

2.8 REFERENCE NO - 19/500051/LBC			
APPLICATION PROPOSAL Conversion, part demolition and extension of former school building to provide two 4 bedroom dwellings.			
ADDRESS Tunstall Church Of England Primary School Tunstall Road Tunstall Sittingbourne Kent ME9 8DX			
RECOMMENDATION Grant listed building consent.			
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection			
WARD West Downs	PARISH/TOWN COUNCIL Tunstall	APPLICANT Mr G Swift AGENT Penshurst Planning Ltd	
DECISION DUE DATE 11/03/19	PUBLICITY EXPIRY DATE 15/02/19		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
19/500050/FULL	Conversion, part demolition and extension of former school building to provide two 4 bedroom dwellings, and erection of two detached 4 bedroom dwellings with associated landscaping and parking.	Refused	28.06.2019
18/500738/FULL & 18/500739/LBC	Conversion of former school building to provide three dwellings with associated demolition/building works, internal and external alterations, provision of additional floorspace at first floor level, including three dormer windows, landscaping, and car parking	Approved	30.05.2018
17/502970/FULL & 17/502971/LBC	Part demolition and part rebuilding of former school building, conversion with first floor extension to create two 4 bedroom dwellings, together with the erection of two detached 4 bedroom dwellings, with associated landscaping, including removal of three trees and parking.	Withdrawn	13.02.2018

1.0 INTRODUCTION

- 1.01 Members will recall that this application was considered at last month's meeting following a working party meeting to consider both this application and a related planning application (19/500050/FULL) for conversion of the former school and the erection of two new dwellings at the rear of the site. Both applications were reported and considered together and the resolution of the Committee was as follows;

Resolved: That application 19/500050/FULL be refused as it was an over-intensification of the site resulting in harm to the Listed Building and Conservation Area from the public realm and streetscape. Poor residential amenity. The access to the site was too narrow. It would affect the setting of the listed building.

Resolved: That application 19/500051/LBC be refused as it was an over-intensification of the site resulting in harm to the Listed Building and Conservation Area from the public realm and streetscape. Poor residential amenity. The access to the site was too narrow. It would affect the setting of the listed building.

- 1.02 The decision to refuse the planning application has since been enacted and the final reasons for refusal are as follows;

(1) The proposal to erect two significant new dwellings at the rear of this site where they will be prominent from the nearby public right of way will constitute an over-intensive use of the site, resulting in harm to the character and setting of the former school which is a grade II listed building, and harm to the the character of the Tunstall conservation area resulting in harm to the public realm, contrary to policies CP4, CP8, DM14, DM32 and DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

(2) Use of the vehicular access to the rear of the site, which also functions as a public right of way, for access by occupiers of all the proposed dwellings proposed would, due to its narrow width and poor visibility onto the main road, create a danger to highway safety, including the safety of walkers using the public right of way contrary to policies DM6 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

(3) The lack of visibility of the new dwellings at the rear of the site from the highway, and their close proximity to the Tunstall Village Hall at the rear, would result in a poor level of residential amenity to the occupants of the proposed new properties, contrary to policies CP4 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

Members will see that these reasons relate entirely to the effect of the erection of the new dwellings and the use of the listed building as two new houses. They do not relate to the impact of the changes sought to the listed building on its special architectural or historic interest. This anomaly has arisen because both applications were dealt with together and, whilst this is normal as usually a pair of applications relate to much the same works, in this case the applications are in fact for quite different works. If the applications had been determined individually this situation might not have arisen.

- 1.03 Members will be aware that planning permission and listed building consent have previously been granted for conversion of the former school building to three dwellings, and this application is for the alterations involved in converting it to just two dwellings. No objection to these works was raised at last month's meeting and I can see no objection to them. The description of this application as presented to last month's meeting did include the erection of the two new dwellings at the rear, but that was unnecessary and I have now amended it to make it clear that this application related only to works to the listed building itself.

