

Application Number	18/01256/AS
Location	Whist House, Tannery Lane, Ashford, TN23 1PL
Grid Reference	601345 / 142465
Parish Council	Central Ashford
Ward	Victoria (Ashford)
Application Description	Demolition of two pre-1948 brick buildings. Internal and external restoration works to Whist House relating to its restoration to provide a 4-bed dwelling (associated to corresponding planning application 18/01168/AS for redevelopment of the site to provide to provide 251 residential units within four apartment buildings and works) U+I (Ashford) Limited
Applicant Agent	Litchfields, 14 Regents Wharf, All Saints Street, Islington, London, N1 9RL
Site Area	1.19 hectares

Introduction

1. This is the listed building application dealing with the works that require specific listed building consent in connection with the proposed residential redevelopment of the site subject to planning application ref 18/01168/AS that also reported on the agenda. It is for this reason the application is being reported to Planning Committee.

Site and Surroundings

2. The application site is located in Ashford Town Centre (part of the Commercial Quarter) and lies approximately 200metres east of Station Road and immediately adjacent to the east of the Royal Mail Sorting Office.
3. The site comprises a large two storey house constructed in 1707, which fronts an earlier C17 house. Whist House has remained unoccupied since 1995. Whist House is a Grade II* listed building and was given listed status in 1951. The List description reads as follows;

TANNERY LANE (Formerly Tanyard Lane)

Whist House

24.9.51

*Grade II**

Dated 1707 in paint above top central window. 2 storeys and attics red brick with grey headers. Steeply pitched hipped old tiled roof with 2 hipped dormers. Heavy wooden modillion eaves cornice. Long and short quoins. Stringcourse. 5 sashes with wide glazing bars intact. Regency wooden blinds to ground floor windows. Doorcase with engaged Doric columns, flat pediment, panelled reveals and door of 8 fielded panels. On the left hand side there is a 2 storey tile hung extension with half hipped roof. The rear elevation has 2 hipped dormers and 2 sashes. Projecting 1st floor with canted bay supported on 2 cast iron columns.

Listing NGR: TR0134542465

4. As part of the application a detailed survey of the historic fabric has been carried out which has formally identified the building evolution. It consists of the formal C18 frontage, which is a principle part of its special interest, but also there is the significant part of an earlier C17 dwelling to the rear. A later C19 addition was then added to the side. Externally this evolution is evident in the contrast between the formal Georgian front elevation and the vernacular rear elevation. Internally, it is clear that the combination of the three main building periods has resulted in a complicated and slightly convoluted layout, involving changes in levels and five staircases. Although interesting in terms of the relationship between building periods, these junctions do constrain the natural movement around the building.

5. The tannery site lies to the west of the Stour centre and Civic Centre complex, both of which lie beyond the river Stour. North of the site is Ashford School Playing fields and south of the site is the large office complex, International House. To the south-west of the application site is the recently completed office block (connect 38), which contains a number of varying uses including offices, dentist and cafeteria.
6. The site is located in Ashford town centre and falls within a wider area designated under the Ashford Core Strategy 2008 and Ashford Town Centre Area Action Plan 2010 identified known as the Commercial Quarter. This is a key redevelopment zone benefitting the area as a whole but specifically key to the future growth of the town. However the site immediately adjoins a part of the Quarter that is designated as for substantial residential. These Policy documents recognise the importance of the historic fabric and seek to encourage the restoration of Whist House and its setting ensuring that surrounding buildings are of a scale that will preserve and enhance the setting.
7. The development of the adjoining substantial residential development falls within the same ownership (Kent Woolgrowers) as Whist House.
8. Historically the wider area now recognised as The Commercial Quarter area never established a strong urban grain typical of the town centre area resulting in poor connections and integration between the station and the town centre. As the town developed around the town centre, the site of Whist House and its immediate surroundings are likely to have been in marginal agricultural use, possibly water meadows alongside the river.
9. The precise date when a tannery was established is unknown although a complex of buildings is shown to the west of the river as early as 1769. It is likely that these buildings were Whist House and the tannery operation. The tannery may have existed many centuries before this, being one of the oldest known industrial operations located by rivers during medieval periods. Various developments associated with the tannery meant the site grew in an ad hoc fashion throughout the 19th and 20th centuries until the end of the tannery operations in the 1950s.
10. Whist House is located on the River Stour which lies immediately to the east. Tannery Lane was constructed in the late 1960s across the northern edge of the Whist House site. This street is a heavily engineered section of gradually elevated road built originally to the north of Whist House in order to provide

unrestricted access over the river and associated floodplain, to the entrance to the Civic Centre and Stour Centre. At its highest point the road is elevated by approximately 3 metres above the riverside levels.

