

The applications are for full planning permission and listed building consent for the formation of a temporary vehicle access to a construction compound associated with the restoration of Betley Court following fire damage. The works involve the demolition of a section of the boundary wall.

Betley Court is a Grade II* Listed Building.

The site is located within the Green Belt, Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map. Trees within the site are protected under Tree Preservation Order.

The 8 week period for the determination of this application expires on the 2nd November 2020.

RECOMMENDATION

A. Application 20/00729/FUL

Subject to no objections being received from the Highway Authority and the Landscape Development Section that cannot be addressed through the imposition of appropriate conditions, PERMIT subject to the following conditions:

- 1. Time limit.**
- 2. Approved plans.**
- 3. Dismantling of wall to be undertaken in accordance with submitted methodology unless otherwise agreed**
- 4. Reinstatement of wall when restoration of building completed in accordance with details that shall have been approved beforehand using original materials or materials that have been approved.**
- 5. Removal of construction compound and restoration of site when restoration of building completed.**
- 6. Implementation of tree protection measures for all trees to be retained.**
- 7. Replacement tree planting**

B. Application 20/00730/LBC

PERMIT subject to the following conditions:

- (i) Time limit.**
- (ii) Approved plans.**
- (iii) Dismantling of wall to be undertaken in accordance with submitted methodology unless otherwise agreed**
- (iv) Reinstatement of wall when restoration of building completed in accordance with details that shall have been approved beforehand using original materials or materials that have been approved.**

Reason for Recommendation

Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that the proposed temporary access would result in some harm to the setting of the Listed Building and the character and appearance of the Conservation Area, such harm would be less than substantial and would be outweighed by the public benefits arising from the repair to the listed building and the minimisation of noise and disruption to residents of Court Walk arising from the chosen location for the access

It is concluded that the proposal would be appropriate development in the Green Belt. Subject to confirmation from the Highway Authority and Landscape Development Section that they have no objection no other harm has been identified. As such it is considered that planning permission can be granted.

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

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

Key Issues

The applications are for full planning permission and listed building consent for the formation of a temporary vehicle access to a construction compound associated with the restoration of Betley Court, which is a Grade II* Listed Building, following fire damage. The works involve the dismantling of a section of the boundary wall and reinstatement at a later date, amounting to partial demolition and rebuilding of a listed structure.

The site is located within the Green Belt, Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map. Trees within the site are protected under Tree Preservation Order.

The key issues in the determination of the planning application are considered to be:

- Is the development appropriate within the Green Belt? If it is not appropriate development in the Green Belt, do the required very special circumstances exist that would outweigh the harm caused by inappropriate development or any other harm?
- Is the proposal acceptable in terms of its impact on the Listed Building and the Conservation Area, including consideration of its impact on trees?
- Would there be an unacceptable impact on highway safety?

The only consideration in the determination of the application for listed building consent is the impact of the proposal on the listed building.

Is the development an appropriate form of development within the Green Belt?

Paragraph 133 of the National Planning Policy Framework (NPPF) indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

According to paragraph 134 of the NPPF Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 143 of the current NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 145 of the NPPF states that, other than in the case of a number of specified exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. At paragraph 146, the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations and material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

The demolition of a section of the boundary wall and the formation of a construction compound would not affect the openness of the Green Belt and would not conflict with the purposes of including land within it. As such it is concluded that both these elements of the development are appropriate within the Green Belt.

Is the proposal acceptable in terms of its impact on the Listed Building and the Conservation Area, including consideration of its impact on trees?

When making a decision on a planning 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. In addition where a planning application affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

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 contact 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).

Saved NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B14 states that in determining applications for building in or adjoining a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

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.

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, Listed Building or Registered Park and Garden, 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.

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

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.

Betley Court was significantly damaged as a result of a fire in August 2019 and the commencement of the repair of this Grade II* listed building is important as delays will put the building at risk of further damage.

The proposal involves the demolition of a section of approximately 17m of the east boundary wall of Betley Court to form an entrance for construction deliveries during the repair and reinstatement of Betley Court. In addition nearby self-set trees and bushes will be removed and an adjacent yew tree pollarded. A temporary construction compound will be formed on the north end of the south wall. The intention is to reinstate the dismantled section of the wall once the restoration works are complete, on a like for like basis, reusing the removed bricks, stone copings and lime mortar.

The east boundary wall abuts the kerb of the public highway, Main Road, on a stretch where there is no pavement or verge. The wall, at 2.1m tall in a red and blue brick chequerboard pattern, is visually prominent and forms a distinctive part of the character of Betley Conservation Area.

The section of the wall identified for demolition is failing and will require repair through rebuilding in any event, and as such the removal of this section of the wall for the duration of the construction works has least impact. The proposal involves the least amount of loss necessary to form a safe and functioning access. The loss of trees is inevitable wherever the access is formed and it appears that the most visually significant trees along this boundary can be retained. Conditions can be imposed that secures the reinstatement of the wall, protection of trees and replacement planting.

The submission sets out the alternative options for deliveries have been reviewed and ruled out. The removal of walls and railings directly in front of the listed building was considered, but such works would lead to greater harm to the listed building. Alternatively access to the site could be achieved via Court Walk, but this would cause damage to mature, visually significant trees and would impact on the amenity of local residents.

