

## **PLANNING COMMITTEE – 13 OCTOBER, 2004**

### **Report of the Development Control Manager**

#### **MISCELLANEOUS ITEM**

#### **Planning (Listed Buildings and Conservation Areas) Act 1990** **Church of St Luke, Cotford St Luke, Bishops Lydeard Civil Parish (CP)**

##### **1.0 Purpose of Report**

- 1.1 To seek Committee approval for officers to issue an Urgent Works Notice in respect of the Church of St Luke, Cotford St Luke, Bishops Lydeard CP.

##### **2.0 Background**

- 2.1 Following a request for a Certificate of Immunity from Listing (on the former Tone Vale Hospital site and its environs) in 1994, the Church of St Luke and Burge Farmhouse, were added to the Statutory List of Buildings of Special Architectural or Historic Interest on 20 February, 1995, Grade II.

- 2.2 Since listing the future use of the Church has been the subject of discussion, which has resulted in the following applications being positively determined:-

- (a) 06/2001/059 and 06/2001/006LB Conversion of Chapel to two dwellings.
- (b) 06/2002/035 and 06/2002/036LB Conversion of Chapel to public house, function room, shop and two flats.

- 2.3 Despite the above schemes being approved, no attempt has been made to implement them. As such, the condition of the building has and is, giving rise for concern, due to water penetration, as a result of invasive plant growth and blocked gutters.

- 2.4 The owner and his solicitor have been informally approached with a view to securing the works necessary to arrest deterioration of the building but without success.

##### **3.0 Legislation**

- 3.1 Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, enables Local Planning Authorities to execute works which appear to them to be urgently necessary for the preservation of a listed building in their area.

- 3.2 Before a Local Planning Authority can execute the works, it must serve a notice (Urgent Works Notice), on the owner, specifying the works deemed necessary to preserve the building and giving at least 7 days notice of its intention to carry out the said works.

3.3 Section 55 of the Act, enables the expenses incurred by a Local Planning Authority, in carrying out the specified works, to be recovered and if this is not forthcoming, a charge on the land to be registered. In addition, the owner can challenge the required works and the costs involved.

#### 4.0 **Conclusions**

4.1 The Church of St Luke is a Statutory Listed Building, whose future use, is as yet to be assured. In the meantime, lack of routine maintenance and essential ventilation, is clearly imposing damage to the fabric of the building and adding inherent cost to any viable future use.

4.2 Whilst efforts have been made to effect required repairs by way of informal approaches to the owner, such has not resulted in any action to resolve the problems.

4.3 With the on-coming anticipated persistent inclement weather, further delay in securing urgent repairs, to arrest further deterioration of this Grade II Listed Building, is deemed unacceptable.

#### 5.0 **Recommendations**

5.1 Officers be given authority to serve an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of the Church of St Luke, Cotford St Luke, Bishops Lydeard CP

5.2 In the event that the works specified by the Urgent Works Notice have to be carried out by the Council, officers are given authority to recover the costs involved.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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