11. Although it is now surrounded by modern development, Whist House retains its historic curtilage with associated outbuildings of various periods; the most significant of which are two red brick outbuildings dating from the C19.

Proposal

12. This Listed Building Consent application relates to the demolition of the two C19 outbuildings on site and two brick walls (attached to Whist House) and the conversion of Whist House into a single 4 bedroom dwelling.
13. There is a corresponding planning application, which is being dealt with under the separate planning application on the agenda (application ref 18/01168/AS). This planning application proposes the redevelopment of the existing site, with residential units in four tower blocks, together with the associated parking and landscaping.
14. In terms of the demolition, one of the C19 buildings is the two storey sales building close to the entrance of the site and the other is a long single storey brick building abutting the river front which is in a poor state of repair. The two brick garden walls are attached to Whist House, although neither are of any historical significance.
15. In terms of the internal work required to facilitate the conversion, the building has been unoccupied for a substantial period of time and therefore it is in poor condition. As a result, repairs to the historic fabric are required throughout the building, including major architectural features such as floors, ceiling, partitions and the main staircase. The proposed repairs are identified on the amended drawings. Apart from the extensive repairs, there are few other alterations to the building fabric, its layout or appearance. The most notable being a new door opening at first floor level and the reinstatement of a canted bay window to the rear elevation.

Planning History

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| 18/01487/AS | Prior Notification for the proposed demolition of Brundrett House and the Central Warehouse Building. Yet to be determined. |
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- 18/00002/EIA/AS EIA Screening opinion for Kent Wool Growers Site. **EIA not required.**
- 18/00001/EIA/AS Screening opinion for the proposed residential development at Kent Wool Growers Site. **EIA not required.**
- 13/00713/AS Hybrid application for the demolition of all existing buildings (except Whist House). Erection of 159 residential units consisting 155 apartments (4-6 storeys) and 4 town houses and associated parking (outline application with approval sought for details of access, layout and scale with details of appearance and landscaping reserved). Works for the restoration of Whist House to a 4-bed dwelling, including new parking barn, garden/flood walls and landscaped gardens (full application). **Planning permission granted 2 April 2015**
- 13/00007/EIA/AS: Screening opinion for the proposed residential development (current proposals): screening opinion issued 7/6/13 - **no EIA required.**
- 91/00615/AS: Renewal of temporary permission 90/0373/AS. Portacabin to serve as staff rest area and wool department administration office on a temporary basis. **Planning permission granted 18 June 1991**
- 89/01786/AS: Demolition of part of canopy to bark barn as a result of vehicle damage and reconstruction in its original form: **Planning permission granted 18 January 1990.**
- 88/00641/AS Erection of phase 1 warehouse and demolition of part of existing buildings: **Planning permission granted 30 November 1988.**
- 88/00640/AS Bark barn: careful taking down of existing roof/wall cladding. Dismantling and identifying structural timber frame. Storage on site then transport to Evegat farms, Smeeth. (subject of a separate listed building application). **Listed building consent granted 14 December 1988.**

Consultations

Ward Members:

Statutory Consultees

1. Historic England

Conversion of Whist House

Whist House is a grade II* listed building and is principally significant as a multi-phase house with an unusually compact but high quality 18th century frontage range, a 17th century range to the rear and 19th century alterations to provide an administrative office for the adjoining tannery. The building's plan form is largely intact and this and the almost complete survival of the 18th century interior add to its significance. Its conversion to a residential use is highly compatible with its significance and we are wholly supportive of the principle of this proposal, which we think will secure its optimum viable use (NPPG, Para 15).

Historic England also made specific comments regarding some of the repairs and alterations shown on the drawings. These have all been addressed in the amended drawings, and/or will be covered by detailed conditions.

