

ST. MARYS AND ALL SAINTS CHURCH, WHITMORE
REV NIGEL CLEMAS

14/00158/FUL

The application is for full planning permission for the erection of a free standing toilet building adjacent to the Grade II* listed building. The site is within the Whitmore Conservation Area, the North Staffordshire Green Belt on land designated as an Area of Landscape Maintenance as indicated on the Local Development Framework Proposals Map.

The statutory 8-week period for the determination of these applications expires on 29th April 2014

RECOMMENDATIONS

Permit, subject to the following conditions;

- **Standard Time limit**
- **Approved plans/drawings/documents**
- **Materials and colour as per submission**
- **Lighting as per submission**
- **Recommendations of the Arboricultural Assessment and Method Statement.**
- **All service connections to be completed in accordance with NJUG recommendations.**
- **Prior submission and approval of a schedule of pruning works**
- **Prior submission and approval of an arboricultural site monitoring schedule in accordance with BS5837:2012.**
- **Submission and approval of an archaeological watching brief**

Reason for Recommendation

The proposed development is considered to represent inappropriate development within the Green Belt but it is considered that the need for a toilet constitutes the very special circumstances required to justify the development. The impact on the existing large Yew tree and other trees in the locality could be mitigated through condition, and subject to control over the materials and lighting it is considered that the siting and design of the proposed development would not harm the setting of the Grade II* Listed Building or the character and appearance of the Whitmore conservation area and landscape in general. An archaeological watching brief is also advised to protect religious activity on this site. The proposal is considered to comply with policies of the development plan and the guidance and requirements of the NPPF.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

The application is a resubmission following discussions between officers and the applicant's representatives. The proposal is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Policies and Proposals in the approved development plan relevant to the decision on the planning application:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (Adopted 2009)

Policy ASP6: Rural Area Spatial Policy

Policy CSP1: Design Quality

Policy CSP2: Historic Environment

Newcastle Under Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt

Policy B5: Control of development affecting the setting of a Listed building

Policy B6: Extension or Alteration of Listed Buildings

Policy B9: Prevention of Harm to Conservation Areas

Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area

Policy B13: Design and Development In Conservation Areas

Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Policy B15: Trees and Landscape in Conservation Areas

Policy N12: Development and the Protection of Trees

Policy N13: Felling and Pruning of Trees

Policy N19: Area of Landscape Maintenance

Other Material Considerations include:

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

Whitmore Village Design Statement (September 2002)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

Relevant Planning History

An application for 13/00813/FUL for the erection of discreet free standing WC in timber framed and clad building was received last year, but was withdrawn before a decision was made.

Views of Consultees

The **County Council Archaeologist** has not responded to this application but made the following comments in their response to the withdrawn application;

An archaeological watching brief should be maintained on all groundworks associated with this application due to the religious activity on this site (including burials) which is likely to have occurred from at least the medieval period onwards. There is also some suggestion that the church may have been a pre-conquest (1066) foundation, and there is therefore also the potential for earlier remains to survive. The watching brief can be secured via condition.

Whitmore Parish Council raises concerns about the softwood construction and the potential condition in several years' time. They also acknowledge that the application replaces a previously withdrawn application whereby the borough council had concerns about the impact on the enormous yew tree but the siting is the same.

English Heritage raised no objections to the previous application (13/00813/FUL) and they detail that the toilet block has been the subject of extensive pre application discussions between officers, the applicants and their architects, Lichfield DAC and English Heritage over a number of years. The D&A Statement indicates there is no opportunity to locate the facility within the grade II* listed church nor to extend it without causing harm to its architectural and historic significance. Other options for positioning the toilet within the churchyard were all rejected as being intrusive to the setting of the listed church, Whitmore conservation area and the setting of grade I Whitmore Hall. The site within the shrubbery was agreed as representing the most discrete location visually while still affording good convenience to users

from the church. The simple design of the structure is an appropriate response to this location.

