

1.0 [WD/D/19/003024](#)

Site Address - WINSHAM BRIDGE, WINSHAM

Proposal - Repairs to stone work of bridge & replacement of stone rip-rap river bed through arch with stone filled gabion.

Applicant name – Dorset Council

Case Officer – Darren Rogers

Ward Member(s) – Cllr Christopher

This application is reported to Planning Committee as the Council is the applicant as required by the Constitution.

1.1 Summary of Recommendation: Issue a Listed Building Lawful Development Certificate

2.0 Reason for the recommendation:

2.1 The proposed works would not affect the character of the listed building as a building of special architectural or historic interest and as such listed building consent is not required.

3.0 Key planning issues

Issue	Conclusion
<p>The main issue for consideration in determining applications for these type of applications in connection with a Listed Building are:</p> <ul style="list-style-type: none">• whether the works proposed are lawful for listed building control purposes under section 61 of the Enterprise and Regulatory Reform Act 2013 as not affecting the character of the listed building as a building of special architectural or historic interest.• Whether Listed Building Consent for the proposed works is a requirement.	<p>The proposed works would not affect the character of the listed building as a building of special architectural or historic interest and as such listed building consent is not required.</p>

4.0 Description of Site

4.1 The application site relates to a listed bridge that the Council maintains on the County border with Dorset and South Somerset just south of the village of Winsham in South Somerset. The bridge is known as Winsham Bridge.

4.2 This is a Grade II listed structure built by Sir Alexander Hood of single semi-circular arched design with triple key stone. The stone is roughly squared rubble with dressed stone dressings. Parapets slightly arched with chamfered ashlar copings winging out to dressed stone piers.

5.0 Description of Proposal

5.1 The proposal is for remedial works to the parapets and spandrel stonework and pointing, along with the reinforcement of the riverbed beneath the bridge to resist erosion.

6.0 Relevant Planning History

6.1 None relevant.

7.0 Relevant Constraints

7.1 N/A

8.0 Consultations

All consultee responses can be viewed in full on the website.

8.1 Parish Council - *This works need doing to protect the bridge and is therefore supported by Thorncombe Parish Council (NB - these comments are immaterial to this determination)*

8.2 Dorset Council Conservation Officer- *The works are related to repointing, some stone replacement and other stone re-bedding. A revised drawing DWG BS0060_601_1_A has now been supplied, confirming the extent of each type of works and the use of a pure lime mortar for repairs.*

In addition, the clearing out of silt etc. from under the bridge arch is also proposed but this does not involve any replacement of historic fabric or relate directly to the structure itself. Following this clearance, riverbed reinforcement is proposed to resist the ongoing scouring and two options are suggested:

the use of the gabion mattresses would be preferred as a reversible approach.

The scheme is considered to involve relatively minimum intervention in materials sympathetic to the historic structure's listed status, and is regarded as remedial repairs, not affecting its special character and historic interest.

Therefore, no formal LBC is required.

8.3 South Somerset District Council Conservation Officer – *notes that the bridge is subsiding and has already had stone gabions installed on South Somerset's side. I am happy to defer to you on this.*

9.0 Representations

9.1 None received

10.0 Relevant Policies

National Planning Policy Framework

N/A to this lawful development certificate

Adopted West Dorset and Weymouth & Portland Local Plan (2015)

N/A to this lawful development certificate determination

Other material planning considerations:

- Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 (introduced under section 61 of the Enterprise and Regulatory Reform Act 2013, regarding Certificates of Lawfulness for proposed works to listed buildings).

11.0 Human rights

N/A to this lawful development certificate determination

12.0 Public Sector Equalities Duty

N/A to this lawful development certificate determination

13.0 Financial benefits

N/A to this lawful development certificate determination

14.0 Climate Implications

N/A to this lawful development certificate determination

15.0 Planning Assessment

15.1 The main issue for consideration in determining applications for these type of applications in connection with a Listed Building are:

- whether the works proposed are lawful for listed building control purposes under section 61 of the Enterprise and Regulatory Reform Act 2013 as not affecting the character of the listed building as a building of special architectural or historic interest.
- Whether Listed Building Consent for the proposed works is a requirement.

