

Item No 07:-

18/01332/FUL

**St Thomas Church
Todenham
Gloucestershire**

Item No 07:-**Reconstruction of boundary retaining wall off new foundations at St Thomas Church Todenham Gloucestershire**

Full Application 18/01332/FUL	
Applicant:	Vicar, Church Wardens & PCC
Agent:	Robert J Evans Ltd
Case Officer:	Amy Hill
Ward Member(s):	Councillor Robert Dutton
Committee Date:	8th August 2018
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Impact of Heritage Assets
- (b) Impact on Landscape
- (c) Impact on Amenity
- (d) Other Matters

Reasons for Referral:

Referred to committee by Councillor Dutton due to the importance of the issues relating to The Blacksmith Shop to the village community. Part of the issues raised in relation to this will be discussed in the "Other Matters" section.

1. Site Description:

The site consists of a stone boundary wall to the Grade I listed Church Of St Thomas Of Canterbury, which also contains several separately listed Grade II monuments. To the South of the site before the road are a Grade II listed Blacksmiths Shop (also known as The Forge), Grade II listed telephone kiosk, and a Grade II listed property opposite the site.

The site falls within the Todenham Conservation Area and the Moreton-In-Marsh Surrounds Special Landscape Area.

The proposal seeks to rebuild a wall section of wall including structural piles for stability. It is noted that no listed building consent application is required for the works as the site benefits from Ecclesiastical Exemption.

2. Relevant Planning History:

13/00501/FUL - Conversion of building into holiday accommodation - Permitted 06.06.2013

13/00502/LBC -Internal and external alterations to facilitate conversion of building into holiday accommodation - Permitted 06.06.2013

14/02975/FUL - Demolition of existing building and erection of a replacement building to be used as a self-contained holiday unit. - Permitted 07.04.2015

14/02976/LBC - Demolition of existing building - Permitted 07.04.2015

Following the permission to convert The Blacksmiths Shop work was undertaken, during the course of which both a section of The Blacksmiths Shop and the church wall collapsed. This rendered The Blacksmiths Shop no longer feasible to convert and a subsequent application permitted its removal and replacement. Due to external factors work on The Blacksmiths Shop stopped with the building remaining fenced off in a dangerous state and the church wall in a collapsed condition.

3. Planning Policies:

NPPF National Planning Policy Framework
LPR15 Conservation Areas
LPR42 Cotswold Design Code
LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

GCC Archaeologist recommends that no archaeological investigation or recording need be undertaken in connection with this scheme.

Historic England has no objection to the application on heritage grounds.

5. View of Town/Parish Council:

Todenham Parish Council - Objection:

"The Todenham Parish Council are not against the reconstruction of the church wall if at the same time, the remains of the old forge are also demolished. The application and the supporting documents barely mention the forge and ignores the fact that it will be left standing after this work has been carried out to stabilise and rebuild the wall.

The Parish Council together with the Parochial Church Council have been involved with this issue for many years attempting to resolve this issue. Much of our discussion has been with the loss adjuster working on behalf of the insurers to the church. We spoke with them just over a week ago and they confirmed it is still their intention to carry out the work on the wall but leave the remains of the forge in place.

It is difficult to see how this can be done as the respective walls of the church and Forge almost touch one another. If, planning consent is agreed and a piled foundation installed and the retaining section of 2.5 high Cotswold stone wall replaced without demolishing the forge it will be a disaster.

Those living in that part of the village have been blighted now for many years. Also, the owners of the Farriers Arms pub, currently closed, said this played a large part in the loss of revenue leading to its closure. This Pub is currently advertised for sale but it is unlikely to be sold until the Forge is demolished and hopefully reinstated. I am sure CDC planning will appreciate the importance to any villages of a local pub.

If the remains of the forge are left as they are with no roof tiles and debris around the site that is itself protected by anti-climb site fence panels it will continue to make it virtually impossible to sell homes in that location and may prevent the Farriers Arms from ever re-opening.

This area by the church was considered to be the most attractive feature of the village but now it is unattractive and least desirable. Anybody reading this application who is unfamiliar with Todenham village would be unable to appreciate that the character and appearance in the area adjacent to the church is seriously affected by the condition of the old forge.

One of the documents provide in the application generally in favour of this planning application is from 'Historic England' who refers to the church wall with little reference to the forge and in the letter, states:

'Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties.'

If this application is permitted in its present form without the demolition of the forge this requirement in Section 72 will fail to meet this important requirement.

Finally, if the application should be approved the replacement section of wall must still be Cotswold stone and not reinforced concrete or similar. If later the forge is demolished and never rebuilt this would be totally unacceptable. This point is being made as it appears that what is being proposed in the application may make it impossible to replace the wall with Cotswold stone as it is now, without first demolishing the forge."

6. Other Representations:

None received at time of writing.

