rooms face the garden, the house has a large central hall with a main staircase.

Middlewest too was constructed as a single family home, probably in 1903, it was defiantly constructed by 1910 as a local directory lists an Oscar Neal as living there. After being lived in by various families at some point in the 1930's it became a preparatory school associated with the Convent and remained as such until 2003.

In 1963 a large building containing classrooms and a Hall was constructed to the south of Middlewest. In 1973 a classroom extension was added to the north of Middlewest. Both of these have now been demolished.

Middlewest Cottage

Middlewest Cottage is thought to date from the same time as Middlewest. The plan form and external appearance that survives today is little altered from the

original.

Proposed Works

Bryn Hafod

It is proposed to convert Bryn Hafod into 6 self-contained apartments.

Unit 1 will be split over the ground and first floor, occupying that part of the house once lived in by the 'family', the main staircase for Bryn Hafod is retained within this apartment. Unit 2 is located on the ground floor, within the main body of the house. Unit 3 is also on the ground floor and is located within a more modern addition.

On the first floor, is the upper floor of Unit 1. Unit 4 is located over Unit 2. Unit 5 is located above Unit 3 on the upper floor of the more modern extension.

A one-bedroom apartment is located in the former attic.

Bryn Haford Cottage

Bryn Haford Cottage is to be renovated as a two-bedroom dwelling house, with new bathroom and kitchen.

Middlewest

The application proposes the conversion of Middlewest to 4 self-contained apartments. Unit 7 occupies roughly half of the ground and first floor, and contains most the 'family rooms' of Middlewest, including the entrance hall and main staircase, which are to be retained. Unit 8 is located on the remainder of the ground floor and consists of the former ancillary areas and one of the front drawing rooms.

That part of the first floor not occupied by unit 7 is made into unit 9. The entire attic space is to be converted to one three-bedroom apartment, which is Unit 10.

Middlewest Cottage

Middlewest Cottage will also be renovated for use as a two-bedroom single dwelling, with a new bathroom and kitchen. In the ground floor rear room a new partition is required to form a new shower room.

Other works

The application also proposes the demolition of the 1963 chapel adjacent to Bryn Hafod and landscaping works to include the restoration of the gardens and pond to Bryn Hafod.

A full list of proposed works has been identified and will be conditioned.

Within the setting of the listed buildings the application proposes 56 new dwellings with associated accesses and highways.

Any Constraints Affecting the Site

Grade II Listed Buildings (Bryn Hafod and Middle West)

Setting of the Grade II Listed Buildings

Tree Preservation Orders

4.0 Consultation and Customer Impact

Amended plans were the subject of consultation at the time of writing this report. Any new substantive comments will be reported to Committee in the update.

NCC (Archaeology)

No objection subject to:

1. Recording condition for the listed buildings – and:
2. Condition requiring a programme of archaeological works *prior* to the commencement of development.

English Heritage

Support removal of 20th century additions as a benefit to revealing significance, impact of works on setting of listed buildings and features of special interest which it possesses must be taken into account.

Sub-division to form multiple dwellings will have some impact on plan form, which will result in a change of character to the buildings and requires careful consideration to minimise harm. Note from Design and Access Statement that a 'light touch' approach to the conversion is proposed e.g. architectural features of significance are to be retained, repaired and augmented where damaged or lost 'and we are encouraged by this'.

You should be satisfied that the building cannot be retained in a single use and that the proposals meet the tests set out in para 131 and 132 of the NPPF.

The guaranteed completion of proposed restoration works to the listed buildings should be secured by way of a S106 agreement that programmes the works into a development phasing 'appropriately and reasonably.'

Agree with those reasons set out as justification for the proposed

development.

Ancient Monuments Society

Welcome scheme in principle, listed buildings on site have been under threat for some time and have been the subject of proposals to demolish.

The sense of two substantial villas set in extensive grounds will clearly be compromised by the 56 new dwellings, yet the setting has already been compromised and it is noted that the medium-term views of both houses, will be well safeguarded.