15.2 If the Council determines that the proposals **DO** affect the character of the listed building as a building of special architectural or historic interest then we would have to explain why and refuse the Certificate of Lawfulness application as not being lawful under S61 of the above Act.

15.3 If the Council determines that the proposals **DO NOT** affect the character of the listed building as a building of special architectural or historic interest then we would approve the Certificate of Lawfulness application as being lawful under S61 of the above Act and no Listed Building Consent application would be required for the proposals.

15.4 As is set out above the Councils Conservation Officer has been consulted on the proposed works and comments that the works are related to repointing, some

stone replacement and other stone re-bedding. A revised drawing DWG BS0060_601_1_A has now been supplied, confirming the extent of each type of works and the use of a pure lime mortar for repairs.

15.5. In addition, the clearing out of silt etc. from under the bridge arch is also proposed but this does not involve any replacement of historic fabric or relate directly to the structure itself. Following this clearance, riverbed reinforcement is proposed to resist the ongoing scouring and two options are suggested but the use of the gabion mattresses would be preferred as a reversible approach. The applicant has confirmed this to be the case.

15.6 The scheme is considered to involve relatively minimum intervention in materials sympathetic to the historic structure's listed status, and is regarded as remedial repairs, not affecting its special character and historic interest. As such it is considered that no formal Listed Building Consent is required.

15.7 However there remains one minor complication. The County Boundary lies in the middle of the river between Dorset and South Somerset and as a result the bridge straddles the boundary. Dorset highways (bridges section) operate in such a way that where bridges cross local authority boundaries they have local arrangements in place and so in some cases Dorset Council highways look after the whole of a bridge that technically falls outside the Council's county boundary and vice versa.

15.7 While there is a local arrangement that Dorset Council maintains this bridge (even if half of it is in South Somerset) from a planning point of view we have no jurisdiction to deal with a Lawful Development Certificate application for a listed building that deals with land technically that is not in our area.

15.7 South Somerset's Conservation Officer has responded to a consultation on it and *"notes that the bridge is subsiding and has already had stone gabions installed on our side. I am happy to defer to you on this unless there is anything specific that needs my input"*.

15.8 While that deferral to us to deal with it is fine in principle we would still need formal authority from South Somerset District Council agreeing for Dorset Council to issue a Lawful Development Certificate for the works proposed e.g. over the location plan that spans all of the bridge. Your case officer has made that request to South Somerset and we are awaiting a reply and I will update Members verbally at Committee.

15.9 Should that authority from South Somerset not be forthcoming then the Council's highways section will need to make a separate application to South Somerset for the works related to the other half of the bridge that falls technically in their area. In the meantime I have received a location plan that shows the red edge

of the bridge boundary only for that part falling in Dorset Council's area for the time being.

16.0 Conclusion

16.1 16.1 The application for a Certificate of Proposed Lawful Development should be granted because the proposed works would not affect the character of the listed building as a building of special architectural or historic interest. Listed Building Consent is therefore not a requirement.

17.0 Recommendation –

- a) That Dorset Council issues a Lawful Development Certificate for the works proposed that fall within the Dorset Council area only because the works are considered to not affect the character of the listed building as a building of special architectural or historic interest and therefore the proposed works would be lawful; or
- b) That Dorset Council issues a Lawful Development Certificate for the works proposed in their entirety because the works are considered to not affect the character of the listed building as a building of special architectural or historic interest and therefore the proposed works would be lawful but only provided that we have first received formal authority from South Somerset District Council agreeing for Dorset Council to issue a Lawful Development Certificate for those whole works proposed e.g. over the location plan that spans all of the bridge.