

The application seeks full planning permission for the installation of a new heating system and alterations and improvements to the redundant boiler house attached to the main church building to provide toilet facilities. The alterations proposed include raising the floor level and providing a new doorway to provide access for persons with disability. The submitted plans also detail provision of sewage treatment plant in a redundant fuel store and underground soakaway in the adjacent churchyard.

St Peters Church is a Grade II* listed building. The site lies within the Maer Conservation Area boundary and a Landscape Maintenance Area as defined on the Local Development Framework Proposals Map.

The statutory 8 week determination period for the application expired on the 31st May 2017; however an extension to the determination period has been agreed until the 23rd June 2017.

RECOMMENDATION

PERMIT subject to conditions relating to the following:-

- 1. Time limit.**
- 2. Approved drawings.**
- 3. Materials.**
- 4. Excavations shall be hand dug.**
- 5. Archaeological watching brief be undertaken following written consent.**

Reason for Recommendation

The proposed changes and alterations are respectful to the historic setting and fabric of the Church and would not adversely affect views of it. The high amenity value trees opposite the development can be retained and protected.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

Key Issues

The application seeks full planning permission for the installation of a new heating system and alterations and improvements to the redundant boiler house attached to the main church building to provide toilet facilities. The new oil tank proposed measures 2.8metres by 1.5metres in footprint by 1.6 metres in height.

The alterations proposed for the conversion of the existing boiler house includes raising the floor and providing new doorway to provide access for persons with disability; the provision of new sewage treatment plant and underground soakaway in adjacent churchyard.

St Peters Church is a grade II* listed building. There are high amenity value trees close to where the building works are proposed. The key issues therefore to consider are:-

1. Is the design of the development, including the impact on the special character of the nearby grade II* Listed Church, Maer Conservation Area, and on the landscape as a whole, acceptable?
2. Is the impact on existing trees acceptable?

1. Is the design of the development, including the impact on the special character of the nearby grade II* Listed Church, Maer Conservation Area, and on the landscape as a whole, acceptable?

The National Planning Policy Framework (NPPF) at paragraph 131 states that in determining planning applications, the local planning authority should take account of:-

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

At paragraph 132 the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a Conservation Area or Listed Building), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. 'Significance' can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

In paragraph 133 it is indicated that where a proposed development would lead to 'substantial harm' or total loss of significance of a *designated* heritage, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply

- The nature of the heritage asset prevents all reasonable uses of the site
- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

At paragraph 135 it indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The NPPF goes on to state, at paragraph 135, that local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

CSS Policy CPS2 seeks to preserve and enhance the historic character and appearance of the Borough. Saved Local Plan policy B5 states that the Council will resist proposals that would adversely affect the setting of a Listed Building. Saved Local Plan Policies B9, B10, B12, B13 and B14 all seek to protect the special character and appearance of Conservation Areas.

The works are located at the rear of the Church. The new oil tank proposed is to be bunded and secluded from view. The new sewage tank will be underground adjacent to the existing boiler house which will be converted to a toilet. As part of the works an existing historic headstone is to be carefully removed and replaced in its original position adjacent to the revised doorway entrance to the proposed toilet. The building works proposed are very well considered and have already been subject to Lichfield Diocesan Advisory Committee approval in principle. The proposal does not harm the fabric of the Church or its appearance within the Maer Village Conservation Area. The impact to important surrounding trees which are part of the setting of the area is now considered.

2. Is the impact on existing trees acceptable?

Saved Local Plan Policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme. Where appropriate, developers will be expected to set out what measures will be taken during the development to protect trees from damage.

The development proposal includes a considerable amount of engineering works to install the new boiler, septic tank and soakaway with associated underground pipework. There is an ancient yew tree adjacent to a proposed soakaway. The tree has high visual amenity and is an important tree. An existing holly tree on the neighbouring property is also potentially affected by the proposal which is also of high amenity value. During the course of the application additional information has been received and it is now considered that the applicant has fully resolved any concerns relating to harm to these important trees. The proposal includes the use of hand digging throughout to ensure there is no root damage and exploratory digging has confirmed there will be no harm to the root systems of trees. Accordingly the Landscape Development Section indicates that there is no objection to the proposal proceeding as proposed.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy B4: Demolition of Listed Buildings
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B8: Other Buildings of Historic or Architectural Interest
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 N17: Landscape Character – General Considerations
Policy N19: Landscape Maintenance Areas
Policy N12: Development and the Protection of Trees

Other Material Considerations include:

[Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Supplementary Planning Guidance/Documents](#)

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[Relevant Planning History](#)

None relevant.

[Views of Consultees](#)

Historic England indicates that they are aware of the proposals through their membership of the Lichfield Diocesan Advisory Committee (DAC). The proposals were brought before the DAC in September 2016, at which time it indicated that it had no objection in principle. Historic England is therefore happy in this instance to defer to the expertise of the Council's specialist conservation adviser with regard to the details of the scheme.

The Council's **Conservation Officer** has no objections to the proposal but would refer to the Conservation Area Working Party's comments regarding the potential for water to pool around the front of the new toilet door. And that an archaeological watching brief is undertaken given the location of the works, if the County Archaeologist thinks that it is necessary.

The **Conservation Area Working Party** wants to ensure that there is an archaeological brief during the works and that consideration has been given to keeping water away from the door threshold of the new toilet.

County Council Archaeologist recommends the inclusion of a condition to secure a written scheme of archaeological investigation.

Environmental Health Division has no objections.

The Council's **Landscape Development Section** had initial concerns in relation to tree protection for trees of high importance and amenity value (an ancient yew tree and a holly tree on the neighbouring property) but taking into account information provided by the applicant including exploratory site excavations they no longer have any objections to the development proceeding as proposed.

Maer and Aston Parish Council and **Staffordshire Gardens and Parks Trust** did not respond by the due date of the 2nd May so it is assumed they have no comments to make on the proposal.

Representations

None received.

Applicant's/Agent's submission

The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00219/FUL>

Background papers

Planning files referred to.
Planning Documents referred to.

Date report prepared

26th May 2017.