

The application is for retrospective Listed Building Consent for essential safety works to unstable walls in the listed building following fire damage.

Betley Court is a Grade II\* Listed Building.

**The 8 week period for the determination of this application expires on the 29<sup>th</sup> July 2020.**

#### **RECOMMENDATION**

**Subject to no objections being received from the Amenity Societies and Historic England, PERMIT subject to the following conditions:**

- 1. Time limit.**
- 2. Design and Access Statement**

#### **Reason for Recommendation**

Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that the specified works would help to preserve the Listed Building by ensuring any demolition is controlled dismantling rather than further collapse.

It is concluded that the controlled dismantling of walls and parts of the Grade II\* Listed Building, a particularly important building of more than special interest, will enable the project team to move forwards to restoration safely and in an informed manner thereby providing some assurance of its future. Subject to confirmation from the Amenity Societies and Historic England that they have no objection no other harm has been identified. As such it is considered that Listed Building Consent can be granted.

#### **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the application**

The proposed development is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

#### **Key Issues**

1.1 Listed Building Consent is sought, retrospectively, for essential safety works to the unstable walls in the listed building following fire damage at Betley Court. The fire occurred in August 2019 and destroyed the majority of the roof and the interior of the building, including the floors, within the earliest Georgian part of the house. There have been phases of making safe of the building and clearing out the debris in order to assess the full damage and arrest further collapse which are described in further detail below and within the Design and Access (D & A) Statement which accompanies the application.

1.2 The house is located within Betley Conservation Area and Betley Court is a Grade II\* Listed Building. The key issue in the determination of this application is considered to be whether the proposal acceptable in terms of its impact on the Listed Building.

#### **2.0 Is the proposal acceptable in terms of its impact on the Listed Building?**

2.1 When making a decision on an application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.

2.2 Saved Policy B4 of the Newcastle Local Plan (NLP) states that the Council will resist total or substantial demolition of a listed building, unless exceptionally, an applicant can convince the Council that it is not practicable to continue to use the building for its existing purpose and there is no other viable use. Demolition will not be permitted unless there are approved detailed plans for redevelopment and, where appropriate, an enforceable agreement or contract exists to ensure the construction of the replacement building. The weight to be given to such a policy depends on how much it is in accordance with the National Planning Policy Framework (NPPF).

2.3 This policy is consistent with the NPPF and the weight to be given to it should reflect this.

2.4 The NPPF, at paragraph 192, states that in determining planning applications, local planning authorities should take account of:

- 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.

2.5 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area or a Listed Building, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

2.6 In paragraph 195 it is indicated that where a proposed development would lead to *substantial* harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

- The nature of the heritage asset prevents all reasonable uses of the site
- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

2.7 Paragraph 196 of the NPPF 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.

2.8 The proposal involves the partial demolition of the listed building. This relates solely to the works considered necessary following the devastating fire last year which will enable the building to be cleared of debris and made safe for access and further assessment. It is not being undertaken as part of any other kind of development or change of use of the building.

2.9 After an initial post fire inspection, structural engineers and a contractor undertook an inspection of the interior of the building from a man-riding basket suspended from a crane. The council's Conservation Officer and a Building Control Officer also attended site and accompanied the engineer to view the areas where the stability of the remaining walls or structure were considered to be either preventing safe access to assess other areas or were considered to be in an unstable condition. This access enabled features of interest to be noted and measures taken to avoid damage to them. Areas of work and masonry to be removed were agreed by all parties. This was to ensure they did not collapse and cause further damage. This work has enabled some structural integrity to be brought to areas of

walls where perhaps timber lintels have perished in the fire. Incremental work like this has also enabled subsequent inspections to ensure that other areas are not at risk of collapse especially if vulnerable to high winds. The D & A statement annotates all areas where work has been required and been undertaken. Removal of masonry has been controlled and carefully dismantled and fully recorded. In May work began on removing the burnt debris from the interior to permit fuller access and any key floor timbers, window frames and parts of the staircase are being sorted and set aside for future reference. Most areas have now been cleared. Your officer has been in consultation during this process of dismantling and consideration of safety of the building and those contractors on site clearing the debris. Fuller explanation of the reasoning behind the removal and making safe and temporary patching and propping of sections can be found in the D & A statement.

