

The application is for the reconstruction and repair of an existing boundary wall along the north west boundary of St James Church, Audley.

St James Church is a Grade II* listed building within the village envelope of Audley and is also located within the Audley Conservation Area, as indicated by the Local Development Framework Proposals Map. The boundary walls running along the north west boundary, adjacent to Church Street, are also a Grade II* listed structure.

The statutory 8-week period for the determination expires on the 5th June 2019.

RECOMMENDATION

Subject to any comments received from the National Amenity Societies being taken into consideration

Permit, subject to the following conditions relating to;

- i. Time limit condition**
- ii. Approved plans**
- iii. Materials**

Reason for Recommendation

The development would preserve the special character and appearance of the Grade II* Listed Church, and subject to the works being carried out in accordance with the submitted details, it is considered that the works would comply with policies B5, B6, B9 and B10 of the Newcastle under Lyme Local Plan 2011, policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026, and the guidance and requirements of the National Planning Policy Framework 2019. The views of the National Amenity Societies have been sought and any comments that are received will therefore need to be taken into consideration, however,.

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

This is considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks full planning permission for the demolition and repair of 3 sections of the boundary wall to the Grade II* listed St James Church. These structures are also considered to be Grade II* listed in their own right.

The alterations and repairs to the boundary wall do not require listed building consent as the Church is subject to a "Faculty" system which means that the special architectural and historic interest of the structure will be taken into account by the church system.

The site is located within the Village of Audley and is also within the Audley Conservation Area.

The main issue for consideration in the determination of this application is;

- Is the proposal acceptable in terms of its impact on the Listed Building and the Conservation Area?
- Is there any harm to trees?

Is the proposal acceptable in terms of its impact on the Listed Building and the Conservation Area?

The application proposes to demolish two sections of wall referred to as wall sections A-A and C-C within the submitted documents and plans. Works to wall section B-B, will be remedial and will only involve the repair, rebedding and re-pointing of the existing brickwork and copings.

The NPPF emphasises that Local Authorities should recognise that designated heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Policy CSP2 of the Core Spatial Strategy seeks to ensure that buildings of particular heritage value are safeguarded, whilst Policies B6 and B5 of the Local Plan state that the Council will resist alterations or additions to a listed building that would adversely affect its setting, character and architectural or historic features.

Wall section A-A to be replaced comprises the far left-hand section of wall, the length of which runs 20m from the steps adjacent to Church Bank along two bays of wall to the brick pier on the right. Here the wall consists of a smooth hard red engineering type facing brick, capped off with blue clay brick copings; a more recent addition that is likely to have been constructed within the last twenty years.

This particular section of wall is leaning towards the pavement and displays a very large vertical crack at the corner with the foot of the steps. For this section it is proposed to demolish and rebuild the wall from similar facing materials. In order to provide stability the wall will be constructed on a reinforced concrete foundation with an inner block wall.

From this point, the next section of wall is not proposed to be demolished and will instead be repaired and made good (wall section B-B). This section is located directly to the left hand side of the main stepped entrance, and extends 15m to the first brick pillar adjacent to section A-A. Along this section of wall all loose bricks will be rebedded in a lime mortar with all open joints repointed. The blue brick copings will be removed throughout the length, redressed and re-laid on the walls in a suitable mortar. Some additional copings will be obtained to match and used for the missing areas. Clarification was sought from the Conservation Officer on the composition of section B, as the drawings and heritage statement refer to brickwork, yet this area is actually made up of a mixture of original stone and brickwork. The architect has confirmed that this is the case, and any condition should be carefully worded to ensure that appropriate matching materials for each section are utilised.

Finally, wall section C-C is located to the right of the main stepped entrance and the extent that is to be replaced extends 2.1m. As with wall section A-A, this section of wall will be replaced with redressed/new facing brickwork that will be laid in a lime mortar with foundations as described for wall section A-A.

Consultation with Historic England has raised no comments in relation to the works. The Council's Conservation Officer is satisfied with the approach being taken, and subject to a condition to secure appropriate materials, raises no objections to the scheme.

The Council's Conservation Advisory Working Party (CAWP) supports the like for like replacement and repair works. They have noted that the requirement for an Archaeological Watching Brief is likely to be justified given the close proximity of graves to the development site. Whilst comments from the County Archaeologist are outstanding at this stage, it is agreed that such a condition would be a reasonable requirement. Whilst it has been suggested that stone or a higher quality brickwork should be utilised in Section A, it is not considered reasonable to request such an alteration when the works proposed are considered to preserve the character of the listed building and the conservation area.