Their comments regarding the redevelopment of the wider site are addressed on the corresponding planning application. They have subsequently made the following comments:

'Historic England is satisfied that the amendments minimise the harm to heritage significance (Para 190 of the NPPF). Your Council will also need to satisfy itself that any remaining harm is clearly and convincingly justified (Para 194) before weighing this against the public (including heritage) benefits of the proposal (Para 196). As noted in our advice of September 2018 we think securing the optimum viable use of the grade II listed house is a heritage benefit which you may consider in the weighing exercise provided this is secured. We suggest this might be achievable with a legal agreement attached to the planning application for redevelopment. This could require the submission of a costed specification for the repair and conversion of the Whist House to a residential use and its implementation and completion before the occupation of any new development on the site.'*

2. **The Ancient Monuments Society**

The Ancient Monuments Society welcomed the retention and proposed repair of the Grade II*-listed Whist House. This is an important building - both architecturally and in telling the story of Ashford's early industrial development.

Regarding the two curtilage buildings to be demolished, they found it difficult to tell from the limited submitted details if the buildings are of limited architectural interest, as reported in the submitted *Heritage, Townscape and Visual Impact Assessment* and asked for more details.

These additional details have been provided as part of the re-consultation process.

Following the receipt of further information the following comments were received on 30th November

The **Ancient Monuments Society** read the Heritage Additional Information report prepared by PRC Architecture & Planning Ltd in 2012 and wish to object to the demolition of Buildings 1 and 2.

Proposal - The proposal is for the total demolition of two buildings which are in the curtilage of the Grade II*-listed Whist House. This forms part of the redevelopment of the adjoining former Tannery site to provide 251 residential buildings.

Interest of the buildings - The Tannery is included on Kent County Council's Historic Environment Record (Monument no TR 04 SW 98). The HER states:

The date of the tannery is uncertain. It appears to have been operational by AD 1707 when Whist House was built. Buildings are shown on the site on the OS drawing of 1797.

The applicant's Additional Heritage Information report states that "Whist House was constructed 1707" and "no evidence exists to show [that a] tannery existed prior to this date." This information contradicts the Historic Environment Record and requires clarification by an expert industrial archaeologist.

The *Additional Heritage Information* report goes on to say: "the other remaining buildings could have been used for a number of other purposes

involved in the curing and tanning process, however, again this is pure conjecture.”

We recommend that specialist advice is sought to establish exactly what functions in the tanning process the curtilage-listed buildings served. It seems unlikely that the form of the buildings cannot give clues as to their previous functions.

Building 1- Central Tannery Building - The first of the two curtilage-listed building is a handsome two-storey brick building with a single-storey louvered extension. The building has fine detailing, including arched windows, and appears to be relatively unaltered. No information has been given about the interior of the building. The *Additional Heritage Information* report states that: “the building is pre-1871 and likely to be early C19th.” The report goes on to say that “its function could have been related to administration or sales” but then immediately contradicts itself: “it could possibly have been used for the feeding and resting of horses given its position and built form.” The assessment, confusingly, concludes with: “it is unlikely in our view that it was used for any part of the tanning process referred to above with the exception of the finishing process.”

The building has a distinct form and it should be possible for an expert to confirm its previous function(s).

Building 2- ‘Building by the River’ - The second curtilage-listed building is a single-storey red-brick building with a timber-framed frontage to the river Stour. The *Additional Heritage Information* report states that two buildings which are shown on an 1871 OS map “appear to be in existence today”, but then goes on to say: “the existing building (Photo 1) appears to have been constructed between 1871 and 1896.” This is contradictory information which requires clarification.

The report then goes on to say that “it would be logical to assume that the hides would be delivered to the site and taken to this building to be cured and socked by the river.” Again, the report fails to give an authoritative assessment of the building’s function and significance.

AMS Position - The Ancient Monuments Society **objects** to the present application for the following reasons:

- Firstly, the information provided with the application about the significance of the buildings and wider tannery site is contradictory and

inadequate. We recommend that a full analysis of the site is carried out by an industrial archaeology expert.

- Secondly, the photographs provided with the application show that the buildings are in reasonable condition and that nothing precludes them from being converted for either residential or communal use (Building 1) or storage (Building 2).
- Under Section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990, there is a duty for local planning authorities to 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.

