

The applications are for full planning permission and listed building consent for repairs and renewal of external doors and windows.

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 these applications expires on the 13th April 2021.

RECOMMENDATION

Application 21/00109/FUL and 21/00110/LBC

PERMIT subject to the following conditions:

- 1. Time limit.**
- 2. Works to be undertaken in accordance with the approved plans and details set out in the supporting documents.**

Reason for Recommendation

Taking into account the requirement for the decision-maker to pay special attention to such matters it is considered that the proposals will not diminish its significance and will enhance the heritage asset by giving it a sustainable future. As such no harm has been identified to the designated heritage assets, the listed building and conservation area. The proposals are therefore acceptable subject to them being completed in accordance with the submitted details.

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 further information has been submitted during the application process for clarification. It is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

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Given the nature of the proposed works they would not be inappropriate in the Green Belt as they would preserve its openness and would not conflict with the purposes of including land within it. In addition the proposed works would not affect trees within or adjoining the site.

The key issue in the determination of the applications is therefore the impact on the Listed Building and the Conservation Area.

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 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 repair of this Grade II* listed building is important as delays will put the building at risk of further damage.

These applications follow applications last year relating to works to reinstate and repair the roof. The next phase of works to the building are the repair and reinstatement of windows and doors. Very detailed consultation responses have been received from the Council's Conservation Officer on such plans which are reported in the attached Appendix. The comments highlight that the surviving 36 windows and 2 doors will all be repaired on a like for

like basis. The proposals in respect of the 55 windows and 6 doors that have been lost are as follows:

- The curved windows (14) and French doors (3) will be single glazed replacements with a discreet secondary glazing system within the frame.
- Approximately 45 windows are proposed to be reinstated using a slim double glazed unit.

More than half of the windows and doors within the building have survived and will be repaired or, where lost, will be replaced like for like. The submitted details show that all other windows are proposed to be double glazed and have the same size glazing bars as the single glazed historic window glazing bars and as such the change to appearance will be negligible.

A number of the doors/French doors and windows that were lost were modern. Some of these windows were 'fake' top hung sashes and these, following revisions to the submission, will be restored with traditional joinery in accordance with Historic England guidance.

Taking into consideration the detailed information that has been provided in support of the applications the Conservation Officer considers that the proposals will enhance the heritage asset by giving it a sustainable future and will not diminish its significance. Such expert advice is accepted and it is concluded that the proposals are acceptable and result in no harm has been identified to the designated heritage assets, the listed building and conservation area.

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 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	PERMIT
20/00685/FUL & 20/00686/LBC	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.	PERMIT
20/00729/FUL & 20/00730/LBC	Formation of a temporary vehicle access to a construction compound associated with the restoration of Betley Court following fire damage	PERMIT

Views of Consultees

The **Conservation Officer**, commenting on both applications, states that the restoration has begun on the building which suffered the devastating fire in 2019. This is the next phase on analysis to enable the windows and doors to be reinstated or repaired. A previous application has dealt with the reinstatement of principally the roof and external walls. This application refers exclusively to the windows and doors.

As a Grade II* Listed Building, Betley Court has great significance both in its own right as a Georgian house with walls and railings and also in its position within the Betley Conservation

Area. Great weight must be given to the buildings conservation. This is set out in the various statements attached to the application to fully understand the building and its evolution. There was extensive renovation in the late 1970s after the house fell into serious disrepair and much of the house was converted into apartments. Many alterations have certainly been undertaken to the windows and doors over the decades and years and unpicking this history is crucial to full assessing the significance.

Windows and doors are a key part of any buildings appearance, much like the eyes on a face and care is needed to ensure that the buildings significance is retained. The overall significance of the building set out in the window heritage statement at 1.9 is largely accepted and that there has been substantial loss of historic fabric and whilst fire debris has been sifted through for joinery evidence, a lot has gone and with it a lot of the evidential value of the buildings fabric. Internal wall finishes have been lost and only brickwork fabric remains.