The **Environmental Health Division** raises no objections

The **Landscape and Development Section** detail that adjustments have been made since the previous application and it is now possible to install the toilet in accordance with BS5837:2012, subject to the arboricultural recommendations provided being followed in full. However, positioning the toilet beneath the canopy of the tree is not best practice and that all other alternatives should have been thoroughly investigated. Conditions would mitigate the impact and should be imposed.

Concerns are also raised with regards to the two sheds, Bins, seats, bricks, rubbish, rubble, oil tanker, compost heap located under the yew tree canopy. This is having an effect on tree roots.

The Council's **Urban Design and Conservation Officer** details that following the consultation response for the last application which was withdrawn, if landscape are satisfied that the tree will not be affected by the development it is the view that this proposal will not harm the overall significance of the church, and its setting. No colour or finish is given for the timber cladding of the structure has been provided, so a condition should be imposed what the colour and finish will be.

The **Conservation Advisory Working Party** raises no objections.

Representations

No letters of representation have been received.

Applicant's Submission

A Design and Access Statement and Heritage Asset Statement have been submitted which sets out a justification for the proposed toilet. An arboricultural assessment has also been submitted with an arboricultural method statement included in the design and access statement.

The main points of the above documents are as follows;

- The lavatory is being provided for the use of the church goers.
- The WC will be suitable for wheelchair users.
- The proposed freestanding building is designed to be as inconspicuous as possible. It is approx 4.3 x 2.0 metres.
- The proposed building will be of timber construction with horizontal overlapping boards to the walls and a simulated shingle roof.
- The building will be concealed from general view because it will be located under a large Yew tree.
- The preservation of the tree is critical to ensure that the WC remains discreet.
- Careful consideration has been given to the design of the foundations which instead of being a single slab or a strip foundation takes the form of four Screw piles each up to 2m long 60mm diameter with an 8" helix at the base and a 10" helix approx one third of the way up the pile.
- The exact location of the piles will be determined by the contractor digging a hole 450 x 450mm by hand to determine the exact location of main tree roots so that the screw piles will be positioned to cause as little damage as possible to the existing tree roots.
- The machine that drives in the piles is hand held and hydraulically driven by a machine that can be located on the adjacent drive so that no plant will need to be brought under the tree thus compacting the earth and damaging the roots.
- The existing path that runs along the south side and the east side of the church will be used to access the new WC.

All of the documents are available to view at the Guildhall and on www.newcastle-staffs.gov.uk/planning/StMarysChurch

Key Issues

The application is for a detached toilet building within the church yard of a Grade II* listed building in the Whitmore Conservation Area. The site is also within the North Staffordshire Green Belt and designated as an Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map.

The proposed toilet would be for the benefit of the users of the church during services.

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- Does the proposal preserve the special character and appearance of this building and the setting of other adjacent listed buildings?
- The impact of the proposal on the conservation area and landscape in general
- The impact on trees
- Other matters
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

Paragraph 79 of the recently published NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The NPPF further details in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. There are a limited number of exceptions to this but the proposed development does not fall within any of these exceptions.

It is therefore considered that the proposed development constitutes inappropriate development within the Green Belt and should not be approved except in very special circumstances.

Does the Proposal Preserve the Special Character and Appearance of this Building and the Setting of other Adjacent Listed Buildings?

The church is a Grade II* listed building with four memorials/ grave stones within the church yard that are Grade II listed.

Paragraph 132 of the NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the assets conservation. The more important the asset the greater the weight should be and any harm or loss should require clear and convincing justification.

Policy B5 seeks to resist development proposals that would adversely affect the setting of a listed building. Policy CSP2 of the Core Spatial Strategy also seeks to preserve and enhance the character and appearance of the historic heritage of the Borough.

The proposed building would be located approximately 2.5 metres from the north east corner of the church in a heavily vegetated area. The area has existing timber shed buildings and a tank which cannot be seen from important views within the church yard due to the amount of trees and vegetation.