We believe that the loss of the buildings would represent harm which has not been justified. Paragraph 195 of the National Planning Policy Framework (NPPF) states that:

Where a proposed development will 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

We do not believe that the proposed residential development represents “substantial public benefit” as it is a private development. Nor have we seen evidence that the four conditions listed under Paragraph 195 have been met.

We therefore urge you to refuse the application and to enter into further discussions with the applicant to secure the retention and reuse of these buildings.

3. **The Georgian Society**

4. The Georgian Society was consulted and whilst they believe that the proposal does have the potential to cause a degree of harm to the significance of Whist House, through changes to its setting and through the loss of the associated unlisted tannery buildings, they do not wish to formally object to the scheme. They do however, support Historic England’s comments on the proposed alterations to Whist House, and would appreciate further details of the building’s surviving fixtures and fittings. **The Association for Industrial Archaeology**, although not a Statutory Consultee, have made the following comments:-

‘The Association for Industrial Archaeology notes that this application is in respect of the conversion of Whist House (listed grade II) into a four bedroom dwelling and the demolition of all other buildings on the site including the two curtilage listed pre-1948 buildings which are all that remains of the site’s tanning industry. The Association for Industrial Archaeology commented upon a previous application (2013 - No 13/00716/AS), which was allowed in respect of this site, and the comments were only on the two pre-1948 buildings. The first building referred to as Building 1 is a single storey building which backs onto/ is adjacent to the Great River Stour. It is said to be dated between 1872 and 1898. It is brick built and there is limited decoration at eaves level The second building referred to as Building 2 is in part earlier, with the back section being dated to the earlier part of the 19th century and the front section between 1898 and 1907. Building 2 was referred to as the “Sales Building” in 2013 but is now referred to as the Ashford Gun Room. It may be described as being in two sections. The first and newest is nearest to the road, Tannery Lane, being of red brick and of panel and pier construction. Attached at the rear is the older section and at right angles to the front section and beyond that a weatherboarded louvred section which may be indicative of the building’s former tannery use. These two buildings Nos 1 and 2 are all that remains of the once extensive tannery on this site. It is suggested that this site has a long association with the tanning industry possibly as far back as the late 17th century, although the works last operated in the mid 20th century.*

The site is mentioned and there are photographs of it in A Guide to the Industrial Archaeology of Kent by David Eve and published by the Association for Industrial Archaeology in 1999, page 12. More surprisingly it appears in the second edition of Pevsner of 1976 (corrected 1980): The Buildings of England, West Kent and the Weald, by John Newman, Penguin Books, page 136. Here it is referred to as “intriguing 19th century tannery buildings”. This comment is not repeated in the 2012 edition, perhaps because the bark barn has been removed. It is unfortunate that these now sparse remains of one of Ashford’s earlier industrial activities are to be lost.

In the 2103 application it was noted that the line of Building 1 was to be retained as a riverside walkway. However, it has to be said that it is a pity that Building 2 could not have been incorporated into the overall project. It represents an industry of Ashford and is an interesting building. It is regrettable that Whist House itself has fallen into such a state of decay. It is also regrettable that this new application has not seen possible to reuse at least the Ashford Gun Room Building as this would add interest to the development. It is imperative that there is an adequate record is made of these buildings before they are demolished as well as to record any surviving below ground archaeological remains of the tanning industry, such as the pits, especially as some of them may be early.’

5. **KCC Archaeology**

The site includes the designated heritage asset of Whist House. This is a Grade II* listed building and any redevelopment needs to undertake appropriate consideration of a designated heritage asset in accordance with NPPF section 12. Whist House is considered to have been one of the original main buildings associated with the Whist House Tannery, established by early 18th century but possibly being slightly earlier. Some of the existing buildings may also be part of the original tannery complex and there are likely to be many buried structural remains and associated cultural material.

6. The 1st Ed OS map indicates a variety of structures and buildings associated with the tannery process. Even though the site has been substantially redeveloped, remnants of the earliest structures may survive on the site above ground or below. Any evidence of the earliest phases of this important tannery for Ashford town would be of considerable significance.

