

Item No. 13

APPLICATION NUMBER	CB/17/01775/LB
LOCATION	St Nicholas Church, Church Road, Barton-le-Clay, Bedford, MK45 4LA
PROPOSAL	Listed Building - 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	18 May 2017
EXPIRY DATE	13 July 2017
APPLICANT	PCC
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	Listed Building - Granted

Reason for Recommendation

The application is recommended for Approval. It is considered that the development would result in less than substantial harm on the significance and setting of the adjacent listed buildings at St Nicholas Church or The Rectory. 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

Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application:	Planning	Number:	CB/14/03584/LB
Validated:	11/09/2014	Type:	Listed Building
Status:	Withdrawn	Date:	22/09/2014
Summary:		Decision:	Application Withdrawn
Description:	Part demolition of a listed brick wall due to leaning of the wall.		

Application:	Planning	Number:	CB/17/04232/FULL
Validated:	04/09/2017	Type:	Full Application
Status:	Registered	Date:	
Summary:		Decision:	
Description:	Dismantle and rebuild the garden wall adjacent to the church hall.		

Consultees:

Barton - Le - Clay Parish Council In response to the planning application above Barton-le-Clay Parish Council can make comment on this application on receipt of the Structural Engineers report on the wall, to assess whether it is necessary to take down or restore sympathetically to its current design.

Update 21/09/2017

The Council expect to receive a current structural report to accompany the new FULL planning application.

Update provided through FULL application 09/10/2017:

No further comments on this matter.

Conservation Officer
Archaeological Officer
Historic England

No objection subject to conditions

No objection subject to condition.

Do not wish to offer any comments, suggest seeking the views of your specialist conservation officer.

Other Representations:

Neighbours

The Old Rectory

Objection (Summary)

- Application fundamentally contradicts heritage policy by proposing tearing down the majority of the wall and rebuilding a large section of structurally sound wall, significantly altering the historic character.
- Only the small buckling section needs rebuilding.
- We own part of the wall which connects to the rectory.
- 3.5 strength mortar for the lime is too strong for re pointing / repairs as the underlying mortar is far weaker.
- Removing buttresses and straightening the wall would impact the heritage asset.

The Bury

Objection (Summary)

- Rebuilding such a large section of wall would impact the unique historic nature of the structure. According to the structural engineers report only 10% of the wall needs to be demolished.
- By removing the buttresses and straightening the wall the historic design and character of the structure would be lost. The wall is at least 200 years old and should be restored rather than demolished and rebuilt.

35 Meadhook Drive, Barton-Le-Clay

Objection (Summary)

- Trustee of St Nicholas PCC who have direct legal responsibility for the wall.
- Structural engineer recommends rebuilding a small buckled section of the way, not the full wall as proposed in this application.
- The church tower has been "roped off" for a longer period than the wall and the works required to the tower should take priority.
- The design of the wall matches nearby connected structures of significant heritage importance (The Rectory and it's garden wall). Rebuilding this would destroy the historic beauty of the area.

Determining Issues:

The main considerations of the application are;

- 1. Impact on the setting of the Listed Buildings and the Conservation Area**
- 2. Public Objections**
- 3. Other Considerations**

Considerations

- 1. Impact on the setting of the Listed Buildings and the Conservation Area**
 - 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. 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. Public Objections

- 2.1 A number of public objections have been received in regards to the proposal, these mainly refer to the impact the proposal would have on the historic nature of the conservation area and on the neighbouring heritage assets.
- 2.2 A majority of the objections have been formally assessed in the relevant section above. The priority of works required to St Nicholas Church is not a material planning consideration, as such this has not been considered under the existing proposal.

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 Listed Building Consent is **APPROVED** subject to the following:

RECOMMENDED CONDITIONS

- 1 The works shall begin not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place until a written scheme of archaeological investigation; that includes the provision for post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.**

Reason: This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the National Planning Policy Framework (NPPF) that requires developers to record and advance of understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development.

- 4 Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the development hereby approved, a sample of the brick sourced as a close match to the existing, to be used in the event of any shortfall in the work of wall reconstruction hereby approved, shall be made available on site for inspection and comparison by, and written approval of, the Local Planning Authority and the approved development shall be undertaken thereafter strictly in accordance with the approved details.

Reason: To control the appearance of the works in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area in which they are located. (Policies BE8, S.B.L.P.R and Chapters 7 and 12 of the NPPF)

- 5 Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the work of wall reconstruction hereby approved, drawn detail at an appropriate scale between 1:10 and 1:20, in elevation and section showing the precise method of construction of the canted wall top/coping detail to be reinstated shall be submitted to and approved in writing by the Local Planning Authority and the approved work shall be undertaken thereafter strictly in accordance with the approved details.

Reason: To control the appearance of the works in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area in which they are located. (Policies BE8, S.B.L.P.R and Chapters 7 and 12 of the NPPF)

- 6 Notwithstanding the details submitted with the application, and prior to commencement of the constructional phase of the wall reconstruction hereby approved, details of the brick bond, mortar mix and mortar joint profile proposed to be used shall be submitted to and approved in writing by the Local Planning Authority and the approved works shall thereafter be implemented strictly in accordance with the approved details.

Reason: To control the appearance of the works in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area in which they are located. (Policies BE8, S.B.L.P.R and Chapters 7 and 12 of the NPPF)

- 6 Notwithstanding details submitted with the application, the work of wall reconstruction shall not commence until a sample panel of brickwork , demonstrating the brick to be used, including both reclaimed and shortfall brick samples, brick bond, mortar mix and mortar joint profile and finish has been provided on site for inspection and approval in writing by the Local Planning Authority. The approved works shall thereafter be implemented strictly in accordance with the approved details.

Reason: To control the appearance of the works in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area in which they are located. (Policies

BE8, S.B.L.P.R and Chapters 7 and 12 of the NPPF)

- 7 Notwithstanding the details submitted with the application, the work of wall reconstruction hereby approved shall be undertaken using a Natural Hydraulic Lime (NHL)-based mortar mix no stronger than NHL 3.5, and shall expressly exclude the use of Portland Cement throughout.

Reason: To control the appearance of the works in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area in which they are located. (Policies BE8, S.B.L.P.R and Chapters 7 and 12 of the NPPF)

- 8 Notwithstanding the details submitted with the application, any provision of expansion joints required in the wall reconstruction hereby approved shall be agreed in advance with the Local Planning Authority and shall be concealed behind a 'dummy' brick pier or buttress, full construction details of which, including brick bond, shall be submitted to, and approved in writing by, the Local Planning Authority prior to construction on site.

Reason: To control the appearance of the works in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area in which they are located. (Policies BE8, S.B.L.P.R and Chapters 7 and 12 of the NPPF)

- 9 This consent relates only to the details shown on the submitted plans, numbers 456/10-001C, 456/10-002A and 456/10-003B.

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

INFORMATIVE NOTES TO APPLICANT

1. 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).
2. This consent relates only to that required under the Planning (Listed Building and Conservation Areas) Act 1990 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.

DECISION

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