

Item No. 2

Planning and EP Committee

Application Ref: 18/01902/LBC

Proposal: The subdivision of the curtilage of a listed building and the conversion of an annex to form a separate dwelling, erection of a boundary wall and the infilling of an outdoor swimming pool.

Site: 333 Thorpe Road, Peterborough, PE3 6LU,
Applicant: Mr Cereste

Reason for call-in: **Cllr Cereste is a Ward Councillor.**

Agent: ARC Survey & Design Consultants Ltd
Site visit: 12.12.2018

Case officer: Mr M A Thomson
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Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site Description

The application site comprises a large detached outbuilding with walls constructed out of coursed rubble and a pantile roof, situated within the grounds of Longville Tower and Tower House, both of which are Grade 1 listed buildings. The ground floor of the outbuilding is mainly used as a billiards room with w/c and downstairs study / bedroom, and the first floor is used as a bedroom with a bathroom. The outbuilding is for all intents and purposes a self-contained annex serving Tower House.

The annex has two north facing dormer windows and a single south facing dormer window serving a first floor bedroom. The northern dormers are non-openable; there is no glazing and the external shutters are for decoration only. The southern dormer is fitted with obscure glazing. There is a south facing roof light and a window serving the first floor bathroom, which looks towards Tower House.

To the immediate south of the annex is an open air swimming pool also serving Tower House, with a large detached thatched cottage beyond (325 Thorpe Road). To the west and north is a detached two storey (335 Thorpe Road) and single storey dwelling (333 Thorpe Road). There is a linear garden that runs between these two properties. This linear piece of garden land has vehicle access onto Thorpe Road via a shared access and turning area with No's 335 and 337 Thorpe Road.

The application site is within the Longthorpe Conservation Area.

Proposal

The Applicant seeks planning permission for the conversion of the annex to form a separate 1-bed dwelling.

This listed building consent seeks the following;

- Subdivision of the curtilage of the listed building;

- Erection of a boundary wall; and
- Infilling of the swimming pool.

The change of use of the building in itself would not require listed building consent.

There would be no external changes to the annex. The swimming pool to the south would be filled in and become curtilage. A new boundary would be installed between the annex and Tower House, and the linear garden area would form the parking area and vehicle access to serve the dwelling.

A separate application for planning permission has been submitted and is running in parallel to this application (App Ref: 18/01901/FUL).

2 Planning History

Reference	Proposal	Decision	Date
18/01901/FUL	Conversion of annex to separate dwelling	Pending Consideration	

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Planning (Listed Building and Conservation Areas) Act 1990

Section 66 - General duty as respects listed buildings in exercise of planning functions

The Local Planning Authority has a statutory duty 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 72 - General duty as respects conservation areas in exercise of planning functions.

The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP17 - Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

PP20 - Development on Land affected by Contamination

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

Peterborough Local Plan 2016 to 2036 (Submission)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018. A Planning Inspector has been appointed and the Local Plan is going through the Examination stage to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 48 of the National Planning Policy Framework states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making process, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP19 - The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

Planning (Listed Buildings and Conservation Areas) Act 1990

The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

4 Consultations/Representations

Historic England (23.11.18)

No objection

PCC Conservation Officer (27.11.18)

No objection - The structure is already converted into an annexe and the plans show that little alteration would be required to the main fabric of the building.

The main change within the curtilage will arise from the wish to erect boundary treatment either side of the east gable end. A wall that was a good match in material to the main barn (reclaimed stone and lime mortar) would have the least impact on the setting of the listed site and would likely be supported.

Whilst it is rarely considered acceptable to split the curtilage of a listed building, due to impact on historic fabric and the setting of the listed building, the limited change that would ensue by way of this proposal is considered to have little perceptible impact on historic significance or setting. This is on the basis that agreement can be made for stone walls rather than timber fencing.

The west part of the site that this curtilage listed building is located is already rather contrived, due to a house being built to the north of it in the late C20. The annexe is sited in a small rectangular offshoot to the plot with the aforementioned modern house to the north and the curtilage of another listed building close by to the south.

Archaeological Officer (26.11.18)

No objection

PCC Environmental Health (10.01.19)

No objection - There are no proposed building works other than installing a fence and infilling the swimming pool. As such a condition is sought with respect to uncovering unsuspected contaminated land, and an informative with respect to hours of working construction.

Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 3

Total number of objections: 3

Total number in support: 0

Three letters of representation have been received raising the following concerns;

- the property is not suitable as a separate dwelling due to inadequate layout;
- it would not be provided with suitable land to comply with building regulations
- concerns of overlooking if windows are opened up;
- the access from Thorpe Road would result in a loss of privacy and would be inadequate;
- this access was only gained as a secondary access;
- concerns of future occupiers using the access, there is insufficient turning on site;
- cars reversing onto neighbouring land is illegal;
- this proposal would result in an intensification of the access, it is only used to pick up a skip several times a year; and
- Lack of public consultation

5 Assessment of the planning issues

Historic Significance, Design and Layout

Historic England and the Council's Conservation Officer have raised no objection to the proposal, or the subdivision of the curtilage serving the Grade 1 listed Tower House. The Council's Conservation Officer has only requested that the boundary to be installed between the House and the application site be constructed out of local cropped limestone walling, to match that of the outbuilding as best as possible.

Subject to securing a suitable boundary treatment by condition the proposed subdivision of the

curtilage of these Grade 1 listed buildings would not unacceptably harm the setting or significance of these heritage assets, and is accepted in this instance.

The existing swimming pool would be infilled and become a patio to serve the proposed dwelling, and a new parking area would be created. There are no external changes proposed, and the works to infill the swimming pool and form a parking area would not harm the setting of these heritage assets.

The principle of subdividing the site has been accepted by Historic England and the Council's Conservation Officer, in this instance the change of use and associated subdivision would not unacceptably harm the setting of the Grade 1 listed building, the Longthorpe Conservation Area, or the immediate character of the building or area, and would accord with Policies CS16 and CS17 of the Peterborough Policies DPD (2012) and PP2 and PP17 of the Peterborough Policies DPD (2012).

Other Matters

The matters raised as part of the consultation process, listed under Section 4 are covered within the FUL plans report (App Ref: 18/01901/FUL).

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The proposed change of use and works would not unacceptably harm the character or appearance of the host building or immediate area nor would unacceptably harm the significance or setting of the adjacent Grade 1 listed buildings, the proposal would therefore accord with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP17 of the Peterborough Policies DPD (2012).

7 Recommendation

The case officer recommends that Listed Building Consent is **GRANTED** subject to the following conditions:

C 1 Works to which this consent relates shall be begun no later than the expiration of three years beginning with the date of the decision notice.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

C 2 Prior to the occupation of the dwelling hereby approved details of the boundary treatment separating the dwelling from Tower House shall be submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the boundary wall shall be constructed out of cropped limestone.

Thereafter the boundary wall shall be implemented in accordance with the approved details and retained and maintained as such in perpetuity.

Reason: In the interest of providing a satisfactory boundary treatment to serve the development and to protect the setting and significance of the adjacent Grade 1 listed buildings, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and PP2 and PP17 of Peterborough Policies DPD (2012).

C 3 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with Paragraphs 178 - 180 of the NPPF (2018) and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C 4 The development hereby approved shall be carried out in accordance with the following approved plans:

1753 E001A - Location Plan
1753 E002 - Existing Site Plan
1753 E003 - Existing and Proposed Elevations
1753 E004 - Existing and Proposed Plans
1753 E005 - Proposed Site Plan

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.