

Item No. 12

APPLICATION NUMBER	CB/17/04232/FULL
LOCATION	St Nicholas Church, Church Road, Barton-le-Clay, Bedford, MK45 4LA
PROPOSAL	Dismantle and rebuild the garden wall adjacent to the church hall.
PARISH	Barton-Le-Clay
WARD	Barton-le-Clay
WARD COUNCILLORS	Cllr Shingler
CASE OFFICER	Stuart Kemp
DATE REGISTERED	04 September 2017
EXPIRY DATE	30 October 2017
APPLICANT	
AGENT	Michael Dales Partnership Limited
REASON FOR COMMITTEE TO DETERMINE	Call in by Cllr Shingler - Detrimental to Grade II listed wall, adjacent Grade II listed building and the Conservation Area.
RECOMMENDED DECISION	Full Application - Granted

Reason for Recommendation:

The application is recommended for approval. The proposal would result in less than substantial harm to the setting of the adjacent listed buildings and would have no adverse impact on the historic character of the conservation area or on any neighbouring amenity. As such the proposal is considered to be in accordance with policy BE8 of the South Bedfordshire Local Plan Review, Chapters 7 and 12 of the NPPF and the Central Bedfordshire Design Guide.

Site Location:

The application site comprises the curtilage of the Grade I listed, St Nicholas Church located to the east of Church Road in Barton-Le-Clay. The site also benefits from a community hall to the south east which is of a modern red brick construction, whilst the site is bordered by the grade II listed Rectory to the south.

The Application:

Listed building consent is sought for the dismantling and rebuilding of a section of the garden wall to the southern boundary of the site immediately adjacent to the existing church hall. The wall separates the church hall from the main church garden to the south.

A section of the existing wall has collapsed and is being supported by timber supports, as such the required works are considered to be essential to strengthen and stabilise the wall.

The section of wall to be removed consists of 15.1 metres, the replacement wall would be of the same height at a maximum of 2.8 metres. The existing brick buttresses, which are of varying ages, would be removed as they would no longer

be required to support the wall, a new brick pier would be constructed to the eastern edge of the wall adjacent to the existing duck shed for additional support.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

Local Plan

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application:	Planning	Number:	CB/17/01775/LB
Validated:	18/05/2017	Type:	Listed Building
Status:	Pending Decision	Date:	
Summary:		Decision:	
Description:	Listed Building - Dismantle and rebuild the garden wall adjacent to the church hall.		

Consultees:

Barton - Le - Clay Parish Council	No further comments on this matter
Conservation Officer	No objection subject to conditions.
Historic England	Do not wish to comment - seek views of your specialist Conservation Officer.

Other Representations:

Neighbours	No responses received to the planning applications, 3 objections received in respect of the accompanying Listed Building Application, see report CB/17/01775/LB.
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Determining Issues:

The main considerations of the application are;

- 1. Impact on the Character and Appearance of Conservation Area and on the setting of the Listed Building**
- 2. Neighbouring Amenity**
- 3. Other Considerations**

Considerations

- 1. Impact on the Character and Appearance of Conservation Area and on the setting of the Listed Building**
 - 1.1** The existing garden wall is sited within the grounds of the Grade I listed St

Nicholas Church located to the east of Church Road in Barton - Le - Clay. The wall forms the boundary between the existing main church grounds and the separate walled church garden. The wall adjoins the existing garden wall of the Grade II listed neighbouring residential property to the west at "The Rectory". Whilst there is no reference to the garden wall in the formal church listing available through Historic England the garden wall is mentioned within the listing for "The Rectory".

- 1.2 Considering the above the garden wall is not listed as a heritage asset in it's own right, rather it forms part of the curtilage listings of The Rectory and St Nicholas Church.
- 1.3 The wall is clearly of a significant age although it is clear that a number of brickwork and mortar repairs have been completed sporadically over the years as and when required.
- 1.4 The wall displays a significant lean which has no doubt aided in the collapsing of the section of wall which is already down. The lean does not appear to be an original feature of the wall as large sections of the wall closer to "The Rectory" appear to be much straighter.
- 1.5 Whilst the leaning nature of the wall does add to it's historic character this does not appear to be originally intended and speaks for the structural instability of the existing wall.
- 1.6 A number of buttresses have been added in order to support the wall without any real success. Again these appear to have been added sporadically across a significant timeframe and are of no real historic or visual value, many of these are also displaying signs of damage.
- 1.7 Whilst the structural engineers plans show a small section of wall requires rebuilding, it is understood that this report was conducted before the section of wall collapsed. Since the wall has collapsed and requires rebuilding a larger section of the wall now requires replacing in order to make the replaced section structurally sound and for both sections of wall to tie in together.
- 1.8 It is also clear that the wider section of wall is displaying visible signs of damage, including significant cracks, as such it makes sense to rebuild the larger section of wall in order to further preserve the wall as opposed to completing sporadic repair works.
- 1.9 It should also be noted that a red brick "Church Hall" has been erected between St Nicholas Church and the wall which is subject to this application. As such whilst the wall still borders the church grounds and gardens to a certain extent it can no longer be seen in conjunction with the church due to the siting of the more modern church hall.
- 1.10 The Conservation Officer and Historic England have both been directly consulted on this application. The Historic England response makes no formal comment but suggests seeking the advice of our internal qualified Conservation Officer. The Conservation Officer has assessed the proposals and the structural engineers report in depth and has concluded that the "essential works" are required in order to preserve the historic nature of the

wall. As such the Conservation Officer has made no objection to the proposal providing a number of conditions are attached to any approval.

- 1.11 The Archaeology Officer has also been consulted on the proposal and has made no objection on archaeology grounds subject to conditions.
- 1.12 The replaced wall will utilise existing and reclaimed brick work where possible, as such the material finish of the wall is considered to be in keeping with the character and appearance of the wider conservation area.
- 1.13 Considering all of the above, alongside the comments of the Conservation Officer and Historic England the proposal is considered to result in less than substantial harm on the significance and setting of the adjacent listed buildings at St Nicholas Church or The Rectory. The proposal is also considered to enhance and preserve the conservation area. As such the proposal is considered to be in accordance with policy BE8 of the South Bedfordshire Local Plan Review, Chapters 7 and 12 of the NPPF and the Central Bedfordshire Design Guide.

2. Neighbouring Amenity

- 2.1 The existing and proposed walls are internal within the application site, as such the wall does not and would not directly border any neighbouring properties. The wall is located a minimum of 80 metres from the neighbouring property to the north at "The Bury" and is a minimum of 20 metres from the main building of "The Rectory" to the west.
- 2.2 The wall is adjoined to a the boundary wall of the garden of "The Rectory" although considering its distance from the main residential neighbouring properties it would have no impact in terms of loss of light or privacy and would not appear as unduly overbearing.
- 2.3 No neighbours have objected to this application although a number of objections have been received from neighbours in regards to the listed building application for the same proposal. As such these objections have been considered under the listed building application.

3. Other Considerations

3.1 Human Rights issues:

The development has been assessed in the context of human rights and would have no relevant implications.

3.2 Equality Act 2010:

The development has been assessed in the context of the Equalities Act 2010 and would have no relevant implications.

Recommendation:

That Planning Permission be **APPROVED** subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

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

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 456/10-001C, 456/10-002A, 456/10-003B.

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.