

The applications are for full planning permission and listed building consent for repairs and alterations associated with the reroofing works to Betley Court using leadwork and natural slates, including reinstatement of cast iron rainwater goods. In addition the applications include the installation of a lightning conductor system and fall arrest system.

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 20th October 2020.

RECOMMENDATION

Application 20/00685/FUL and 20/00686/LBC

PERMIT subject to the following conditions:

- 1. Time limit.**
- 2. Approved plans.**
- 3. Prior approval of the bricks, including the provision of samples, to be used in this repair.**
- 4. Notwithstanding the submitted details, Vermont green slates shall be used on the forward facing slopes to the road and garden (south and east) in diminishing courses, with Welsh slate on other slopes.**
- 5. In all other respects the permitted repairs and alterations shall be carried out in accordance with the submitted details.**

Reason for Recommendation

Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that subject to Vermont green slates being used on the forward facing slopes to the road and garden (south and east) in diminishing courses, with Welsh slate on all other roof slopes, the proposed repair and restoration would result in less than substantial harm, which would be outweighed by the public benefits arising from the repair to the listed building.

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 repairs and alterations associated with the reroofing works to Betley Court using leadwork and natural slates, including reinstatement of cast iron rainwater goods. In addition the applications include the installation of a lightning conductor system and fall arrest system. The proposed fall arrest system involves installation of low posts, mostly behind parapets, chimneys or slated roof slopes and supporting tension wires onto which a harness is clipped.

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?

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 roof repair, reinstatement of cast iron rainwater goods, and installation of a lightning conductor system and fall arrest system 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 the development is appropriate within the Green Belt.

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

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.

Very detailed consultation responses have been received from the Council's Conservation Officer, Conservation Advisory Working Party and Historic England. These heritage experts are not raising any objections to many aspects of the proposal as they are not considered to harm the significance of the listed building as follows:

- The shape of the roof is to remain the same as the pre fire shape except for some minor alterations that address design faults causing the roof to leak.
- Repairs and rebuilding of the brickwork, required to enable the roof works, are to be undertaken on a like for like basis, i.e. chequerboard pattern of brickwork.
- Lightning conductor system
- Fall arrest system.
- Cast iron rainwater goods – sample provided.

The aspects that require more detailed consideration are the proposed roof structure and the choice of slate.

The structural element of the roof will remain the same for some sections, replacing the timber king post trusses on the rear 3 storey element and the other 3 storey parts with a softwood timber roof. The more substantial change is to the main original section where steel trusses and softwood purlins are proposed. This, no doubt, results in some loss in authenticity and therefore some harm, albeit less than substantial, arises to the significance of the building. Such harm is, however, justified when it is taken into consideration that the roof structure has been lost in the fire and the fact that it is not possible to reinstate the main roof as it was previously given the limited evidence of its design. The urgency and the need to facilitate the roof reinstatement also weigh in favour of permitting such works.

The same can't be said, however, for the use of Welsh slate over the entire roof where it is noted that the roof predominantly consisted of graduated Westmorland green slates on the forward facing slopes, with Welsh slate on the rear and inward facing elevations. The character of the Westmorland slate is different in colour, the way it appears to weather, texture, thickness to Welsh and, it is understood, is easier to graduate than the Welsh slate. The Welsh has a more utilitarian appearance and its colour is more regular. Such a change will unacceptably affect the appearance of the property.

Given the significance of this important building and its presentation to the road frontage it is important to get this aspect of the refurbishment correct and as stated by the Conservation Officer there is only one chance to do this. It is therefore considered that the use of only Welsh slate is unacceptable and shouldn't be permitted, even when the additional cost of using Westmorland slate and the time it takes to be delivered are taken into consideration.

The applicant has therefore suggested an alternative to Westmorland green slates, as a compromise – Vermont green slates. It is considered that Vermont green slates is acceptable on the forward facing slopes to the road and garden (south and east) in diminishing courses, with Welsh slate on all other roof slopes.

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). Such harm, however, is outweighed by the public benefits arising from the repair to the listed building.

