

# Bath & North East Somerset Council

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|----------------------------|---|--------------------------|--|
| MEETING:                   | <b>Development Management Committee</b>   | AGENDA<br>ITEM<br>NUMBER |  |
| MEETING<br>DATE:           | <b>19th October 2016</b>  |                          |  |
| RESPONSIBLE<br>OFFICER:    | Mark Reynolds – Group Manager (Development<br>Management) (Telephone: 01225 477079) |                          |  |
| TITLE:                     | <b>SITE VISIT AGENDA</b>  |                          |  |
| WARDS:                     | ALL   |                          |  |
| BACKGROUND PAPERS:         |   |                          |  |
| <b>AN OPEN PUBLIC ITEM</b> |   |                          |  |

## BACKGROUND PAPERS

List of background papers relating to this report of the Group Manager, Development Management about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
  - (i) Sections and officers of the Council, including:
    - Building Control
    - Environmental Services
    - Transport Development
    - Planning Policy, Environment and Projects, Urban Design (Sustainability)
  - (ii) The Environment Agency
  - (iii) Wessex Water
  - (iv) Bristol Water
  - (v) Health and Safety Executive
  - (vi) British Gas
  - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
  - (viii) The Garden History Society
  - (ix) Royal Fine Arts Commission
  - (x) Department of Environment, Food and Rural Affairs
  - (xi) Nature Conservancy Council
  - (xii) Natural England
  - (xiii) National and local amenity societies
  - (xiv) Other interested organisations
  - (xv) Neighbours, residents and other interested persons
  - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

### **The following notes are for information only:-**

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

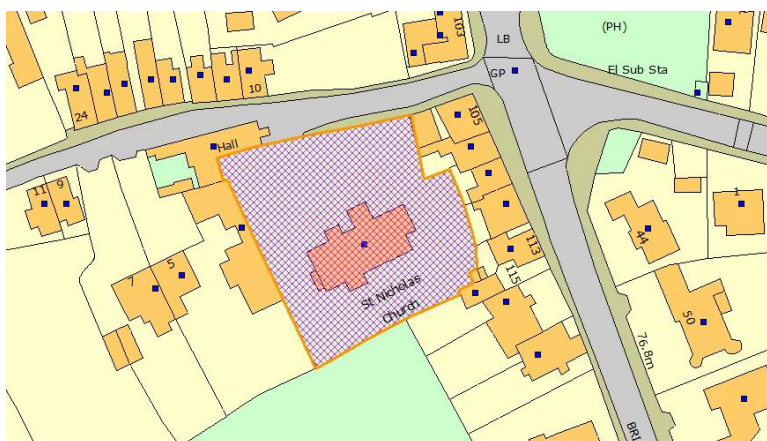
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

## INDEX

| ITEM NO. | APPLICATION NO. & TARGET DATE: | APPLICANTS NAME/SITE ADDRESS and PROPOSAL   | WARD:                    | OFFICER:          | REC:   |
|----------|--------------------------------|---|--------------------------|-------------------|--------|
| 001      | 16/02441/FUL<br>14 July 2016   | PCC of St Nicholas Church Care of Mrs A Sealy<br>St Nicholas Church, Church Road,<br>Whitchurch, Bristol, Bath And North<br>East Somerset<br>Erection of disabled WC to front<br>elevation. | Publow And<br>Whitchurch | Adrian<br>Neilson | PERMIT |

## REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON APPLICATIONS FOR DEVELOPMENT

**Item No:** 001  
**Application No:** 16/02441/FUL  
**Site Location:** St Nicholas Church Church Road Whitchurch Bristol Bath And North East Somerset



**Ward:** Publow And Whitchurch      **Parish:** Whitchurch      **LB Grade:** N/A  
**Ward Members:** Councillor Paul May  
**Application Type:** Full Application  
**Proposal:** Erection of disabled WC to front elevation.

|                      |  |
|----------------------|--|
| <b>Constraints:</b>  | Affordable Housing, Airport Safeguarding Zones, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Greenbelt, Housing Development Boundary, Listed Building, Local Shops, SSSI - Impact Risk Zones, |
| <b>Applicant:</b>    | PCC of St Nicholas Church Care of Mrs A Sealy  |
| <b>Expiry Date:</b>  | 14th July 2016   |
| <b>Case Officer:</b> | Adrian Neilson   |

## REPORT

The listed building is a grade II\* church located in the historic settlement of Whitchurch and dates from the C12 and possesses a cruciform plan form with some surviving Romanesque and transitional details. It was altered and extended in the C13 and C15. The church was altered again in the later C19, when internal plaster and external renders were removed. The plan comprises nave, chancel, north transept, south aisle and south-east chapel (vestry). North and south porches, and central tower. The internal fittings are mainly C19, although two notable medieval screens survive within the south aisle and vestry,

The proposals are for external alterations to construct a WC located to the north elevation.