In the circumstances it is considered that the proposed development would result in less than substantial harm to the designated heritage assets (the Listed Building and Conservation Area) as a consequence of the loss of a section of wall for a temporary period, which is damaged and requires rebuilding, and the loss of trees. Such harm, however, is outweighed by the public benefits arising from the associated repair to the listed building and the minimisation of noise and disruption to residents of Court Walk.

Impact on highway safety

At paragraph 109 the NPPF indicates that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As there is no verge or pavement adjoining the wall, there will be substandard visibility for vehicles leaving the site. To achieve the required visibility splays would result in the need to

remove an extensive section of the boundary wall which would result in substantial harm to the heritage asset that could not be justified or supported. The access will be used infrequently for deliveries only and will be open when deliveries are due. It is intended to either have temporary traffic lights or banksmen using stop/go signs to minimise disruption on the highway and allow vehicles to exit the site safely. Subject to the Highway Authority confirming such arrangements are acceptable it is can be concluded that the proposal would not result in highway safety concerns.

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 ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP4: Natural Assets

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

Policy S3: Development in the Green Belt
Policy N12: Development and the Protection of Trees
Policy B13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Considerations
Policy N18: Area of Active Landscape Conservation
Policy B4: Demolition of Listed Buildings
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B11: Demolition in Conservation Areas
Policy B13: Design and Development in Conservation Areas
Policy B15: Trees and Landscape in Conservation Areas
Policy B14: Development In or Adjoining the Boundary of Conservation Areas

Other Material Considerations

[National Planning Policy Framework](#) (2019)
[Planning Practice Guidance](#) (PPG) (March 2014)

Supplementary Planning Documents/Guidance

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

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

Relevant Planning History

18/00943/FUL	Proposed opening of gardens as a visitor attraction; construction of a detached building to form toilets/office and facilities for light refreshments; demolition of garages and the construction of car parking. (resubmission of 18/00268/FUL)	PERMIT
20/00405/LBC	Essential safety works to unstable walls in the listed building following fire damage	PERMIT
20/00655/FUL	Variation of condition 2 (approved plans) of P/A 18/00943/FUL to permit the substitution of revised plans to reflect the details of the visitor centre as built	PENDING CONSIDERATION
20/00685/FUL	Repairs and alterations associated with the reroofing works to Betley Court using leadwork and natural slates, including reinstatement of cast iron rainwater goods. Installation of a lightning conductor system and fall arrest system.	PENDING CONSIDERATION
20/00686/LBC	As above	PENDING CONSIDERATION

Views of Consultees

The **Conservation Officer**, commenting on both applications, states that the application is for temporary removal of the wall but amounts to partial demolition and rebuilding to allow for an appropriate access to undertake the repairs to Betley Court following the devastating fire last year. There are many walls within the garden area and the front boundary wall is a distinctive feature within the overall setting of the house and grounds and former associated farm built by the Fletcher-Twemlows.

The wall has a blue and red brick chequerboard pattern and is thought to be mid 19th century and plays an important part in the relationship of the house and grounds within the village and Betley Conservation Area. It is noted that there is a section of wall within the area to be removed above a drain which has dropped and at some point would need to be rebuilt.

Pre-application discussions have been undertaken with the applicant and their agents and the proposal is the least amount possible to accommodate the necessary vehicles during the repair works. Whilst regrettable the wall is proposed to be carefully dismantled, bricks dressed and reused in the rebuilding of the wall after the repair works and the requirement for large delivery vehicles. The specific brick pattern is set out in the heritage statement at paragraphs 24 – 31. A method statement for dismantling and storing the bricks and coping stones is set out in 39 – 45 and includes creating the temporary access.

Whilst the dismantling of the wall is regrettable to create the access, some of this wall already needs substantial repair and the current arrangement for a compound is inappropriate given the location and proximity to nearby residents. The reinstatement works to the Grade II* building are welcome and the wall too will be reinstated. So the overall harm to the setting of the house and grounds and indeed to the CA is temporary and relatively short-lived. There are no objections subject to the work being undertaken in accordance with the methodology within the heritage statement.

Historic England, commenting on the application for listed building consent, understands that the proposed temporary access, and associated compound area is required to enable works to be carried out to the fire damaged Grade II* Listed Betley Court. In view of the architecturally and historically importance of this once fine early 18th century house, and the surrounding Betley Conservation Area, attention is drawn to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework (NPPF). In particular the importance of protecting the significance of listed buildings, conservation areas and their setting is highlighted.

Obviously the dismantling of part of the existing wall is unfortunate. However, it is understood that this is the minimum necessary to accommodate access in to the site for construction vehicles, and the wall and grounds will be reinstated to the satisfaction of the Council's conservation adviser once the works are complete.

Historic England is obviously keen to see repairs progress, and subject to the above has no objection to the proposed access and compound.

The views of the **Highway Authority, Landscape Development Section, Conservation Advisory Working Party** and **Betley, Balterley and Wrinehill Parish Council** have been sought and will be reported if received.

Representations

None received to date

Applicant/agent's submission

The applications are supported by the following documents;

- Heritage Statement
- Construction Management Plan
- Tree Survey

The documents can be viewed by following the links below

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00729/FUL>
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00730/LBC>

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

30th September 2020