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

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

Policy S3: Development in the Green Belt
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 B13: Design and Development 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)

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
20/00729/FUL	Formation of a temporary vehicle access to a construction compound associated with the restoration of Betley Court following fire damage	PENDING CONSIDERATION
20/00730/LBC	As above	PENDING CONSIDERATION

Views of Consultees

The **Conservation Officer**, commenting on both applications, states that Betley Court is a Grade II* Listed Building, an early 18th Century mansion with late 18th Century additions by Wilkinson. Additions by Nash in 1809 and further alterations by Caroe in late 19th and early 20th Century. Set back from the road behind a courtyard with elaborate wrought iron gates and brick walls, the house has a strong and characterful presence within the village and the Betley Conservation Area.

Following the devastating fire in late August 2019 which destroyed the roof, interior and subsequently some of the masonry to make the building safe, this application is to reinstate a roof on the building with associated works. The application requests changes to the pre-fire roof and consideration is required as to the level of harm, if any, which will be caused by the acceptance of these changes to the building given its Grade II* Listed status and importance within the CA. The building remains important architecturally and historically and survives as an early 18th Century house with important subsequent alterations.

The main considerations are the shape of the roof and structural materials, the proposed roof covering and how it will be laid. Repairs and rebuilding of the brickwork is required to enable the roof works and be undertaken on a like for like basis, i.e. chequerboard pattern of brickwork. Extensive information and detailed summary of the proposals has been provided in the Design Statement and it is clear where changes and alterations to the pre fire situation are being asked to be considered and a justification for this. The Heritage Statement also sets out the significance of the building and raises many questions on reinstatement which need to be subsequently explored (page 18 onwards). Certainly the house was compromised, in a poor state of repair in 1977 when the Browns purchased and subsequently restored the building, albeit not always using the highest quality of materials.

In the fire damaged areas of the house the roof coverings and structures are totally lost. Some broken examples of the Westmorland slate and copings etc. have been salvaged for assessment and comparison. The available pre-fire information about the roof structure is very limited and the applicant asserts it is not good conservation philosophy to conjecturally reinstate lost roof structures which are not supported by comprehensive factual evidence. The applicant states the new roof will be of high quality and will not detract from the historic significance of the building. Page 8 of the Design Statement shows a plan of the roof showing the roof covering which was laid out in graduated Westmorland green slates on the forward facing slopes to the roadside and the south garden with rear facing and inward facing elevations having Welsh blue slates. Hips, valleys and ridges all formed with leadwork.

The shape of the roof is to remain the same as the pre fire shape except some minor alterations to the internal flat roof sections and some aspects of the roof which had fashionable but inherent design faults and caused the roof to leak with limited ability to resolve. The re-design is in high quality code 7 lead and will not harmfully impact on the shape of the roof and the significance of the house.

The structural element of the roof will remain the same for some sections, replacing the timber king post trusses on the rear 3 storey element and the other 3 storey parts will be replaced with a softwood timber roof. The main change is to the main original section of the house which is to be replaced with steel trusses and softwood purlins and whilst the design of this roof structure was too badly lost to recreate, it almost certainly was constructed in oak. The steel and timber approach is honest and will enable the shape of the roof to remain the same. The roof covering is proposed to be all Welsh slate and sample is included, see photograph on file.

There is clearly a change and some loss in authenticity with the materials for the roof structure and some harm to the significance of the building. Relevant consideration should be given to the fact that the roof structure has been lost in the fire, this is not even a substantial repair, and the fact that it is not possible to reinstate the main roof based on any certain evidence. The Conservation Officer is minded to accept that the new structure, given the circumstances including urgency and to facilitate the roof reinstatement, will not harm the current significance of the building and will enable the restoration of other parts of the building to begin and move forwards.

There are no objections to the lightning conductor system or to the fall arrest system. Or indeed to the cast iron rainwater goods – sample provided. Moulding details have been provided for these. All cornice details are to be replicated. Red and blue chequerboard brickwork pattern is important to replicate and would like to condition the brick samples prior to this part of the work being undertaken but doesn't need to be prior to start.