2.10 This work will facilitate a supporting scaffold which is part of the next phase along with reinstatement of the roof, to help to hold the building whilst the planning for the restoration of the building continues. It has enabled a more detailed chronology of the building to inform the significance of the building and its future restoration.

2.11 The NPPF highlights the desirability of sustaining and enhancing the significance of heritage assets and it is accepted that this is a Grade II\* Listed Building and as such it is a particularly important building of more than special interest. The measures set out in this report and the accompanying D & A statement have set out the position the heritage asset is currently in, where it was after the fire and that the works undertaken have been the minimum necessary to ensure no further collapse or risk to contractors clearing the debris was likely.

2.12 It should be noted that retrospective listed building consent is never condoned but the works have been undertaken as an emergency measure and it is not considered expedient to take any enforcement action against the owner under these circumstances. It is considered that the works have resulted in no harm to the Listed Building, and that crucially it will allow for the next restoration phase of the building to begin.

### **3.0 Other Matters**

3.1 The six National Amenity Societies and Historic England have been consulted on this application because it involves the demolition of a listed building and works to a Grade II\* Listed Building. Notification to the Secretary of State by the LPA is required if the council intends to grant listed building consent and receives an objection by any of the amenity societies or Historic England. Representations were received by the Georgian Group and Historic England and neither has objected to this application – see below. No comments have been received from any of the other National Amenity Societies by the due date. Therefore there is no requirement to notify the Secretary of State and the decision can be issued.

## APPENDIX

### **Policies and Proposals in the Approved Development Plan relevant to this decision:-**

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006 – 2026](#)

Policy CSP2: Historic Environment

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy B4: Demolition of Listed Buildings

### **Other Material Considerations**

[National Planning Policy Framework \(July 2018\)](#)

[Planning Practice Guidance \(PPG\) \(March 2014\)](#)

[Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State \(England\) Direction 2015](#)

Supplementary Planning Documents/Guidance

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

Planning History

None relevant to this application

Views of Consultees

### **Historic England**

They are aware that this application solely relates to the emergency works which have taken place, and are currently on going, following the devastating fire at Betley Court. As witnessed during a site meeting with the applicant's structural engineer following the fire, and as shown by the photographs within the D and A Statement, this fine early 18th century property has regrettably suffered considerable damage to its historic fabric. As such it is acknowledged the need to undertake urgent action in order to address issues of health and safety, and to prevent further uncontrolled collapse. Having considered the submitted information, the extent of the damage, and the detailed knowledge of the current condition of the property, there is no objection in principle to the urgent works identified within this application.

### **The Georgian Group**

The Georgian Group comments, where it relates to this application, that it welcomes moves towards the eventual repair of this tragically fire damaged grade II\* listed mansion and is encouraged by the detailed account of the works undertaken to date contained within the supporting document. It states that the works which are the subject of this application appear to have been undertaken as an emergency measure, and whilst no statutory consultee can ever condone the undertaking of work without consent it is clear that a robust justification has been provided in this case. They would nevertheless welcome more information at some future point on the potential timetable for future phases of work.

The views of the **Society for the Protection of Ancient Buildings, Council for British Archaeology, Twentieth Century Society, and Victorian Society** (the other National Amenity Societies), and **Betley, Balterley and Wrinehill Parish Council**, have been sought but as they have not responded by the due date it is assumed that they have no comments.

### Applicant/agent's submission

The planning application is supported by the requisite application forms and indicative plans, along with the following supporting documents;

- Design and Access Statement May 2020
- Heritage Statement May 2020
- Preliminary Structural Report September 2019
- Plans as existing, measured survey

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00405/LBC>

### Background Papers

Planning File  
Planning Documents referred to

### Date Report Prepared

8 July 2020