No objection to the removal of the chapel.

Retention and safeguarding of original internal architectural detailing within the Listed Buildings should be conditioned. There should be a requirement that works and repair and conversion on the Listed Buildings be well advanced before any of the new houses are built.

The Victorian Society

Accept sub-division proposed to the Listed buildings and the amount of new development proposed. Welcome the retention of much of Bryn Hafod's garden setting and commend the variety of design in the new build. No objection provided any consent is conditioned so that the new houses cannot be occupied until the historic buildings have been repaired to the satisfaction of the Conservation Officer.

5.0 Planning Policy

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

National

Section 12 of the National Planning Policy Framework provides guidance and advises Local Planning Authorities how to determine applications for Listed Building Consent. It is incumbent upon the Local Planning Authority to consider the significance of the heritage asset in question and the extent to which the proposed works would impact upon the significance of said asset and its setting. The NPPF also states that heritage assets should be considered in a manner which is appropriate to their significance. Of particular relevance to this proposal are paragraphs 131 to 134 of the NPPF.

Local:

Policy 13 (General sustainable development principles) (h) and (o) of the North Northamptonshire Core Spatial Strategy requires new development to conserving and enhancing built assets and their surroundings and be of a high standard of design which respects and enhances the character of its surroundings.

6.0 Financial/Resource Implications

Section 106 agreement required securing: -

- The present and future upkeep and protection of the listed buildings/heritage assets on site up to the time that an approved planning application and listed building consent is implemented in full
- The restoration and conversion of the listed buildings in full, to a timescale to be agreed, or by the occupation of agreed percentage on the new dwellings on site, whichever is the sooner
- Management of the open space on site
- Provision for and monitoring of a residential travel plan

7.0 Heritage Considerations

The key issues for consideration in this application are:-

1. Impact on the Listed Buildings
2. Demolition of the chapel
3. Impact on the setting of the Listed Buildings
4. Archaeology
5. Developer Contributions

Considerations common to all.

The plans before Committee have received significant pre-application input from your officers and our Conservation Advisor, who have considered the proposals in light of the National Planning Policy Framework and in particular Paragraph 131, which relates to 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation', and Paragraph 132 which states that substantial harm to a Grade II Listed building should only be allowed in exceptional circumstances. The proposal has also been considered against Paragraph 134, which states 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'.

1. Impact on the Listed Buildings

Under S16(2) of the Planning (Listed Buildings and Conservation Areas) Act

1990 (the Act) the Local Planning Authority must, when considering this application have special regard to the desirability of preserving any features of special architectural or historic interest of the listed buildings Bryn Hafod and Bryn Hafod Cottage, Middlewest and Middlewest Cottage.

Since the 1930's the buildings have been operated as a convent and associated school and as a result were subject to a number of significant alterations involving additions which are functional and unsympathetic in their design and appearance. The original form of the buildings remains largely intact however, as does their setting within spacious grounds albeit now somewhat overgrown. They have been vacant since 2003 and are in a state of disrepair.

The applicants acquired the site Spring 2013, and since then have undertaken significant works to protect the building, and in an attempt to prevent further deterioration; this includes:

Making the building watertight (works to the roof and windows)
Securing the building and site to prevent unlawful entry and theft

The special interest and significance of the listed buildings in this case is considered to lie in: -

the association with historical figures such as John Alfred Gotch, the local architect associated with both houses and Charles Wicksteed, entrepreneur and philanthropist who built Bryn Hafod, influenced its layout and appearance, garden and used it as the family home.

the high quality and commitment to the design and standard of fit and finish, both internally and externally, which suggest that even small details have been designed especially for each house. For example the leaded light windows in Bryn Hafod (many of which still remain) were produced by George Wragge a noted craftsman who specialised in the production of items such as stained glass and leaded lights.

Plan form - each house reflects the social context in the form of the divisions between areas allocated to staff and those for use by family and guests.