The main concern is the use of Welsh slate on the whole roof rather than as the existing arrangement with Westmorland on the prominent elevations and Welsh on the rear less prominent. The character of the Westmorland slate is different in colour, the way it appears to weather, texture, thickness to Welsh and, it is understood, is easier to graduate than the Welsh slate. The Welsh has a more utilitarian appearance and its colour is more regular. The views of CAWP are supported, that the design intention at the time was to contrast the green colour of the roof with the red brickwork on the elevations on show. It is a visible aspect of the authenticity which we can also be assured of through salvaged samples and photographs.

Given the significance of this important building and its presentation to the road frontage it is important to get this aspect of the refurbishment correct and we only get this one chance. Given the nature of this devastating fire, this is an important point in the buildings history and we should be authentic as possible to its history prior to the fire whilst still taking on board the issues as they are presented. So the question is, does the change to the colour texture and type of slate have a significant effect of the building. The justification says that this is marginal and the change to the visual impact is not substantial harm. Is the change discernible and is the harm justified given the delay that would be caused to the project?

In the opinion of the Conservation Officer the correct approach is to install Westmorland slates to match the existing (pre fire) to the road frontage including the side bows either edge of the porch and front elevation which will preserve the character and prominence of this aspect of the house. Ideally this would extend around to the south garden elevation, but this may be cost prohibitive and affect the timing of the project and cause disruption and delay which is important to accept is a factor.

The nature of the reinstatement work is that it is being done in phases and correctly the roof and the enveloping work is the place to start. However the incremental nature of the phasing means that the questions over funding and conservation and restoration are compartmentalised to each aspect of work and submitted application and the level of harm to be assessed is diluted and not then applied correctly when looking at the whole restoration of the house. This first change can be justified on the basis on expediency for the roof and its total loss with difficulty replicating it. Justification on this basis will be more difficult with other aspects of the restoration. There is only so far one can consider that the less than substantial harm to a Grade II* Listed Building will not amount in the end to substantial harm to the significance of the building.

The **Conservation Advisory Working Party** is sympathetic to the new roof design solution to deal with the notorious internal gully and problems with the fashionable roofs of the period and has no objections to the internal changes and roof structure by removing the well and using a stepped lead roof. It also accepts the enormous cost of the project and agrees that the timing issue is relevant to preserve the structure. It regrets the proposal to use Welsh slate rather than replace the Westmorland on the relevant frontage roof slopes. The difference between the slates is colour, texture and thickness with the green colour chosen to compliment the brickwork. The group feels that the Welsh has a more utilitarian colour size and texture and regrets the entire substitution given the very apparent road frontage elevation. They also feel that the graduated slates for the new roof are crucial to the appearance of the refurbished building and its conservation. As a Grade II* house of great importance, this monumental task of rescuing the building needs to get it right.

Historic England (HE), commenting on the application for listed building consent, has concerns regarding the application on heritage grounds. It is greatly concerned by the condition of the fire damaged Grade II* Betley Court, and supports the intention to reinstate a permanent roof.

HE also have no objection to the slight alteration of the form of the new roof to address the central 'well' and internal drainage issues, and acknowledge the reasons put forward to use modern materials for the internal structure.

However, it does have reservations regarding the wholesale use of Welsh slate. Although both were present on the building pre-fire, it appears that the Westmorland slate was the

more historic, and was used on the principle elevations. As well as quality and durability, the Westmorland would also have been chosen for its aesthetic contribution to the appearance of the property.

HE is very conscious of the considerable benefits a watertight permanent roof will bring to the stabilisation, drying out and ease of repair of the rest of the building. We therefore do not wish to hinder this being brought forward. However, it is vitally important that the historic integrity and authenticity of this important grade II* listed building is maintained. It therefore asks that the reinstatement of Westmorland slates on the primary elevations facing the adjacent road and the garden is considered.

The views of the **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
- Design and Access Statement
- Schedule of Work for Phase 1 – Repairs and Alterations
- Rainwater Pipe Renewal Schedule
- Photographic Schedule for Masonry Wall Repairs
- Trade Specifications for Repairs and Alterations to the Roofs
- Roof Slate Sample Photographs

The documents can be viewed by following the links below

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00685/FUL>
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00686/LBC>

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

1st October 2020