

ENTERPRISE INNS LTD

**CHANGE OF USE AND CONVERSION OF BARN TO FORM RESIDENTIAL DWELLING AT LETHBRIDGE ARMS HOTEL, GORE SQUARE, BISHOPS LYDEARD (RESUBMISSION OF APPLICATION 06/11/0013)**

Grid Reference: 316744.129128

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity, the character and appearance of the conservation area, settings of listed buildings, highway safety or wildlife interest and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN3 (Local Wildlife and Geological Interests), EN14 (Conservation Areas); Somerset and Exmoor National Park Joint Structure Plan Review Policies 9 (The Built Historic Environment), 49 (Transport Requirements of New Development), and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 2458-126 plans as existing  
(A1) DrNo 2458-128 plans as proposed  
(A1) DrNo 2458-127 elevations as proposed  
(A1) DrNo 2458-130 new garage as proposed  
(A1) DrNo 2458-125 elevations as existing  
(A4) DrNo 2458-129 Rev A Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted shall not be commenced until details of a

strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife Consultants' submitted report, dated February 2011 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in accordance with Policy EN3 of the Taunton Deane Local Plan and guidance contained in Planning Policy Statement 9.

4. Prior to their installation samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

5. Prior to their installation, full details of all new windows and doors, including the rooflights shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the finished materials, sections, mouldings, working arrangements, cills and depth of reveal. Such approved details shall be implemented before the dwelling hereby permitted is occupied and shall, thereafter, be retained as such.

Reason: In the interests of the character and appearance of the building and conservation area in accordance with Policy S2 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Visibility splays shall be provided at the new access as indicated on drawing HBHT11006/SK01 rev A produced by Hydrock Byways & Highways, insofar as it relates to the access titled Plots 1 & 2, such that there is no obstruction to visibility in excess of 900mm in advance of the lines indicated on the drawing.

Such splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

Reason: To ensure that adequate visibility splays are available for the traffic likely to be attracted to the site, in the interests of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

7. The boundary wall shall be altered to accommodate the requirements of condition (6) and shall be extended along the eastern side of the proposed access as shown on drawing 2458-128 and in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The works required by this condition shall be carried out prior to the occupation of the dwelling hereby permitted and thereafter maintained as such.

Reason: In the interests of the visual amenities of the area and to preserve the character and appearance of the conservation area in accordance with Policy S2 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, alteration or addition to the dwelling hereby permitted and no buildings shall be erected within the curtilage other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: In the interests of the visual amenities of the area and to preserve the character and appearance of the conservation area in accordance with Policy S2 of the Taunton Deane Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Notes for compliance

## **SITE DESCRIPTION AND HISTORY**

The site comprises a barn, probably a former stables, and part open land to the west, adjacent to the Lethbridge Arms public house. The barn faces the side elevation of the main public house across a shared yard area and access to the pub car park. It is attached to a grade II listed 'fives' wall off the barn's northeast corner, although the barn itself is not considered to be listed.

The barn currently has openings to the west elevation and south elevations. It is constructed from stone under a slate roof. The land to the west is currently under the control of the pub, and whilst it does not appear to have any current use, it is

alleged by local residents that it has been used for functions in the past. That aside, the site is currently fenced off from the pub, and has a rather unkempt appearance. It borders Station Road on its southern side, behind a stone wall and hedge bank.

## **PROPOSAL**

This application seeks full planning permission for the conversion of the existing barn to a residential dwelling. The existing openings in the east elevation would be used to provide and 3 rooflights would be added to this elevation. New openings would be formed in the west elevation overlooking what would be become the private garden area for the dwelling. The southern opening would be retained and timber hardwood bars placed in front of the window.

A new vehicular access would be formed from Station Road to the west of the barn. This would be shared with plot 1 of application 06/11/0029, if both schemes were permitted. The existing stone wall would be extended around the proposed garden, with vehicular access into the curtilage to the north of this wall. A new detached garage would be constructed to the north of the access. Again, this would be adjacent to a new garage on plot 1 of application 06/11/0029, if permitted. The garage would be rendered under a natural slate roof.