The impact and level of harm caused by the proposal on these areas of significance varies.

A degree of harm is caused by the loss of fabric and plan form, which is caused by some of the sub-divisions required to convert the dwellings into flats. In a number of cases the division between public/private or family/staff is diminished, or lost.

For example Unit 2 (ground floor - Bryn Hafod) contains a mix of rooms that would have been used mainly by the family (reception rooms) and some mainly used by staff (the kitchen, and a 'cool' room). Within these spaces the conversion will result in the loss of some detail which tells the story of the use of the rooms, for instance the slate shelving around the walls of the cool room, on which food items such as cheese, milk etc. would have been stored, will be lost. Unit 4 (first floor - Bryn Hafod) is located over Unit 2 and again is comprised of some rooms that would originally have been used in the main by family and others in the main by staff. It is a similar situation for units 8 (ground floor Middlewest) and 9 (first floor Middlewest).

In addition to this 'blurring', in some instances the removal of walls (e.g. Unit 6 - Second floor, Bryn Hafod and Unit 10 - Second floor, Middlewest) results in the loss of small spaces that were typical of servant's quarters.

That said, some key rooms and circulation spaces are to be retained, for example Unit 1 (in Bryn Hafod) and Unit 7 (in Middlewest), contain, in the main, what were once 'family' rooms. Both units are split over the ground and first floor and both contain what was the main staircase to the dwelling and an important reception room. The split chosen ensures that in both buildings the main staircase is retained in one unit and ownership, rather than being used as the communal entrance/lobby area to number of flats. This is often the case in conversions, and can, (due to the joint ownership and perceived lack of responsibility for maintenance and upkeep), lead to what were once very important areas of a house being neglected.

The construction of the chapel in 1963 resulted in the sub-division of the drawing room into a smaller room and corridor, which ran from the main hall to a new opening in the southern elevation of Bryn Hafod, which in turn led to an enclosed link to the Chapel. The demolition of the chapel (discussed in more detail in section 2 below) will allow these works to be reversed, thus returning one of the grander rooms within Bryn Hafod to its original form and restoring some of the original plan form of the building.

Also of benefit is the retention and restoration of lost or damaged features. Internally this includes the retention and repair of the original skirting, architraves, panelling, window boards, leaded lights, plasterwork, and doors, etc. Original tiled floors are to be retained, and repaired where necessary. Many of the original cast iron radiators are still in-situ and these will be used again. Even small detail such as door handles and ironmongery has been considered, where a door is an original feature of the house (e.g. main entrance door in southern elevation of Bryn Hafod) the door handles will be

kept and refurbished. Copies of original door handles will be taken and used on other doors if it is considered they may have been there in the past.

Additional benefit comes from the repair/replacement of external features such as damaged stone dressings and brickwork, as necessary. The decorative eaves and bargeboards present are to be retained, if needed they too will be refurbished. The plain tile roof will be repaired to match the original – this includes the use of lead work flashing and reclaimed plain tile. The roof structure will be investigated and any damaged or unsafe timbers replaced.

As detailed in the Design and Access Statement the applicants are committed to a 'light touch' approach to the conversion, meaning that architectural features of significance are to be retained, repaired and augmented where damaged or lost. Due to the loss of plan form described above it is key that the high quality and commitment to the design and standard of fit and finish, both internally and externally, that was observed when both houses were built is followed through in any restoration project. A number of conditions will be imposed to ensure that the Council retains control of these aspects of the development, to ensure that the commitment made to high quality, expert restoration work is carried through the whole of the works.

In addition the renovation work proposed should ensure that the long-term future of houses is ensured and hence the historic connections with Gotch and Charles Wicksteed also remain.

In summary, it is considered that the impact of the development does cause significant harm to the plan form of the listed buildings. To be balanced against the harm caused to the plan form are however the benefits of the scheme. These includes the demolition of the chapel, reinstatement of the original plan form of the Drawing Room in Bryn Hafod, and the significant amount of high quality, expert restoration work that is to be carried out on even small detailing, which is, as shown above, considered to be part of the specialist interest of these buildings.