- 1.04 My understanding from Members' discussion last month was that their concern was in relation to the new dwellings at the rear and use of the access, but not for the proposed alterations to the listed building. As such, I can see no reason to refuse listed building consent for these alterations, even though no accompanying planning permission for the change of use and external changes will be granted. This is an unusual but not unique situation, and to grant listed building consent does not detract from the Council's opposition to the new dwellings. It may, however, avoid difficulties at an

appeal where the Council may have to defend refusal of listed building consent for a scheme arguably less harmful than that for three dwellings that it has already approved.

1.05 I therefore invite Members to determine application 19/500051/LBC on the basis of the amended description above on its own merits.

2.0 RECOMMENDATION – GRANT listed building consent subject to the following conditions:

CONDITIONS

(1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.

Reason: In pursuance of Section 18 of the Listed Building Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) No development shall take place until details in the form of samples of external finishing materials to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

(3) All new external joinery shall be fabricated in timber, and no development shall take place until detailed drawings at a suggested scale of 1:5 of all new external and internal joinery work and fittings together with sections through glazing bars, frames and mouldings have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the special architectural or historic interest of the listed building.

(4) No pipework, vents, ducts, flues, meter boxes, alarm boxes, ductwork or other appendages shall be fixed to the exterior of the listed building the subject of this consent without the prior written consent of the Local Planning Authority.

Reason: In the interest of the special architectural or historic interest of the listed building.

(5) All rainwater goods to be used as part of the development hereby permitted shall be of cast iron.

Reason: In the interest of the special architectural or historic interest of the listed building.

(6) Before the development hereby permitted is commenced, a detailed schedule of works shall be submitted to and agreed in writing by the Local Planning Authority before any works commence. The schedule shall include details of works to be carried out (including any re-pointing), the removal of redundant wiring/cabling/pipework and modern insertions, including wall and floor finishes, suspended ceilings and radiators, etc. The schedule must include a timetable for the start and estimated completion of each item of work, and include inspection slots at appropriate intervals to allow the Local Planning Authority's Conservation & Design Manager to properly monitor the standard of work being undertaken on the listed building.

Reason: In the interest of the special architectural or historic interest of the listed building.

- (7) Before the development hereby permitted commences, drawings at 1:10 elevation and 1:1 or 1:2 part vertical and part horizontal section of each new/replacement window (including dormer windows) and door type (including for internal doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved drawings.

Reason: In the interest of the special architectural or historic interest of the listed building.

- (8) Before the development hereby permitted commences, drawings at 1:10 elevation detail (side and flank) of the proposed dormers shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved drawings.

Reason: In the interest of the special architectural or historic interest of the listed building.

- (9) Before the development hereby permitted is commenced, manufacturer's details and specification of the exact Conservation roof lights to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved drawings.

Reason: In the interest of the special architectural or historic interest of the listed building.

- (10) All making good works to the listed building (including its modern rear extension) shall be carried out using matching finishes and materials (including colour finish), unless otherwise specifically previously agreed in writing with the Local Planning Authority.

Reason: In the interest of the special architectural or historic interest of the listed building.

- (11) Before any works are commenced, a detailed schedule of repairs and necessary remedial works to the listed building (as identified by the project architect or building surveyor) shall first have been submitted to, and approved in writing by the Local Planning Authority. The schedule of repairs and remedial works to the listed building shall be drawn up drawing in accordance with the guidance and building conservation objectives set out in the British Standard document entitled Guide to the conservation of historic buildings (BS 7913: 2013). Thereafter, all of the works listed in the schedule shall have been carried out and completed (and the Local Planning Authority notified of this immediately in writing thereafter) before the new residential conversion units within the listed building are first occupied.

Reason: To protect the special character, architectural interest and integrity of the listed building.

INFORMATIVE

- (1) The Local Planning Authority recommends that the schedule of works is drawn up by a competent conservation accredited architect and/or building

surveyor/structural engineer. Details of the conservation accreditation schemes for architects, engineers and surveyors can be found on page 31 of the British Standard document referred to in the corresponding planning condition.

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