Planning permission was sought earlier this year for the conversion of the barn to a dwelling and the development of 4 dwellings on land to the west. These applications (06/11/0013 and 06/11/0015 respectively) were withdrawn.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL* - The Council objects to the proposal on the following grounds:

- The barn is a potential asset to the business and development for it be used an ancillary accommodation to the pub would be more appropriate.
- The proposal is within the curtilage of the listed fives wall.
- The proposal would cause a loss of parking for the pub, which could have a detrimental impact on its economic viability.
- Slow worms can be seen basking in the hedgerow on Station Road on summer evenings.
- Destruction of this to construct an entrance would cause a loss of habitat. Additionally, the Council is concerned that the Protected Species Survey of the barn and adjacent wall is severely limited, as there was no access to the upper floor of the building nor to the north of the lower floor.
- No archaeological survey has been done, despite the fact that the Lethbridge Arms is a major historic landmark in the village and has been operating on the site for hundreds of years.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Comments currently awaited. In respect of the previous scheme, raised the following points regarding the Station Road access:

The development would gain access from Station Road, which from observation, appears to be a well used local route onto the nearby A358 County Route.

It should be ensured as part of new development proposals that sufficient onsite parking and turning is provided within the site for each dwelling, but not to the detriment of any existing use. This would be 2 spaces for a three-bedroom unit.

I have outlined the detailed issues in respect of this development:

- A segregated turning area to ensure that all vehicles can enter and exit the highway in a forward gear (perpendicular to the highway) when all of the parking spaces are occupied.
- There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back from the carriageway edge on the centreline of each access and extending to points on the nearside carriageway edge 43m either side of the access.
- The new accesses shall incorporate splays on both its sides to the rear of the existing footway/highway based on co-ordinates of 2.0m x 2.0m, (pedestrian visibility).
- The new access/drive shall be properly consolidated and surfaced (not loose stone or gravel).
- Drop kerbs should be installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of each access where applicable.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. A soak away design sheet has been provided for further information.
- The gradient of any access shall not be steeper than 1 in 10.

Taking the above points into consideration the Highway Authority considers that based on the submitted information, the essential visibility splays cannot be provided within the site, therefore the proposal is considered to be detrimental to highway safety for all road users and it is therefore recommended for refusal.

*HERITAGE LEAD* – This building is a former stable and clearly of vernacular interest and worthy of retention as part of the street scene, the Conservation Area and its former association with the Inn.

No objection to principle. Anticipated replacement roof structure/ potential underpinning and other suggested structural work, of concern. Suggest a condition requiring a detailed schedule of structural work to be agreed by LPA.

A watching brief or similarly worded condition, might be prudent, given that underpinning/ exploration for foundations , is anticipated.

Suggest specific details of rooflights conditioned, in order that we secure a low profile.

*NATURE CONSERVATION & RESERVES OFFICERS* – The surveyor found no signs of bat roosting activity, but noted that the building contained a number of potential access points which could be utilised by bats. A number of butterfly wings were identified which may potentially be associated with bat foraging activity. I support the recommendation that further bat surveys are undertaken in the summer months to confirm the presence/absence of bats. If bats are found, and EPS licence may be required which in turn will specify mitigation measures. I would

prefer the emergence survey to take place prior to determination of planning permission as mitigation could potentially involve the formation of a bat loft in the new dwelling. If this is not possible, I would recommend that it is controlled by condition.

There were no bird nests, but there were several access points to the building. I agree that any works should take place outside of the bird nesting season.