Above all however, without a viable scheme for re-use the buildings which have been at risk are likely to deteriorate and could ultimately be lost.

When looking at the impact of the conversion on the Listed Buildings as a whole (i.e. plan form and detail), it is considered that the scheme retains enough original features, that make a positive contribution to the site's significance, to ensure that there would not be a complete or almost complete loss of heritage value as a result of the proposal. Thus the level of harm caused is held to be less than substantial, but still significant.

2. Demolition of the Chapel

Under S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) the Local Planning Authority must, when considering this application have special regard to the desirability of preserving the setting and any features of special architectural or historic interest of the listed buildings Bryn Hafod and Bryn Hafod Cottage, Middlewest and Middlewest Cottage.

The chapel was constructed in 1963 and the listing description for Bryn Hafod states that it is 'not of special architectural interest'. The removal of the chapel is supported by English Heritage, The Ancient Monuments Society and the Councils Conservation Advisor.

The demolition of the chapel and the associated link will result in the opening up of original views of the southern façade of Bryn Hafod and restore the original appearance and setting of the listed building. This is a considerable benefit and will enable the house to be attractive to a buyer and secure its re-use for residential purposes. The wall which the link is attached to will be restored and the door (created when the chapel was constructed) filled in.

The construction of the chapel also resulted the sub-division of the drawing room into a smaller room and corridor, which ran from the main hall to a new opening in the southern elevation of Bryn Hafod, which in turn led to an enclosed link to the Chapel. The demolition of the chapel will mean that the corridor will no longer be required and allows these works to be reversed, thus returning one of the grander rooms within Bryn Hafod to its original form and restoring some of the original plan form of the building.

The demolition of the chapel is therefore welcomed as it goes some way towards returning the buildings to their original context. However the way the demolitions are to be carried out needs to be carefully undertaken along with the making good of the revealed elevations. A condition should be added for the submission of a method statement including a schedule of works, materials to be used and measures to protect the listed building whilst works are being carried out.

3. Impact on the setting of the Listed Buildings

Under S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) the Local Planning Authority must, when considering this application have special regard to the desirability of preserving the setting of the listed buildings namely Middle West and Middle West Cottage, Bryn Hafod and Bryn Hafod Cottage. Recent court cases (for example at nearby Lyvden New Bield) have further highlighted the legal obligation for the Local Planning Authority to consider this issue.

The setting of the listed buildings in this case is considered to be their associated gardens. The extent of the setting is as defined by historic maps (the OS from 1900 and 1926) and the boundaries created by the more modern residential development which surrounds it. A clear relationship between the grounds and the properties can be noted through the terraced structure of the curtilage, which incorporates features such as a pond and an orchard. Remains of what is thought to be boundary treatment for the two dwellings survive on parts of the site, trees (many of which have been retained in 'Focal Spaces') and on the northern boundary in the form of two different railing designs, which also give further evidence of the separation between the two houses. The garden to Bryn Hafod is of particular importance as it is laid out to known specific instructions from Charles Wicksteed.

It would be perverse to say that the development of the site and construction within the gardens of the listed buildings of 56 dwellings would preserve the setting of the listed buildings in accordance with the provisions of sections 16 and 66 of The Act. The development will inevitably have an irrevocable and undeniably harmful impact upon that setting. The open, spacious, verdant area that still surrounds the listed buildings, with a mix of formal and informal landscaping, including features such as the chapel, orchard, some smaller outbuildings and remnants of the school will be lost. Once lost, these features and their inter-related cumulative contribution to setting of the listed buildings will never be rebuilt or replanted in the form in which they exist at present. They will be replaced with a much 'harder' built form, associated roadway and more formal but piecemeal landscaping that sharply contrasts with the intended appearance of the gardens when first set out.