7. The site's topographical location would have made it favourable for Prehistoric activity and later industrial activity. There are indications of Iron Age in the area and a Roman road alignment is marked to the west.
8. I note this application is supported by a Heritage and Townscape Assessment, focusing on impact on Whist House and setting issues. Also to be welcomed is the CgMs Archaeological Deskbased Assessment. This provides a useful summary of archaeology, including the range of archaeological issues from Palaeolithic potential through to the modern industrial heritage. I generally agree with the recommendations referring to the need for formal and phased programme of archaeological works
9. In my previous comments on the EIA consultation, I suggested there might be a considerable amount of industrial archaeological interest surviving on this site and, at that time, it was not clear whether any of these remains are of national significance. It seems possible that there are no extensive remains of high significance surviving but this has not been demonstrated in detail. I did comment that "If further deskbased assessment does still need to be done, there should be a detailed cartographic analysis and documentary research on the tannery." It is therefore disappointing that this detailed application is not supported by a detailed Archaeological Historic Built Environment assessment focusing on the heritage of the tannery.
10. I recommend that prior to determination of this application, there should be a detailed Historic Built Environment Assessment of the surviving heritage assets, archaeological remains, buildings and landscapes, within this site focusing on the tannery elements. This HBE Assessment should include a HE Level One historic building and landscape survey and assessment, with statements of significance and proposed mitigation. I suggest this is essential prior to a decision on the demolition approach being finalised.
11. I am also disappointed to note that the proposed landscaping still reflects natural environment rather than the historic environment. The Whist House Tannery site is a unique site and there is an opportunity to reflect a special and distinctive historic character in landscaping and design of the environment of the new build. Whist House itself was residential but it has always been directly related to the tannery, as far as we are aware, and as such the conversion could reflect its historical connections.
12. In the EIA consultation I recommended the need to consider heritage interpretation. Integration of the archaeological and historic dimensions of this site into the new development would enhance the distinctive character and quality of the scheme and address the aims of NPPF paragraph 126 on the

historic environment. From the supporting details, there was little on heritage interpretation measures.

13. I recommend there is greater consideration of opportunities to integrate heritage interpretation measures in to the development scheme. Heritage interpretation measures should be informed by the Archaeological DBA by CgMs, by the recommended Historic Built Environment Assessment, and by the results of formal archaeological fieldwork.
14. In summary I welcome the archaeological desk-based assessment by CgMs but recommend the need for further heritage reviews prior to determination of this application. These additional reviews should include:
 - A Historic Built Environment (archaeology, buildings and landscapes) Assessment focusing on the historic elements of the Whist House Tannery and including documentary research, statements of significance and proposed mitigation;
 - Heritage Interpretation Measures and greater consideration of the historic character of the site in the new design.

I suggest the reviews recommended above are essential prior to determination and prior to finalisation on demolition approach.

Buried archaeological issues can probably be addressed through condition but this would be subject to the findings of the Historic Built Environment Assessment.

15. **Public Consultation**
16. Ward Members were consulted and made no comment.
17. Neighbouring occupiers were consulted and made no comment.

Planning Policy

18. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30.

19. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.

20. The relevant policies from the Development Plan relating to this application are as follows:-

Local Development Framework Core Strategy 2008

CS1 – Guiding principles for sustainable development

CS9 – Design Quality

Ashford Town Centre Area Action Plan 2010

TC1 – Guiding principles

TC9 – The Commercial Quarter

TC26 – Green Corridors in the Town Centre

21. In addition to the adopted development plan, the Council's Submission Version Local Plan is now at an advanced stage with comments received from the Inspectors relating to any modifications that would be required in order to make the policies sound. These policies are set out below, with explanation within the main body of the report with regards to their soundness (where appropriate/necessary).

22. Of particular importance is the most up-to-date allocation on this site, which takes into account the Council's current aspirations for the site (as part of the Commercial Quarter).

Ashford Local Plan to 2030 (Submission Version December 2017)

S1 – Commercial Quarter

Policy S1 - Commercial Quarter

The Commercial Quarter is proposed to become an important new office based district playing a key role in creating jobs for the town centre and growing the wider economy of the Borough. The site has the potential to deliver up to 55,000 sq m of new office floorspace.

In addition to offices, other secondary uses such as residential apartments, small scale retail and/ or leisure uses and a hotel would also be appropriate in this Quarter, providing they complement the wider objective to deliver the substantial commercial space envisaged here. The site also has the potential to deliver residential apartments. To the northern part of the site, a multi storey car park is envisaged to come forward.