7. Applicant's Supporting Information:

Proposed plans
Method statement

8. Officer's Assessment:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

At the time of writing this report, the starting point for the determination of this application is currently the development plan for the District which is the adopted Cotswold District Local Plan 2001 - 2011. It is, however, expected that by the date of the Committee Meeting, the emerging Local Plan will have been adopted and its policies will then acquire full weight and supersede those of the 2001-2011 Local Plan. Consequently, both set of policies are quoted here.

The emerging Cotswold District Local Plan 2011- 2031 is in its modified form following receipt of the examining inspectors' report in early June 2018. The emerging Plan can be afforded substantial weight.

The policies and guidance within the National Planning Policy Framework July 2018 (NPPF) are also considered to be a material planning consideration.

(a) Impact on Heritage Assets and Design

As the wall is both curtilage listed, within the setting of several listed buildings and in Todenham Conservation Area, the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, as well as preserving or enhancing the character or appearance of the area in accordance with Sections 66 (1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 16 of the National Planning Policy Framework states that historical 'assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so

that they can be enjoyed for their contribution to the quality of life of existing and future generations'.

Paragraph 192 states that local planning authorities 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.

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional and assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 196 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, where appropriate, securing its optimum viable use.

Paragraph 200 states that Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

NPPF Section 12 requires good design, providing sustainable development and creating better place to live and work in. Paragraph 127 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

Similarly, Local Plan Policy 42 requires development to be sustainable and designed in a manner that respects the character, appearance and local distinctiveness of Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship.

Local Plan Policy 15 states that development must preserve or enhance the character or appearance of the conservation area as a whole, or any part of that area. It states that development will be permitted unless new or altered buildings are out-of-keeping with the special character or appearance of the area in general or in a particular location (in siting, scale, form, proportions, design or materials).

Emerging Policy EN1 seeks to protect, conserve and enhance the historic and natural environment. Emerging Policy EN2 requires development to accord with the new Cotswolds Design Code such that proposals should be of a design quality that respects the character and distinctive appearance of the locality. Emerging Policy EN10 requires proposals to sustain and enhance the character, appearance and significance of designated heritage assets and their settings, including listed buildings and conservation areas; unless clear public benefit from the proposal outweighs the harm. Emerging Policy EN11 relates solely to conservation areas and seeks to preserve and enhance the special character and appearance of it.

Although the site borders a graveyard Gloucestershire County Council's Archaeologist was consulted prior to the application which led to a redesign which would include only vertical structural element, thus not disturbing the graves and minimising the risk to human remains. The archaeologist has confirmed that the current proposal is acceptable.

Given that a section of the retaining church wall and soil behind has collapsed, a concrete wall with piles is proposed, with a finish of Cotswold stone to match the existing wall facing The Blacksmiths Shop. Therefore the visual appearance once the works have been completed would be as it was prior to the partial collapse. The proposed 'internal' structure of the wall is not considered to be a consideration of this application as in itself that issue would not affect the character or appearance of the area. Usually such matters would be considered by the Listed Building Consent application and as such in this case is a consideration for the Diocese. Given these works would repair a section of the wall and allow the reduction in protective fencing on the churchyard side it is considered that the impact of the proposal on the setting of the surrounding heritage assets would be positive. Historic England have also confirmed they consider the proposal is acceptable.

The concern raised by the Parish Council regarding the finish of the wall is noted, and it is agreed a concrete wall finish would not be acceptable. As such, and given the intent is to finish the wall in Cotswold stone, it is considered reasonable and necessary to require a condition giving a length of time from the commencement of works until their completion, including facing stone. A method statement has also been submitted to confirm how the applicants intend to access the site and conduct the works.

The proposal is therefore considered to comply with Local Plan Policies 15 and 42, Emerging Local Plan Policies EN1, EN2, EN10 and EN11 as well as NPPF Section 16, specifically Paragraphs 192, 193 and 200.

(b) Impact on Landscape

Emerging Local Plan Policy EN6 states development will be permitted provided it does not have a significant detrimental impact upon the special character and key landscape qualities of the Special Landscape Area including its tranquillity.

Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 172 states Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

The site is within the centre of the village and the proposal would result in an external appearance of the wall which would match its previous appearance. As such, it is not considered that the proposal would impact on the landscape of the area and therefore the development accords with Emerging Local Plan Policy EN6 and Section 15 of the NPPF.

(c) Impact on Amenity

Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users. Local Plan Policy 46 states the design and layout of residential development should provide adequate areas of open space around dwellings, so as to ensure reasonable privacy, daylight, and adequate private outdoor living space.

Emerging Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This is broadly consistent with the policy advice set out in Local Plan Policy 46.

The proposal would replace the wall as it was and would therefore not cause increased harm to the amenity of the neighbours in regards to loss of light, loss of privacy or overbearing. As such

the proposal is considered to accord with the residential amenity aims of Local Plan Policy 46, Emerging Local Plan Policy EN2 and Section 12 of the NPPF.