A judgement is required that weighs the harm caused to the contribution to the significance of the listed buildings that is made by their setting against the wider public benefits that allowing partial redevelopment of the gardens in the manner proposed might realistically achieve.

Central to the assessment of the level of harm caused by the proposed development is the nature of the relationship between the dwellings and their respective gardens. As noted above there is a clear relationship between each house and garden, and the external character of the listed buildings is integral to the landscape which they face. The properties were designed to have their primary elevation facing the garden with the principal entrance reached from the more modest space lying between each house and Hall Lane. The careful positioning of the houses on platforms at the uppermost, front of plot position maximised the vista across manicured terraced lawns that stretched downward and away from them and across to more distant views of the town and the

landmark spire of St Peter and St Paul's in the distance was intentional and cleverly contrived. The existing designed landscape setting contributes fundamentally to the significance of the listed buildings, and their retention is imperative.

The majority of Bryn Hafod's garden will remain, providing a central focus point for the development. The garden will be preserved as amenity space for the use of residents of the development and wider community. Key features within the garden, such as the terrace, walls, steps, pond and ornamental trees have been retained, and a management regime will ensure that they are restored and maintained in future. The link between Bryn Hafod and Bryn Hafod Cottage is also retained.

The bulk of the new housing development is taking place within the garden of Middlewest. This area was chosen for the location of the development because much of the original garden has been damaged during the site's use as a school, by such things as the introduction of the new school classrooms, the school extension to Middlewest and the tennis courts. Many original features have therefore, been lost, and the setting already compromised.

That said, the new development seeks to limit its impact on the setting of Middlewest as much as possible. Existing planting on site which is thought to have marked the original boundaries of the two houses has been used to inform the basic layout of the development and is retained as 'focal spaces'. A line of trees between Middlewest and Bryn Hafod acts as a gateway to the site and trees thought to once have been part of the northern boundary to Middlewest form one side of the east-west route through the site. The access road to the rear of Middlewest retains much of the terracing that is immediately around the building by following the terracing wherever possible.

The new dwellings are subservient to the existing in terms of location (being set to the rear) and size. The designs of the new dwellings take references from the listed buildings on site, which do have different architectural styles, but share some characteristics. Features which are common to both Bryn Hafod and Middlewest have been used in the design of the new dwellings, including:

- The use of linked detached and terraced units to group dwellings together, reflecting the subdivided facade of Bryn Hafod and Middlewest;
- The vertical emphasis and proportions of windows openings, metal window frames and stone surrounds
- Steeply sloping red/brown tiled roofs

- Red brick and render pick up on the materials used in both existing buildings

It is considered that the use of these more traditional features in a modern design will ensure that the new dwellings complement the listed buildings and their setting.

In summary, it is considered that by its very nature the new development on the site does cause harm to the setting and significance of the listed buildings. However due to the location, layout and design of the development, including the retention of key features such as the terracing, the pond and links from the main dwellings to the associated cottages, this harm is held to be less than substantial, but still significant.

Conclusion to Sections 1 and 3

The summary to section 1 and 3 of this report conclude that the proposal causes less than substantial, but still a considerable amount of harm to both the significance of the Listed Buildings and their settings.

The proposal has therefore been considered against Paragraph 134, which states 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'.

The restoration and repair of the listed buildings is considered to be of huge public benefit. The site has been vacant since around 2006, and since that time the condition of the listed buildings on site has deteriorated to the point where the Council issued an 'Urgent Works Notice'. Despite the current owners carrying preventative and repair works the buildings are still in need of considerable repair and restoration, and there is now an urgent need for a new use to be found for the buildings so that they are safeguarded for the future.

The costs associated with their repair and renovation is significant. As detailed above, part of the significance of these buildings is the exceptionally high quality and finish of internal and external detailing, which appear to be bespoke designs. To repair these details to the same high standard and detail will require quality and expert renovation, which adds to the cost.