The revised window and door schedule is useful, it identifies the windows and doors which have been lost, need repairing and what type they are as well as estimated age of the window and what is proposed. Some windows are 6 over 6 sash windows but many windows as on the south elevation are 2 over 2 and the proposal is to be fully glazed with true glazing bars. Timber painted windows are proposed throughout to match existing and previous windows. Over the years many of the existing windows and those still intact are in need of repair and overhauling so that they fully function and open properly. This will be undertaken as part of this phase of works.

In terms of numbers, 55 windows and 6 doors have been lost to the fire and 36 windows and 2 doors survive, although some surviving are in a very poor state of repair. These are proposed to be repaired on a like for like basis.

Of the 61 that require replacement 3 doors and 14 windows are curved (frames and glass) windows and French doors within the bays on the south elevation. The curved joinery units are proposed as single glazed replacements with a discreet secondary glazing system within the frame. Details can be found in the application of how the secondary glazing will be fitted on the technical drawings. One of the other doors is the main timber panelled front door which is proposed to be replaced to match and good evidence survives for this design.

This means there are approximately 45 windows which are proposed to be reinstated using a slim double glazed unit and details are provided with a sample that has been installed in one of the upper floor windows and shown in the technical drawings appended to the application. Evidence has been provided in the application that the size of the single glazed historic window glazing bars will be the same as the proposed double glazing windows irrespective of the type of sash window. 45% are windows and doors lost to the fire and are proposed to be slim doubled glazed units with no negligible change to appearance.

Therefore 54% of the windows and doors will be either replaced like for like or survive and will be repaired. The double glazed units are proposed in the new windows so there is fundamentally no loss to historic fabric. No surviving windows and doors are to be double glazed.

It is estimated that before the fire there were 5 doors/French doors and 15 windows that were modern post 1977. 5 of these windows were 'fake' top hung sashes. The scheme has been revised to restore all of these with traditional joinery. This will be beneficial to the building and is in line with Historic England guidance (Traditional Windows 2014) which states that where an unsympathetic window is to be replaced the new window should be designed to be in keeping with the style and period of the building.

Discreetly fitting secondary glazing is recognised by Historic England and there are no objections to this. The proposal to have doubled glazed units based has been weighed up on the evidence provided and the fact that the fabric is lost to the fire. Consideration has also been given to the proposal based on the sample provided, looked at the proportions of the glazing bars, frames and quality of the appearance.

Historic England in its Good Practice Advice, Managing Significance in Decision-Taking in the Historic Environment, discusses significance and the importance of understanding it before it is possible to assess the impact of any proposals. The details and amendments provided with the application are crucial. In addition it also recommends looking for opportunities to better reveal or enhance that significance. The replacement of 'fake' windows which are top hung would be one way to achieve this.

The heritage assessments clearly shows how the building has evolved with changes and additions over the centuries. This is certainly a new chapter as the building is pieced together and rebuilt following the fire. The main significance of the building certainly lies in its ability to be brought back to life and play its part in the important contribution it makes to the village both in terms of history and appearance within its immediate and wider setting. It has a key relationship with the adjacent buildings and structures around it. The proposal will enhance the heritage asset by giving it a sustainable future which will not diminish its significance.

The views of the **Conservation Advisory Working Party, Historic England, the Georgian Group** and **Betley, Balterley and Wrinehill Parish Council** have been sought and will be reported if their comments are received.

Representations

None received to date

Applicant/agent's submission

The applications are supported by the following documents;

- Heritage Statement
- Design and Access Statement
- Window Support Statement
- Updated Window Repair and Renewal Schedule
- Trade Specifications
- Schedule of Work
- Storm Windows Brochure
- Window Heritage Statement

The documents can be viewed by following the links below

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00109/FUL>
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00110/LBC>

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

18th March 2021