No planning history available.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Historic England

Historic England understands that church buildings must adapt and alter in order to accommodate modern services and requirements and ensure the continual use these building for the purpose for which they were built, however it is important that this must be balanced with the preservation of the significance of St Nicholas' as a grade II\* listed building. The proposals as outlined will be harmful to the overall aesthetics of the building, however given the limited options for alternative locations and the lack of impact on the historic fabric of the building we would consider this location acceptable. The design and materials used for this location will plan an important part in minimising the harm caused to the aesthetics of the church and we would recommend that care must be taken to ensure that the structure takes a lightweight approach, thereby minimising the need for any impact on the historic fabric of the church itself. Appropriate archaeological precautions should be undertaken with regards to the drainage and ground disturbance needs of any scheme.

Whitchurch Parish Council (Objection)

Whitchurch Parish Council object to this application, the proposal to erect a WC to the front of this medieval grade II listed building, is out of character of the existing church building. It will be harmful to the visual appearance of St Nicholas Church.

Cllr Paul May (Objection and Committee referral request)

I would like this application to be considered by committee please? My reason are that this is a significant building, in a prominent location which is listed and loved by the village as a

whole. The construction is totally inappropriate because it is on the front elevation and totally out of sympathy with the construction of the grade 2 listed building. This is in support of the Parish Council objection.

#### St Nicholas Pre-School (Support)

Current facilities inadequate and compromise security and safety of children. Proposed toilet will overcome this issue.

### **POLICIES/LEGISLATION**

The Council's development plan comprises:

- Bath & North East Somerset Adopted Core Strategy
- Saved policies in the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)
- Adopted Neighbourhood Plans

The following policies of the Adopted Core Strategy are relevant to the determination of the application:

- CP2 - Sustainable construction
- CP6 - Environmental Quality
- DW1 - District-wide spatial Strategy
- RA1 - Development in the villages

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of the application.

- BH.2 - Listed buildings and their settings
- D2 - General Design and public realm considerations
- D4 - Townscape considerations

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of applications. Relevant Policies:

HE1: Safeguarding heritage assets

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

## **OFFICER ASSESSMENT**

Due to ecclesiastical exemption listed building consent is not required however external alterations require planning permission. The proposed extension that will provide WC facilities for visitors to the church will be contained within the existing built envelope of the church located on the north elevation. Whilst it is acknowledged that this is the front elevation careful consideration has been given to alternative locations however it is generally regarded that this location offers the least harmful solution and will result in the least impact on the historic building. Therefore the approach is based on a careful balance between the preservation of the significance and architectural interest of the building and the practical requirements of providing sanitary facilities for visitors and users of the building.

The proposed extension will be constructed of timber boarding to ensure that it clearly reads as a new addition to the building and physically and visually lightweight that will facilitate reversibility. The applicants had previously considered the use of stone but the LPA were concerned that this would be of an inappropriate conspicuous appearance and would cause unacceptable harm. The proposed extension will provide toilet facilities for user groups that are currently not available. The addition of toilets will allow the play groups to use the church and comply with the relevant safeguarding legislation.

It is acknowledged that objections to the proposals have been received from the Whitchurch Parish Council and the local Cllr and their concerns have been considered in the assessment of these proposals and the application. Whilst these concerns are legitimate and understandable the proposals when weighed against the issues of harm to the heritage asset and that of the need for new facilities to allow the church to function in this instance the proposals are regarded as acceptable on balance.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered by the LPA that, on balance, the proposals are consistent with the aims and requirements of the primary legislation.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission

### **2 Plans List (Compliance)**

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

### **3 Archaeology - Watching Brief (Pre-commencement)**

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

### **4 Archaeology - demolition and WSI (Pre-commencement)**

No development or demolition shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a record of those parts of the building(s), which are to be demolished, disturbed or concealed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The building is of significant archaeological interest and the Council will wish to examine and record features of architectural interest.

### **PLANS LIST:**

0304.P.003, 0304.P.04, 0304.P.07, 0304.P.08, 0304.P.09, 0304.P.10, 0304.P.11, 0304.S.001 and Design, Access and Heritage Statement date stamped 17 May 2016.

### **DECISION TAKING STATEMENT**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was granted.