

These Applications is for full planning permission for the erection of a free standing toilet building adjacent to the Grade II* listed building within the Whitmore Conservation Area and 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 19th December 2013

RECOMMENDATIONS

Refuse:

- **The likely loss of a significant Yew Tree which would be harmful to the character and appearance of the conservation area.**

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 proposed building however is likely to result in an adverse impact on a visually significant and important Yew Tree the loss of which would have an adverse impact on the character and appearance of this part of the Whitmore Conservation Area. Therefore, whilst the proposed building would be of a modest size with an acceptable appearance that would not harm the setting of the Grade II* Listed Building it is considered that the loss of the significant Yew Tree would be contrary to policies N12 and B15 of the local plan and the requirements of the NPPF.

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

Nil

Views of Consultees

The **County Council Archaeologist** advises that an archaeological watching brief 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 supports the application.

English Heritage detail that they do not wish to comment in detail but they advise that the toilet block has been the subject of extensive pre application discussions between your officers, the applicants and their architects, Lichfield DAC and English Heritage over a number of years. They also detail that the proposed site has therefore been carefully chosen and the understated design of the building in the form of a timber shed will blend unobtrusively into the wooded background. Therefore they have no objections.

The **Environmental Health Division** raises no objections

The **Landscape and Development Section** objects to the application and advises that an alternative position should be found for the toilet block due to the impact on the large yew tree. The proposed excavation and connections are likely to harm the roots of the tree. The toilet would have no natural light and cause danger from 'Yew arils' (the berries which can cause a sticky mess and make paved surfaces very slippery) and branch drop.

The ancient yew forum advises that ancient yews in church yards offer valuable shade and a refuge in which to sit and ponder: not a spot to locate fuel tanks, compost heaps or store bags of cement or other building materials. The area beneath such trees must be regarded as sacrosanct.

The Council's **Urban Design and Conservation Officer** is inclined to agree with English Heritage in that the structure is unlikely to cause visual harm to the church and the wider landscape, but notes the view of the Landscape and Development Section. Consideration could be given to putting the facility in the space behind the buttress in the rear north east corner of the church with access from the vestry if the construction could not be amended so that it does not harm tree roots. That said there may still be problems with water services.

The views of the Conservation Advisory Working Party will be reported.

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.

A further submission seeking to address the objections of the Councils Landscape Section has also been submitted by the applicant's agents.

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

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
- 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. Therefore it 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 recently published 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 acceptable but the main benefit of the proposal is its location and the screening from 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

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 lies within the Whitmore Conservation Area and 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.

However, the proposal is likely to have an adverse impact on trees. Policy B15 of the local plan detailing that trees and landscape features which contribute to the character and appearance and are part of the setting of a Conservation Area should be retained. The proposal is likely to result in damage and significant harm 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. Therefore this tree should be maintained in the interests of protecting the character and appearance of the conservation area and 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 landscape section has objected to the application due to the potential harm of the building, its connection to services and the use of the building by people, on an existing Yew Tree.

An Arboricultural report has not been submitted to show the root protection areas of all trees within the site. The main concern is the impact on the roots of the significant Yew Tree caused by the galvanised steel frame that the building would sit on and piling involved to secure it. The Landscape Section has indicated that it is highly likely that the proposed excavation will encounter roots. They advise that in such cases the pile position must be adjusted to avoid the roots. However, in this instance adjusting the position of affected piles is unlikely to achieve a satisfactory result and may lead to further damage to the fine root system of this important tree.

As discussed the trees and vegetation within the church yard and area in general contribute to the character and appearance of the Conservation Area. The Yew tree contributes to this

appearance and its loss would be harmful to the character and appearance of the area. Due to the likely impact of the proposed construction works it is considered that the proposal is likely to lead to the loss of the visually significant tree within the conservation area which also helps to minimise the impact of the proposal on the setting of the listed building, the conservation area and landscape in general which emphasises the need for the tree to be maintained in this instance. The need for the building would not outweigh this harm. Therefore the development is contrary to policy N12 and B15 of the local plan which is considered unacceptable.

Furthermore, whilst not a material consideration the ancient yew forum recognises the great importance of Yew Trees in church yards which emphasises the need for the protection where possible to maintain the character of these areas.

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. 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

27th November 2013