

Application Number	2023/2189/LBC
Case Officer	Anna Blackburn
Site	Oriel Cottage 51 Church Lane Doultling Shepton Mallet Somerset
Date Validated	22 November 2023
Applicant/ Organisation	Mr & Mrs S & L Howell
Application Type	Listed Building Consent
Proposal	Conversion of Barn to Ancillary Accommodation.
Division	Mendip Central And East Division
Parish	Doultling Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

What.3.Words: commented.sweat.clinking

Referral to Ward Member/Chair and Vice Chair/Planning Board

In accordance with the scheme of delegation, this application is referred to the Chair and Vice-

Chair of the Planning Committee as the case officer recommendation is to approve with Conditions which differs from that of the Divisional Member. The Vice-Chair has referred it to the Planning Committee.

Description of Site, Proposal and Constraints:

Oriel Cottage is located at 51 Church Lane, Doultling. It forms part of a row of seven former estate cottages dating from 1881 and is built of local Doultling stone with a slate roof. It is situated on the northern side of Church Road where it joins the A361.

The listed building consent application seeks permission for works to enable the conversion of the barn to ancillary accommodation. Following the advice of the Conservation Officer the scheme has been amended to remove the previously proposed alterations to the existing kitchen roof.

Oriel Cottage is a Grade II listed building lying within the development limits of Doultling and within the village's Conservation Area. It also falls within the Somerset Levels & Moors SPA Ramsar Catchment Area and within an Area of High Archaeological Potential.

Relevant History:

2023/2188/HSE – This Householder Application runs concurrent to this application.

Summary of Divisional Councillor comments, Town/Parish Council comments, representations and consultee comments:

Divisional Member:

Wishes to refer application as it is linked to application 2023/2188/HSE.

Parish Council: No comment.

Conservation Officer:

No objection in principle. Concerns outlined:

- Existing floor plan and elevation drawings incorrect, they do not show the windows
- Proposed flat roof on the new extension will not be supported
- Proposed design of replacement windows not in keeping with the main building and the proposed bifold door in the end of the extension should be omitted.
- Objection to the principle of the extension of the roof of the existing outbuilding to meet the existing extension.
- Removal of the front elevation of the outbuilding, enlargement and replacement with timber cladding will not be supported

The Conservation Officer was re-consulted on the revised plans submitted and they have no holding objections but recommend a number of conditions be attached to the decision.

Local Representations:

1 letter has been received objecting to the proposed development raising the following summarised points:

- Entrance close to the main road – concern over access in and out of Church Lane.

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations strongly indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) (Post JR version)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- *Frome Neighbourhood Plan (2016)*
- *Rode Neighbourhood Plan (2017)*
- *Wells neighbourhood Plan (2024)*

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1: Mendip Spatial Strategy
- DP1: Local Identity & Distinctiveness
- DP3: Heritage Conservation

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- The Countywide Parking Strategy (2013)

Assessment of relevant issues:

Listed Buildings

The revised plans which are concerned solely with the conversion of the outbuilding to ancillary accommodation and will utilise the existing openings for the proposed windows and doors are considered by the Conservation Officer to be satisfactory and would not have an unacceptable impact on the integrity or setting of the Grade II Listed Oriel Cottage.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority 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. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and

planning Policy and guidance. The proposals would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated Heritage asset. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

Impact on the Setting of a Listed Building

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development within the setting of a listed building, 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. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning Policy and guidance. The proposals would preserve the setting of the listed building, thereby resulting in no harm to the significance of the designated heritage asset. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Recommendation

Approval

Conditions

1. Standard Time Limit - Listed Building Consent (Compliance)

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. **Plans List (Compliance)**

This decision relates to the following drawings: 247 001; 247 002 A; 247 003 A

Reason: To define the terms and extent of the permission.

3. **Joinery Details - Submission of Details (Bespoke Trigger)**

No piece of external joinery shall be installed or undertaken unless full details of that piece have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the surrounding area in accordance with Development Policies 1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Ducts, Pipes, Rainwater Goods - Submission of Details (Bespoke Trigger)**

No ducts, pipes, rainwater goods, vents or other external attachments shall be fitted or installed unless in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. All such attachments shall thereafter be retained in that form.

Reason: In the interests of the character and appearance of the development and the surrounding area in accordance with Development Policies 1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Schedule - Submission of Details - Internal treatments and finishes (Bespoke Trigger)**

No work shall be undertaken to the existing walls, floors and ceilings, unless a schedule has been first submitted to and approved in writing by the Local Planning Authority. The schedule should describe the proposed treatments and finishes for walls, floors and ceilings, set out room-by-room.

The works shall thereafter be carried out in accordance with the approved details.

Reason: to safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

6. **Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the

construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Development Policies 1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014)

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
2. **Condition Categories**
Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in

writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

3. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.