The Quarter should be delivered in phases and this needs to be guided by a 'Design Framework' which may need revising as the Quarter is developed. The quality of the public realm linking the component parts of the Quarter and more widely to the stations and shopping heart of the town centre needs to be of an especially high quality and each phase will need to be designed and delivered with this in mind. Active uses will be needed to help animate key routes and important focal points at junctions.

Development in this Quarter should generally be an average of 5-6 storeys above ground level although slightly taller buildings may be appropriate towards the heart of the site. The riverside frontage should generally not exceed 4 storeys.

Non-residential development in the Commercial Quarter will be required to provide proportionate contributions towards the delivery of strategic parking provision in the town, such as the delivery of a Town Centre Multi-Storey Car Park and / or a Park and Ride site outside the Town Centre area.

Other Relevant Policies

SP6 – Promoting high quality design

ENV13 – Conservation and enhancement of Heritage Assets

ENV15 – Archaeology

Government Advice

National Planning Policy Framework (NPPF) 2018

23. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. Of particular importance is section 16 which refers to the importance of protecting and enhancing the built environment.

24. The National Planning Policy Framework (NPPF) is supported by the Planning Practice Guidance (PPG). The Historic England Good Practice Advice notes provide information to assist in implementing the policies in the NPPF and the guidance in the PPG.

25. The general approach to considering applications is set out in paras.193 and 194 of the NPPF, and states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and 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.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

26. Paragraph 17 of the Planning Practice Guide states that "Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

Assessment

27. Section 16 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.*

28. This section of the report assesses the proposal in light of all relevant guidance and policy, both adopted and emerging, with a balancing exercise undertaken to provide Members with a recommendation.
29. The main issues for consideration are:
 - Demolition of curtilage listed buildings.
 - The impact of the development upon the character, appearance and setting of the listed building.

Demolition of outbuildings

30. Consent was granted in 2013 for the demolition of the two C19 outbuildings partly on the grounds that the application proposed the renovation of the Listed building as a residential dwelling and partly on the basis that the associated residential development was significantly less dense than that currently proposed. Whilst this previous decision must be taken into account, the current proposal seeks a significant increase of development on the site which will encroach on the setting of the Listed building. This means that we should not consider the demolition of the out buildings to be *a fait accompli*, but one that needs to be reconsidered and re-tested.
31. The two Victorian brick buildings are of historic interest and are curtilage Listed buildings to the main house. As such the Legislation requires that special regard should be given to the *desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*. Although in themselves, not of an age or condition to be worthy of being Listed in their own right, their significance lies in their contribution to the understanding of the industrial use of the site and their contribution to the setting of Whist House.
32. These two outbuildings are all that remain of the centuries of industrial activity on this site. Without them Whist House would become divorced from its past and part of its special interest gained from this connection will be diminished. In the wider context, another part of the industrial heritage of Ashford will be lost. The applicant was asked to reconsider their retention and reuse, but this was not considered favourably. Their loss seems to be avoidable, at least in part. The long brick building along the river frontage could be retained and reused: for the most part it is being removed to provide open space.
33. It is acknowledged that these buildings do represent an important part of Ashford's industrial heritage, and their loss should therefore be carefully considered. That said, the previous permission is a material consideration, as

is the policy objective of seeing the site redeveloped. It is also important to note that Historic England appreciate that the opening up of the site, and the provision of additional landscaping may in fact benefit the setting of the Grade II* Whist House.

34. In determining application such as this, Officers and Members are required to effectively weight up the benefits and dis-benefits of the proposal, and in this instance the view of Officers is that the benefits certainly outweigh the harm when considering the impact of the removal of these two buildings.
35. The loss of the two Victorian outbuildings will obviously result in the loss of historic fabric. Because of the date and condition of these buildings they are not of high significance and so the harm can be considered as less than substantial in terms of the NPPF test. In Heritage terms total demolition of historic buildings is not acceptable, and therefore it must be weighed up against the potential gains. These gains will relate to the benefits of securing the renovation of the Listed house. Could these benefits be secured without demolition of both buildings? The answer is probably yes, but again the harm will need to be weighed against the public benefit considered to be gained from the redevelopment of the site for housing.
36. When weighing up the loss of historic fabric and industrial heritage and the impact on the setting of the listed building against the gain of repairing the Listed building, there seems to be a distinct deficit in heritage terms. The public benefit is a strong factor, but it is regrettable that some of the harm could be avoided, or minimised by altering the scheme.
37. Historic England did not comment on the loss of the two outbuildings.
38. The Association for Industrial Archaeology consider that it is regrettable that the two outbuildings are to be lost with no attempt at reuse and ask for the buildings to be recorded as well as below ground archaeology.