## **Representations**

9 objections have been received raising the following points:

- The barn is attached to a listed structure.
- The fives wall is a village attraction, the only one of five left in Somerset and the only purpose built one in the Taunton Deane area. It would be beneficial if the fives wall's setting were improved. Changing the barn to a residential property would be detrimental to the setting of the listed structure.
- A residential property with access and frontage onto a large pub car park would be seemingly unattractive and unsalable.
- The bedrooms would be tiny and are, therefore an overdevelopment of the site.
- No consideration has been given to a change of use to a letting room, holiday let, tourist attraction, museum/gallery, tea rooms, or community facility which would be beneficial to the current business. There is a potential loss of commercial value.
- The Inn is a vital service to the village, and given its location near to the West Somerset Railway, Taunton and the Quantock Hills should have every chance of success as it has in the past.
- The application contravenes Policy EC9 as it would result in a loss of employment land and disadvantages the employment potential of the site.
- No new access is required as the applicant owns the existing access.
- The access does not incorporate the statutory visibility splays of 2.4m x 43m. The barn and wall completely obscure visibility to the East from the proposed access.
- The transport statement suggests that speeds on Station Road are 'slow' when in fact they are shown to be between 20 and 30mph. The access statement seems to seek justification for placing visibility splays in the middle of the road. This is incredible considering the impact that this would have on vehicle and pedestrian safety.
- The drawings for the barn conversion are very crude with almost no detail visible. Given the sensitive location, the integrity of the design and materials is paramount.
- If the development takes place then restoration of the fives wall's playing pitch and improvements to pavement provision at Gore Square would be a benefit.
- The proposed development should respect the setting of the conservation area, ensure that appropriate alternative uses are found for the buildings which are to be retained and a landscaping scheme should be incorporated within the scheme design, as for the requirements for residential development at Gore Farm, allocated in the Taunton Deane Local Plan.

## **PLANNING POLICIES**

S4 - TDBCLP - Rural Centres,  
EN15 - TDBCLP - Demolition Affecting Conservation Areas,  
EN14 - TDBCLP - Conservation Areas,  
EN12 - TDBCLP - Landscape Character Areas,  
EN23 - TDBCLP - Areas of High Archaeological Potential,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit for Bishops Lydeard and the development is, therefore, considered to be acceptable in principle. Comments made in the representations argue that there would be a loss of commercial value and employment land and that it, therefore contravenes Policy EC9 of the Taunton Deane Local Plan. However, in this location within the settlement limit, where new build residential development is acceptable in principle, this policy is not considered to carry significant weight, as the existing building appears to be little more than an infrequently used storage building. The main issues in the consideration of this application are the impact on the character and appearance of the area – including the conservation area and listed buildings, the impact on highway safety, and the impact on neighbouring property.

### Character and appearance of the area

The site is in a key location on the entrance to the historic part of Bishops Lydeard. Indeed, the conservation area boundary runs along the western face of the barn. The visual impression at this point is a pinch point, where the wider street created by the large set back of dwellings to the east funnels into a narrower part of the village and more intimate street pattern. The barn and, to a lesser extent, the stone wall to the west are key to this narrowing field of vision on approach to the village.

The pub occupies a large site positioned in a key location on Gore Square, one of the village's historic public areas. The barn itself is not on the square, rather it is set back, almost behind the pub. Within the grounds of the pub and attached to the barn, is the grade II listed fives wall, historically used for playing the sport Somerset Fives. The application proposes to keep the proportions of the windows and doors facing the pub the same as the existing openings and to introduce three rooflights into this elevation. This is considered to be a light touch approach and, subject to confirmation of details regarding fenestration and joinery, would preserve the character and appearance of the conservation area and the setting of the listed fives wall.

On the opposite side of the building, the proposed change is more significant. The many new openings would certainly alter the rural character of the barn, but much of this would be obscured by the stone wall along the southern boundary. Windows would be visible at first floor level, but, this is a residential area and subject to detailing, these are not considered to be detrimental to the character and appearance of the conservation area. The treatment of the existing south elevation opening is unusual, and further details are required in terms of the ultimate finished appearance. It is presumed that the purpose of this detail is to maintain the functional, presumably hay loft, appearance of the opening as far as possible. Subject to the detailing, this is not considered to be unduly problematic. It certainly

will add a more functional appearance to this elevation, representative of its former use.