The proposed building would be of a timber construction and of a modest size and scale. The proposal would have a covered veranda to the front but in essence it would have the appearance of a garden shed building. The size and appearance of the building is considered

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acceptable but the main benefit of the proposal is its location as it would benefit from the screening that is afforded from the existing trees and vegetation. Therefore due to the acceptable design, size and location of the proposal it is considered that it would not adversely affect the setting of the listed building and any minimal harm would be outweighed by the benefits of a disabled toilet.

It is also located away from the other listed structures within the church yard and so would cause no significant harm to the setting of these listed structures.

Impact on the character and appearance of the Conservation area and landscape in general

The site lies within the Whitmore Conservation Area. Policy B9, B10, B13 and B14 seeks to prevent harm of development on Conservations Areas and a requirement to preserve or enhance the character or appearance of a Conservation Area.

The site is also within an Area of Landscape Maintenance which seeks to maintain the high quality and characteristic landscapes. Within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

The proposed development would provide toilet facilities for users of the church during church services. As discussed the location of the proposed development results in minimal views from any main views from the church yard and conservation area in general due to it being heavily screened by vegetation and mature trees. The appearance as a modest timber building would also minimise its impact despite the area beginning to become cluttered with structures and paraphernalia.

The applicant has detailed that the building would be stained green (Eucalyptus) in response to the conservation officers comments and this is considered acceptable.

Policy B15 of the local plan details that trees and landscape features which contribute to the character and appearance are part of the setting of a Conservation Area and should be retained. The proposal would be located close to a large Yew tree. Its loss would be harmful to the character and appearance of the church yard and the conservation area in general and would limit the screening of the proposed building. Subject to this significant tree not being lost the proposal represents an acceptable development that would not result in it having a significant and adverse harm to the character and appearance of the conservation area or landscape in general.

The Impact on trees

Local planning policy (N12) seeks to protect trees that are covered by tree preservation orders and any visually significant trees within the landscape. Policy B15 of the local plan also seeks to protect trees and landscape features which contribute to the character and appearance of the conservation area.

The previous application was withdrawn due to concerns regarding the adverse impact on a large Yew Tree. The application is now supported by an Arboricultural Assessment and a Method Statement (included in the design and access statement).

The Landscape Section still raise concerns due to the positioning of the proposal beneath the canopy which does not represent best practice. However, they detail that conditions can be imposed to minimise the impact. They advise that the arboricultural recommendations are followed in full, all service connections are completed in accordance with the NJUG (National Joint Utilities Group) recommendations, prior submission and approval of a schedule of pruning works and the prior submission and approval of an arboricultural site monitoring schedule in accordance with BS5837:2012.

In view of the Landscape Sections comments and the recommended conditions it is considered that the harm to the large Yew tree and other trees would be minimised. The location and design of the proposal is considered the optimum in terms of the impact on the

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listed building and conservation area. The proposal is considered to comply with policy N12 of the local plan.

Other matters

The County Council archaeologist made comments on the previous application advising that a watching brief be conditioned due to the location within the church yard and the religious activity on this site (including burials) which is likely to have occurred from the medieval period. There is also some suggestion that the church may have been a pre-conquest (1066) foundation, and there is therefore also the potential for earlier remains to survive.

In terms of the lighting proposed this is considered acceptable and EHD have raised no objections.

Do the required very special circumstances exist (to justify inappropriate development)?

Paragraph 79 of the recently published NPPF states that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The NPPF details that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The building is of a modest size and would provide a disabled toilet facility for users of the church during services. The church has no existing toilet facilities and there is an expectation that nearly all public buildings have WC facilities especially those that cater for the elderly and the very young.

The applicant has detailed that other options have been explored within the church but these would be impractical and potentially have a greater impact on the fabric of the church. This is confirmed by English Heritage. Therefore a detached building in the location selected is an appropriate location for access and impact on the setting of the listed building and conservation area.

It is considered that there is a clear need for a toilet facility and this need would outweigh the minimal harm to the openness of the Green Belt and the purposes of including land within the Green Belt. The need for the toilet is therefore considered to represent the very special circumstances required to justify the proposed development in this instance, this being in accordance with the requirements of the NPPF.

Background Papers

Planning file
Planning documents referred to

Date report prepared

08 April 2014