Listed building

39. Unfortunately, Whist House has been unoccupied for some years and recently has suffered from vandalism. Although not completely derelict, the areas of decay and neglect do need attention before significant fabric is lost. However, the lack of investment in the building has also meant that it has retained its historic interior in surprising quality.
40. Following negotiations the amended scheme involves necessary repairs and renovation to the entire building. Very detailed conditions are required to

control how these repairs are carried out. However, as these proposed repairs are not based on an up to date condition survey or damp survey, it is likely that there may be areas of worse decay. Therefore the starting point of the condition will be a new condition survey and damp report.

41. In terms of alterations to the significance of the building, there are no proposed alterations to the layout or form of the building, apart from a new door opening in a C17 wall at first floor level. This new opening is required in order to allow access across the first floor between the C18 and C17 parts of the building. At present there is no direct access at first floor level and instead you must go down one staircase and up another. Although there would be some loss of significant historic fabric, this will clearly be a benefit to the reasonable use of the building.
42. As well as repairing damaged fabric, the application also involves a positive change in the reinstatement of a canted bay window to the rear elevation at first floor level. The existing window is a modern casement, which detracts from the appearance of the building. Historic photographs provide clear evidence of the missing window and its reinstatement will be a positive enhancement.
43. The external landscape works are being considered as part of the corresponding planning application.
44. Although the renovation works and detailed repairs of Whist House will inevitably involve some loss of historic fabric, there will be considerable gains in terms of securing the fragile fabric and preventing further loss and damage. The careful use of conditions can ensure that the works are carried out in the most sensitive and appropriate way, to minimise harm. Although there will be harm to the historic fabric and special character, this harm can be considered as less than substantial in terms of the NPPF test and is acceptable.
45. Historic England are supportive of the scheme for repair and renovation of Whist House. They initially raised concerns about some detailed aspects of the scheme, but these have been addressed and can be controlled by condition. Their concerns regarding the rest of the development of the site will be addressed in the corresponding Planning Application.
46. KCC Archaeology have been included in this application for completeness, but their concerns mainly lie with the potential archaeology on the site and the landscaping scheme. These will be dealt with under the corresponding planning application. They requested a buried archaeology condition.

Human Rights Issues

47. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

48. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

49. This listed building application lies alongside a large application for the regeneration of the Commercial Quarter in the centre of Ashford. Whilst it would result in the loss of two structures of local historical interest, this is considered, on balance to be acceptable in line with both local plan policy (which does refer to their retention) and also the guidance set out within the NPPF (2018).
50. The alterations to Whist House are also considered to be acceptable, bring back into life an important Grade II* listed building within the heart of the town centre. The alterations to the building, are considered to be sympathetic and will not detrimentally impact upon the fabric of the building nor the circulation space within.
51. It is therefore recommended that Members grant listed building consent subject to the imposition of the following conditions.

Recommendation

- (A) That the Planning Committee grant Consent for the Listed Building Consent application subject to the application being referred to the Secretary of State under the Planning (Listed Buildings and**

Conservation Areas) Act 1990 and receiving his confirmation that he does not wish to call the application in for his own determination.

(B) Permit

Subject to the following Conditions and Notes:

1. Prior to any works the following surveys shall be carried out as a result of investigatory works and providing details of the making good;
 - a) an updated new conditions/structural survey
 - b) a damp report These surveys shall be shall be submitted to and agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

2. Prior to the commencement of any works a full specification and schedule of works shall be submitted to and agreed in writing by the Local Planning Authority including method statement setting out the sequence of the works and the works carried out in accordance with the approved details. Should the extent of works alter during the course of the development then the applicant must submit full details of the proposed alterations prior to carrying out the works.

Reasons: To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

3. Prior to commencement of the works/development hereby approved, detailed drawings and a full written schedule of works and specifications for the repair of the chimneys, internal partitions, external brickwork, front porch, panelling, ceilings, floors, wainscot, staircases, external cornice, rainwater goods, doors and windows as (as identified on the approved plans), shall be submitted to and agreed in writing by the Local Planning Authority including method statement setting out the sequence of the works and the works carried out in accordance with the approved details. Should the extent of works alter during

the course of the development then the applicant must submit full details of the proposed alterations prior to carrying out the works.

Reason: To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

4. Before any works are carried out the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.
 - 1:50 scale survey drawings for all existing timber framing to external walls and roofs including studs and rafters showing which are to be retained, replaced, removed or repaired, including methods of repair where applicable.
 - 1:50 scale survey drawings showing all areas of brickwork or other masonry which is proposed to repair, including methods of repair where applicable.
 - 1:20 scale plan sections of new internal partitions, including details of their relationship to historic structure, and junctions with historic fabric.
 - Detailed drawings to scale 1:5 and 1:1 of typical details of all new joinery, to include windows, internal and external doors, blind boxes to front elevation, new elements to staircase, panelling, skirting and wainscot.
 - 1:50 scale plans indicating areas of floor boarding it is proposed to replace.
 - 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roofing felt and insulation where proposed.
 - 1:10 scale drawings illustrating alterations to external wall coverings to show any insulation or membrane to be added.
 - Details of mechanical ventilation or flues to be installed including location, dimensions, colour and material

Reason: To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

5. No sand-blasting or other abrasive method is to be carried out to clean any timbers.

Reason: To ensure the preservation of structure, features and detailing that form part of the architectural historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

6. Following the removal of the external render and prior to any further works, work is to be suspended and the local authority notified and given the opportunity to inspect. Written details of any replacement render, including render mix, details of application and proposed finish colour, or any other material shall be submitted to and agreed in writing by the LPA and the works thereafter carried out in accordance with the approved details.

Reason: To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

7. Before the commencement of works hereby approved, a drawing to show the areas to be repointed and a methodology for removing the existing pointing and specification for a lime based mortar to be used in the repointing works, shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details.

Reason: To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

8. All raking out of mortar is to be carried out with hand tools and not with mechanical or power driven devices.

Reason: To ensure no damage occurs to the historic brickwork of the Listed structure under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

9. All new leadwork shall be completed in conformity with the recommendations set down by the Lead Sheet Association in their most recent publication.

Reason: To safeguard the historic fabric and the architectural character and appearance of the building

10. Details, source/manufacturer and samples of replacement Peg Tiles/Hanging Tiles necessary to make up the shortfall, in addition to those reclaimed following the careful stripping of the roof and relevant elevations, shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved additions. Such tiles shall be sound second hand or new, matching the existing in type, colour, size, thickness and texture.

Reason: In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the special architectural and historic character

detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

11. Before relevant works commence, written details confirming external render mix, detailed method of application, and proposed finished colour are to be submitted to and approved by the local planning authority and the development thereafter is to be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

12. Any hidden historic features revealed during the course of investigative or further works to the walls, floors, ceilings and fireplaces shall be retained in situ, work to be suspended in the relevant areas of the building and the local planning authority notified immediately and given the opportunity to inspect. Prior to the commencement of any further works details including a schedule of works, drawings and annotated photographs as appropriate shall be submitted to and agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with these approved details.

Reason: To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

13. Written details including source/ manufacturer, and samples of bricks and tiles to be used externally (to include new boundary wall) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

14. The two historic outbuildings identified for demolition shall not be removed until a drawn and photographic record has been submitted to and approved in writing by the local planning authority.

Reason: To ensure features of historic and architectural interest are properly examined and recorded, and in accordance with Policy

15. The implementation of a programme of building recording shall be carried out in accordance with a written specification and timetable to be agreed in writing with the LPA. The developer shall subsequently give the local planning authority 28 days advance notice of the start of any works and, for a period of 14 days before any work begins, reasonable access to the building shall be

given to a person/body nominated by the Local Planning Authority for the purpose of recording the building and its interior by making measured drawings or taking photographs.

Reason: To ensure features of historic and architectural interest are properly examined and recorded.

16. The works of demolition shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been awarded and planning permission has been granted for the redevelopment for which the contract provides and details of the timing of demolition and commencement of rebuilding have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the demolition is carried out as a continuous operation with the redevelopment of the site.

17. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been previously submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that historic building features are properly examined and recorded.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/01256/AS)

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