The proposals to create a new access to the west will open up this boundary and afford greater views into the site. However, the stone wall would be continued around the curtilage, so the sense of enclosure would remain. There are other access points to the west of the site along Station Road and, therefore, the creation of an access in this location is considered to be acceptable in terms of its impact on the street scene.

With regard to the above, the proposals are considered to be acceptable in design terms and the wider impact upon the character and appearance of the conservation area and setting of listed buildings.

#### Highway safety

The application proposes a new point of access to the west of the barn. The Highway Authority have raised concern about this access point because the visibility that can be provided falls short of their recommendations. Based on the fact that the speed limit past the site is 30 miles per hour, the Highway Authority are recommending visibility splays of 2.4x43m. The applicant, on the other hand, has submitted traffic speed surveys that suggest that traffic speeds along Station Road are in the region of 23 miles per hour, so visibility splays of 2.4x30m would be acceptable, in accordance with Manual for Streets guidance.

The details submitted with the application indicate that such splays can be provided to a distance 1m out from the carriageway edge in a westerly direction and to the centreline of the road in an easterly direction. Manual for Streets does recommend the provision of splays to the nearside edge of the carriageway, to account for the potential for overtaking vehicles to be on the wrong side of the carriageway. The visibility to the nearside edge is clearly not available in an easterly direction, due to the location of the barn right on the carriageway edge. However, the applicant's traffic consultant argues that measuring visibility to the centre line is acceptable in this instance, as the bend in the road would make overtaking unlikely. In the event that there are parked cars to overtake, it is argued that overtaking vehicles would be further reduced in speed, due to the poor forward visibility and, therefore, lesser splays are required.

In this case, there does appear to be merit in the applicant's case. It also appears that the Highway Authority have not taken much account of the applicant's justification in reaching their recommendation – their response makes no comment on the applicant's submissions, rather it reiterates their pre-application advice in respect of their requirements and then states that as they have not been met, refusal is recommended.

Your officers, on this occasion, feel that the applicant has put forward a well reasoned case as to why lesser visibility splays are required and are minded to agree with that position in this case. It is, therefore, considered that the proposal would not be so detrimental to highway safety as to warrant refusal of planning permission.

#### Neighbouring property



The barn is situated some distance from neighbouring residential property. The building is in excess of 30m from upstairs windows of the Lethbridge Arms and Wayside House on the opposite side of Station Road. It is also around 28m from the garden boundary of 1 Station Road. It is not considered that the amenity of any other properties would be adversely affected by the proposal and, therefore the proposal is considered to be acceptable in this regard.

#### Other matters

Some concern has been raised in the representations that the loss of ancillary buildings to the public house would be detrimental to its long term viability. However, it would not appear that the buildings have ever been used in recent times for ancillary purposes – certainly, internally they appear to have been nothing but storage sheds and, therefore, it seems difficult to attribute significant weight to this matter.

A wildlife survey submitted with the application identifies that wildlife has used the barn, including bats for potential foraging activity. It is not, however, considered that there are any roosts present and, therefore, there would not be any deliberate disturbance of the habitats of protected species. A condition should be imposed requiring mitigation for the loss of potential habitat.

#### Conclusions

With regard to the above, the proposal is considered to be acceptable in principle and in terms of its design and impact upon the visual amenities of the area, character and appearance of the conservation area and setting of nearby listed buildings. Taking account of the applicant's detailed submissions in terms of highway safety, it is considered that any harm that may arise from slightly shortened visibility splays would not be sufficient to warrant the refusal of planning permission. The proposal would not result in harm to the amenities of nearby property and, therefore, it is recommended that planning permission is granted.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**