The works proposed are considered to be an acceptable solution to ensure that the structural integrity of the boundary wall is reinstated whilst continuing to safeguard the character and significance of this heritage asset. Therefore subject to appropriately worded conditions to secure samples and specifications of the facing materials prior to the commencement of the development together with

any necessary archaeological conditions, it is considered that the proposal would preserve the special historic interest of this Grade II* listed building and the wider Audley Conservation Area. It is noted however, that the views of the National Amenities Societies (listed below), who are statutory consultees for this application given that it relates to a Grade II* listed building, have not been received and the date for them to comment had not expired when this report was prepared. Any comments that are received will therefore need to be taken into consideration and a supplementary report will therefore be provided

Is there any harm to trees?

Policy N12 of the Local Plan notes that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, 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.

Criterion vi) of Policy B10 notes that trees and other landscape features that contribute to the character or appearance of the area should be protected.

It is accepted that the boundary wall is currently structurally unstable and is a considerable safety risk given its proximity to the adjacent footpath. In order to secure the structure temporary measures have had to be implemented to prevent its collapse.

It has been indicated that the structural faults and cracking in relation to Section A-A are largely linked to the presence of a large mature tree which is proposed to be removed to ensure that the repair works will be an effective, long term solution. Therefore on this occasion it is considered that the need to remove the tree for safety reasons, and to ensure that the long term stability of the structure is safeguarded, will outweigh the harm associated with its removal.

There are various mature trees located along the length of the boundary wall, and within close proximity to the sections that are to be repaired and replaced as part of the proposal. However, no further trees are proposed to be removed and given the largely unobtrusive works required on sections B-B and C-C; these trees should be capable of retention.

Whilst it is considered that the safety implications would outweigh the need to retain the mature tree, the comments of the Landscape Department are outstanding at the moment, and any response shall be reported through a supplementary report prior to the committee.

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 CSP2: Historic Environment

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

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 N12: Development and the Protection of Trees

Other material considerations include:

[National Planning Policy Framework](#) (February 2019)

[Planning Practice Guidance](#) (PPG) (2018)

Relevant Planning History

92/00233/LBC - Rebuilding of gable end – Approved

94/00717/COU - Change of use to burial ground of land adj churchyard – Approved

Views of Consultees

Audley Parish Council resolved to support the application and noted that the work needed to be carried out as soon as possible

Historic England was consulted but did not wish to offer any comments on the application.

The **Urban Design and Conservation Officer** notes that the wall is deemed to be a dangerous structure and is currently temporarily propped. The officer is happy with the approach taken in the application with the main historic stonework shown to be carefully raked out and repointed. The sections of wall that have to be taken down are damaged by tree roots and will eventually fall down if they are not taken down. The officer recommended that replacement bricks should be conditioned.

The **Conservation Advisory Working Party (CAWP)** approves the replacement of like for like. They note that the proposal drawings in respect of Section B-B were not specific as to what was proposed. In relation to Section A-A, it was suggested that consideration should be given to replacing it in stone or a higher quality brick. The mortar should not be cementitious and provision should be made for expansion joints and drainage. Technical advice should also be taken with respect of the impact of the works on trees, although the Working Party recognises that following investigation there may be tree loss. A condition requiring an Archaeological Watching Brief is likely to be justified given the close proximity of graves to the works. The applicant should also consider railings on top of the wall if there is a significant safety issue.

Cadent/National Grid note that low or medium pressure gas pipes and associated equipment has been identified within the vicinity of the proposed works. The applicant's attention should be drawn to the requirements set out in the response before any works are undertaken.

The views of the following have been sought and any comments received will be reported:

- Landscape Development Section
- Staffordshire Wildlife Trust
- Twentieth Century Society

- Victorian Society
- Georgian Group
- Council for British Archaeology
- Ancient Monuments Society
- Society for Protection of Ancient Buildings
- County Archaeologist
- Diocesan Advisory Committee

Representations

None received.

Applicant/agent's submission

The application has been supported by a Heritage Design and Access Statement. The submitted documents and plans are available for inspection on the Councils website by searching under the application reference number 19/00231/DEEM3 on the website page that can be accessed by following this link; <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/19/00231/DEEM3>

Background Papers

Planning File
Development Plan

Date report prepared

2nd May 2019