Without further maintenance work it is likely that the state of Bryn Hafod and Middlewest will deteriorate still further. Whilst the council has powers to force owners to carry out necessary urgent works to prevent the deterioration to a listed building, this is not a sustainable long-term option. By far the best thing

to ensure the long term survival of a listed building is for it to be in use, ideally in the use that it was originally intended for. This ensures the up keep and general maintenance of the building.

The applicant has argued that it is not possible to recover restoration costs by selling the houses as individual dwellings. Similarly the costs of the restoration and conversion of the listed building works will not be covered by the sale of the flats alone. The conversion works and new dwellings are needed to fund the essential and ongoing works to the listed buildings. The application was accompanied by a Viability Report.

Initial conclusions appear to confirm that the sale of the flats within the Listed Buildings would not recover the total cost of the restoration/conversion works.

Based on the expectation that for reasons of viability the new dwellings are needed to fund the work to the listed buildings, it is considered that the public benefits of the restoration of the buildings to an optimum viable use (i.e. as dwellings) outweighs the less than substantial, but still considerable harm, that the development will cause to the significance of the listed buildings and their settings.

It cannot be stressed enough that the loss of plan form is considered acceptable only because of the retention and high quality, expert restoration work of detailed items within the buildings (as discussed in Section 1) and for reasons of funding.

In the same way the development within the setting of the listed buildings will only be considered to be acceptable if the viability assessment proves that the new dwellings are needed to fund their restoration. This need for funds *and* the use of those funds to restore the listed buildings is considered to outweigh the harm caused to the significance of the listed buildings by the conversion and development within their setting.

An update on the conclusion regarding the viability assessment will be provided at Committee.

4. Archaeology

Policy 13 (o) of the North Northamptonshire Core Spatial Strategy requires that developments conserve and enhance the historic landscape designated built environment assets. In addition paragraph 141 of the NPPF requires developers to record and advance understanding of the significance of any

heritage asset.

The Archaeological Officer at NCC has been consulted and has advised that the county Historic Environment Record indicates a number of finds of Roman date, especially to the west of Hall Lane. Undated linear cropmarks are indicated to the south of the site, though these have now been built over. An archaeological evaluation identified a linear feature by geophysical survey, but no survey was found in trenching. There is the potential for remains of archaeological interest to survive on the site, although this is reduced by landscaping and other more recent activity on the site.

NCC Archaeology considers that the report on the buildings is thorough, but needs to be issued in a format appropriate for it to be entered into the Historic Environment Record.

Subject to conditions requiring an amended Historic Buildings Report and a programme of archaeological work (prior to the commencement of works on the site) it is considered that the proposal will accord with paragraph 141 of the NPPF and 13(o) of the NNCSS. The application is therefore acceptable in this respect.

5. Developer Contributions

As detailed in the conclusion to Section 1 and 3 the harm caused to the setting of the listed buildings is only acceptable because the proposal is an exemplar development which is needed to fund the restoration of said listed buildings

A S106 agreement is therefore required to prevent the new houses being built whilst nothing happens to the listed buildings. The agreement will also set out a maintenance and site management scheme to prevent the condition of the listed buildings further deteriorating before the restoration works start and to safeguard the heritage assets until they can be re-used.

Conclusion

In conclusion, it is considered that in accordance with Paragraph 134 of the NPPF the public benefits of the conversion, and development within the setting of the listed buildings, which will ensure the long-term viable use of the listed buildings outweigh the less than substantial, but still considerable, harm caused to the significance of the setting of the buildings and the buildings themselves.

The proposal will however, only be considered to be acceptable if the viability assessment proves the financial need for the conversion to flats and the new dwellings. This need for funds *and* the use of those funds to restore the listed

buildings is considered to outweigh the harm caused.

Subject to the findings of the viability assessment and in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Listed Building Consent should therefore be granted with the imposition of appropriate conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Christina Riley, Senior Development Officer on 01536
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Previous Reports/Minutes

Ref:

Date: