



## JOINT AREA COMMITTEES IN SOUTH SOMERSET

### Officer Report On Planning Application: 08/04762/LBC

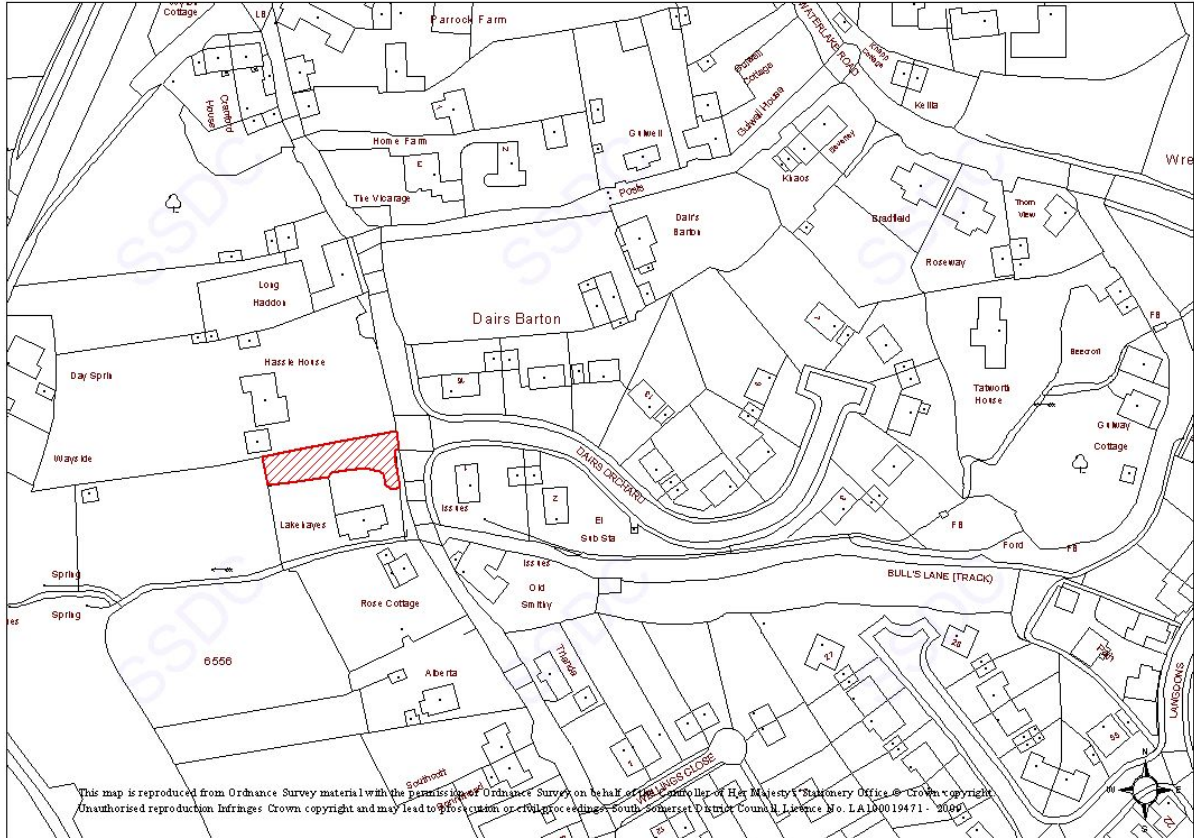


<b>Proposal:</b>	Conversion of outbuilding to 2 no. holiday cottages (Revised Application) (GR 332694 / 105596)
<b>Site Address:</b>	Lakehayes School Lane South Chard
<b>Parish:</b>	Tatworth And Forton
<b>Ward : (SSDC Member)</b>	TATWORTH AND FORTON: Mr A Turpin (Cllr)
<b>Division (SCC Member)</b>	CHARD SOUTH: Mrs J Shortland (Cllr)
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	16th February 2009
<b>Applicant :</b>	Mr Simon Tothill
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Other LBC Alteration

#### REASON(S) FOR REFERRAL TO COMMITTEE

The application is to be considered by Joint Area Committee - West, having been deferred at the last meeting of 20th May 2009. It is before Committee at the request of Cllrs. Andrew Turpin and Jill Shortland, with the agreement of the Area Chair, Cllr. Kim Turner. It is felt that the issues should be given further consideration by members.

#### SITE DESCRIPTION AND PROPOSAL



The application relates to a barn sited within the residential curtilage of Lakehayes, a grade II listed detached farmhouse. The site is located to the west side of School Lane, which is a classified 'C' road. The site is within Tatworth and South Chard defined development area and the conservation area. The barn itself sited perpendicular to the road with the east side gable forming the boundary with School Lane. The barn is a former agricultural building currently used for domestic storage purposes.

The barn is not listed in its own right but as it falls within the curtilage of Lakehayes, it is considered to be listed in association with this property.

The proposal is made to carry out internal and external alterations to form two units of accommodation for holiday-let and to provide a new vehicular access. The application is a resubmission of a scheme previously refused due to the impact of the rebuilding of the front boundary wall.

## **HISTORY**

08/02495/FUL: Conversion of outbuilding to 2 no. holiday cottages - Refused.

08/02496/LBC: Conversion of outbuilding to 2 no. holiday cottages - Refused.

07/01753/FUL: Conversion of outbuilding to 2 no. holiday cottages and alterations to access - Application withdrawn.

07/01748/LBC: Conversion of outbuilding to 2 no. holiday cottages - Application withdrawn.

## **POLICY**

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on 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'

PPG 15: Planning and the Historic Environment is applicable. Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application, as these policies are in accordance with PPG 15

### Relevant Development Plan Documents

Regional Spatial Strategy:

EN 3 - The Historic Environment

Somerset and Exmoor National Park Joint Structure Plan:

Policy 9 - Built Historic Environment

South Somerset Local Plan 2006:

EH1 - Conservation Areas

EH3 - Listed Buildings

EH5 - Development Proposals Affecting the Setting of Listed Buildings

SSDC Supplementary Planning Guidance: The Conversion of Barns and Other Historic Buildings

Planning Policy Guidance Note 15: Planning and the Historic Environment

## CONSULTATIONS

*Town/Parish Council:*

The Council does not support this application on the following grounds:

1. The conversion of the barn into holiday lets and the removal of a part of an ancient stone- wall to create a new access would have an adverse effect on the setting of a Listed Building and on the Conservation Area. It is considered that this proposal will harm the character of the Listed Building of Lakehayes which is one of the oldest properties in the village.
2. The proposed new access is considered dangerous, as the necessary visibility splay onto School Lane cannot be met. Manual for streets 2007 specifies Stopping Sight Distances and visibility requirements of 25 metres in a 20mph zone and 43 metres for a 30mph zone.
3. School Lane is a Safe Route to School.
4. It is considered that the extra movement of vehicles in and out of the site is dangerous as the proposed access is substandard onto a narrow part of School Lane.
5. There is not the capacity on site to park 10 cars
6. There is a misrepresentation in the plans as the barn is not derelict
7. There is an existing flooding problem on this site so a large area of hard standing will seriously exacerbate this problem
8. The disposal of waste material should be via the main sewer and not a cess pit
9. The holiday lets will generate more noise and disturbance to neighbouring properties which is not acceptable in a Conservation Area
10. It is known that bats have habited the barn in previous years. This development would result in harm to a protected species.

*SSDC Technical Services:*

No comments.

*SSDC Conservation Officer:*

You have asked me to expand on my no objections comments given to you in relation to the above applications.

Lakehayes is a listed building within Tatworth Conservation area. You will note that the roadside wall defines the extent of the conservation area, the road not being in the conservation area.

The starting point for the exercise of listed building control is the statutory requirement on 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' (section 16)

Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those that relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

This is supported by the statutory requirement for applications for LBC to include a design and access statement. This statement requires information on the principles and concepts applied to the works in relation to the design and the listed building and its setting.

The proposal is to convert the outbuildings to this house and form a new access. The barns and boundary wall are listed in association with the house, but not in their own right. The issue therefore relates to the setting of the building and whether the proposal preserves or enhances the character of the conservation area in line with statute and the policies rehearsed in your report.

The proposal breaks into three parts: The conversion, the associated parking and the alterations to the access.

With regard to the conversion I would agree with the comments made in your report with regard to the barn conversion and the historic context, although I might not go as far as saying the conversion would enhance the street scene, it would definitely preserve in that it would have no detrimental effect on the conservation area. As ever the success or otherwise will depend on the detail of the work carried out and this is subject to conditions.

The car parking area is to the rear of the barns. When I last visited the site a temporary building had been erected in this area to serve as a store whilst the building works were carried out. On this basis no consent was required. I understand that the area is within the curtilage of the building, but for me is outside the formal garden, this being defined by the garden wall to the north of the house. For me parking in this area, outside the formal garden adjacent to outbuildings would not be detrimental to the setting of the listed building or the conservation area.

The existing access has poor visibility. I did object to the last proposal to resite the access due to the requirement to reduce the height of the wall along the frontage. This proposal is for an access within the wall and closing an existing whilst maintaining the height of the wall. The house is sideways onto the road and addresses the formal garden to the front of the house. The garden area between the house and the road is less formal, and for me the completion of a garden wall to the front of the house enclosing the front garden, is acceptable in terms of the building. The justification for the movement of the access relates to the poor existing access. In this case there is a viable alternative, forming a simple opening in the boundary wall, which in my view is an acceptable solution that does not damage either the setting of the building or the conservation area. Perhaps it would help if we look at this in isolation and say that if someone has a substandard access and we can accommodate change where it would not be detrimental to the setting of the building, the conservation area and the street scene in general then I would not object to the change on the basis that it is change. In this case, it is a plain wall, which would be partly demolished, and I have no objection to this, again subject to detail.

As such I would ask you to ensure, that we adequately condition treatment to both sides of the new access, coping to the top of the new walls, details of any new gate, completion of all the works within 12 months of commencement, full details of the grading of the access and soil around it and no kerbs should show around the new access road.

## **REPRESENTATIONS**

The application has been advertised by press and site notice for the requisite period. Three letters of objection have been raised from neighbours, raising the following points:

- The proposal will adversely affect the setting of the listed building, particularly the large areas of hard standing).
- The parking and turning area are disproportionately large and a radical change of conservation area land. Also to change the access and creation of a large area of hard standing would require major alterations to a listed buildings wall and affect the setting of the listed building and have drainage implications for a property with a history of flooding.
- Noise and disturbance from holidaymakers would represent a major loss of residential amenity to immediate neighbours. Evidence from similar developments shows that holidaymakers sit and chat to late hours and generate vehicular noise at various times.
- The door in the north elevation of the building opens directly onto the garden of Hassle House. This door was never intended for egress into the building and could be abused by holidaymakers.
- The conversion of the building would result in harm to wildlife, including bats.
- There are insufficient details of how waste material will be disposed of i.e. vague description of 'large cess pit'.
- Off-street parking provision is set to a maximum of 2 vehicles per dwelling but 10 vehicles are proposed here. It is also disputed whether the current capacity is really 10.
- Approval would ignore Local Plan policy ME4, which states that the proposal should be needed and appropriate in the location and that there should be no substantial additional traffic generated to the site.
- The proposal would lead to serious problems in regard to access and road safety. The proposed access will not meet the requirements set out in 'Manual for Streets'. The current access is not ideal but has stood the test of time. Alteration could lead to future accidents. School Lane is a 'safe route' for schools and additional vehicular movements from visitors unfamiliar with the local conditions would compromise this.
- The change of use of the building to a business use will alter the dynamics of this residential part of the conservation area.
- The plans to breach the wall to the front of the property would lead to the destruction of trees and shrubs.
- There are many misrepresented issues in the planning application.

## **CONSIDERATIONS**

The barn is not listed in its own right but as it falls within the curtilage of Lakehayes, it is considered to be listed in association with this property. As such, listed building consent is only required for proposed external alterations. The main consideration is the impact it will have on the setting and appearance of the listed building.

Plan policy EH5 states that planning permission will not be permitted for development that would have an adverse affect on the setting of a listed building or its contribution to the local scene.

In assessing this application, consideration should also be given to guidance contained in SSSC supplementary planning guidance, 'The Conversion of Barns and Other Historic Buildings' and English Heritage's advice note 'The Conversion of Traditional Farm Buildings'.

The building is in a dilapidated and poorly maintained state however, it is generally structurally sound. There is the need to re-roof the barn, carry out some new build to the west end front and side elevations and carry out some local rebuilding on the south elevation to repair lintels and window frames, which are decayed and damaged. However, there is no extension to the footprint of the existing building and there will be little change to the appearance of the structure.

The proposed works will help to preserve a traditional building that adds to the character of the street scene and prevent further decay and deterioration. It is considered that the proposal will have no adverse impact on the setting of the main listed building and will enhance the character and appearance of the conservation area.

The proposal also includes the movement of the existing access and a new boundary wall being built to close the existing access. The previous applications (08/02495/FUL and 08/02496/LBC) were refused due to the impact of the replacement wall on the character of the locality due to its reduced height. This resubmission includes a replacement wall at the same height as the existing front boundary. As such, it is considered that there will be no detrimental impact on the local setting or that of the listed building, subject to conditions being imposed to ensure the quality of the replacement wall. The Council's Conservation Officer has been consulted and has raised no objections to the scheme. It is considered that the proposal is an acceptable solution to improve a substandard access while not damaging the setting of the listed building or the conservation area.

It is considered that the alterations have no adverse impact on the character or setting of the barn or on the setting of the listed building.

## **RECOMMENDATION**

Grant consent with conditions

The proposed works are considered acceptable, and do not adversely affect the character and setting of the listed building, in accordance with the aims and objectives of PPG15, policy EN 3 of the Regional Spatial Strategy, policy 9 of the Somerset and Exmoor National Joint Structure Plan Review and policies EH3 and EH5 of the South Somerset Local Plan 2006.

### **SUBJECT TO THE FOLLOWING:**

1. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

**Reason:** As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby granted consent shall be completed in all respects within 12 months of the commencement of the works hereby approved, unless otherwise agreed in writing. Written notice of the date of the commencement of the approved works shall be given to the Local Planning Authority.

**Reason:** To ensure that the works hereby approved are completed and/or not left in a partially completed state for a protracted period detracting from the character and appearance of the listed building.

3. No work shall be carried out on site unless particulars of the materials (including the provision of samples) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc).

**Reason:** To safeguard the character and appearance of the listed building, in accordance with PPG15 and policies EH3 and EH5 of the South Somerset Local Plan 2006.

4. No work shall be carried out on site unless full details the new natural stonework walls (for the building and the roadside boundary wall), including the materials (including coping details and treatment to both sides of the new boundary wall), coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

**Reason:** To safeguard the character and appearance of the listed building, in accordance with PPG15 and policies EH3 and EH5 of the South Somerset Local Plan 2006.

5. No works shall be undertaken on site unless the following details have been submitted and a sample panel provided on site for inspection and written approval of the Local Planning Authority:

- a) Full details, including elevational drawings, to indicate the areas to be repointed.
- b) Details of the method of removal of existing pointing. In this regard mechanical tools shall not be used.
- c) Details of the mortar mix, and
- d) A sample panel of new pointing that shall be carried out in the agreed mortar.

**Reason:** To safeguard the character and appearance of the listed building, in accordance with PPG15 and policies EH3 and EH5 of the South Somerset Local Plan 2006.

6. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** To safeguard the character and appearance of the listed building, in accordance with PPG15 and policies EH3 and EH5 of the South Somerset Local Plan 2006.

7. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

**Reason:** To safeguard the character and appearance of the listed building, in accordance with PPG15 and policies EH3 and EH5 of the South Somerset Local Plan 2006.

8. No work shall be carried out on site unless design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** To safeguard the character and appearance of the listed building, in accordance with PPG15 and policies EH3 and EH5 of the South Somerset Local Plan 2006.

9. The area(s) of rebuilding shall be restricted to that referred to in the structural report dated 22nd December 2008 and shall not be enlarged without the prior express grant of Listed Building Consent. In the event that completion strictly in accordance with such approved plans shall become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when consent has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.

**Reason:** To safeguard the character and appearance of the listed building, in accordance with PPG15 and policies EH3 and EH5 of the South Somerset Local Plan 2006.

10. No work shall be carried out on site unless details of the roof lights have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** To safeguard the character and appearance of the listed building, in accordance with PPG15 and policies EH3 and EH5 of the South Somerset Local Plan 2006.

11. No work shall be carried out on site unless details of all new services to all bathrooms, kitchens etc, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** To safeguard the character and appearance of the listed building, in accordance with PPG15 and policies EH3 and EH5 of the South Somerset Local Plan 2006.

12. Prior to the erection of any entrance gates, details including materials, design and finish shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** To safeguard the character and appearance of the listed building, in accordance with PPG15 and policies EH3 and EH5 of the South Somerset Local Plan 2006.