(d) Other Matters

The main concern raised by the Parish Council and shared by Cllr Dutton relates to The Blacksmiths Shop, with a desire that work is undertaken to The Blacksmiths Shop as well as the church wall to improve the visual amenity of the site. It is currently listed as a Dangerous Structure and has protective fencing around it to secure the building. The status of this is periodically checked by the Building Control team. The fencing and building's state are detrimental to the appearance of the area and setting of various heritage assets. However, this area is outside the site and applicant's ownership or control. Additionally the works to the church wall would not worsen the visual appearance of The Blacksmiths Shop and surrounding area. It is therefore not reasonable to require the Church to undertake work to The Blacksmiths Shop and area.

9. Conclusion:

The proposal is considered to be acceptable subject to condition and is therefore recommended for permission.

10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby approved shall be implemented in accordance with the following drawing 3743.1 (dated May 2018).

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 54 and 56 of the National Planning Policy Framework.

The works hereby permitted shall be undertaken in accordance with the submitted Method Statement (received 9th July 2018).

Reason:

The scheme is in a sensitive location with limited access and is considered acceptable with the visual finish of a stone wall, rather than only the concrete support. To accord with aims of Local Plan Policy 15 and 42, Emerging Local Plan Policies EN1, EN2, EN10 and EN11 as well as NPPF Section 16.

Within 6 months of the commencement of works on the site the development must be completed including the stone wall finish.

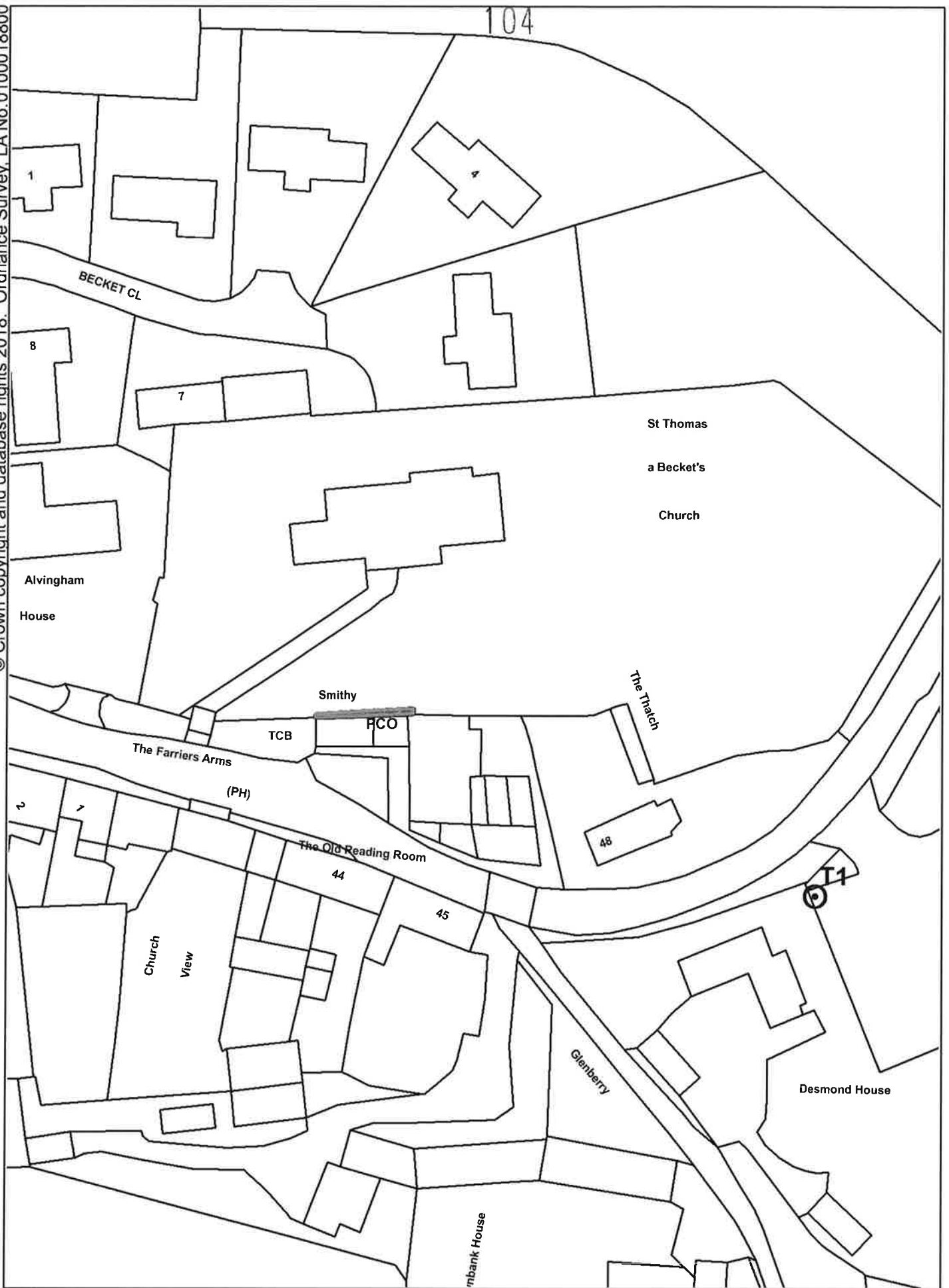
Reason:

The scheme is in a sensitive location which would be acceptable only with the visual finish of a stone wall, in accordance with the aims of Local Plan Policy 15 and 42, Emerging Local Plan Policies EN1, EN2, EN10 and EN11 as well as NPPF Section 16.

Prior to the construction of the stone wall finish of the development hereby approved, a sample panel of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panel and shall be permanently retained as such thereafter. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policies 15 and 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

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ST THOMAS CHURCH TODENHAM

Scale: 1:704

Organisation: Cotswold District Council

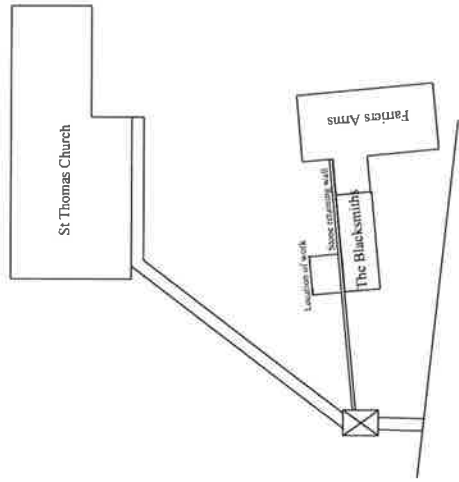
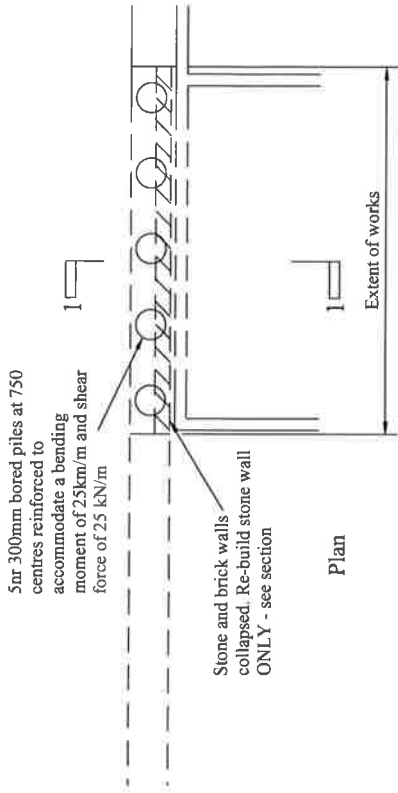
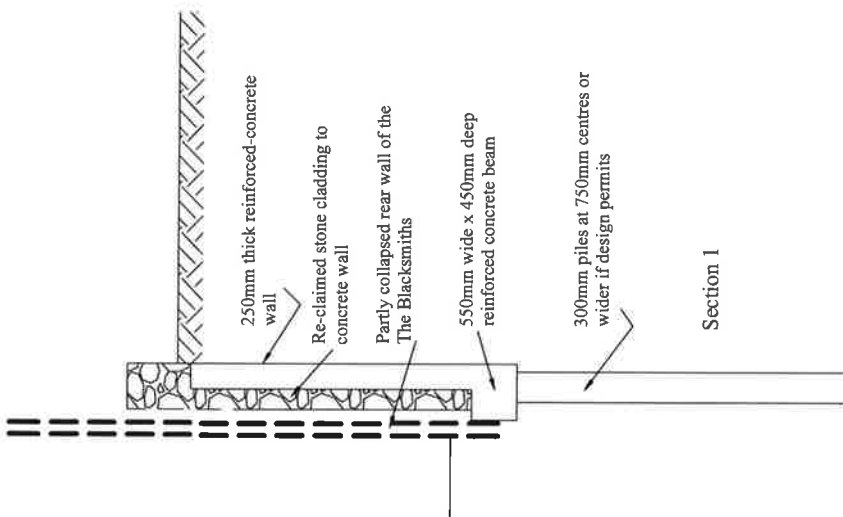
Department:

Date: 27/07/2018



COTSWOLD
DISTRICT COUNCIL





Block plan 1:500 at A4

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Project
St Thomas Church Todenham
Reconstruction og Boundary retaining wall

Drawing
Structural and planning details#

Date
May 2018

Drawing Number
3743.1

Scale