

Application N **6/3/10/102**

Grid Ref. SS95133148

Agenda No.

Applicant: Revd H Gray, The P.C.C, The Vicarage
Brompton Regis, Dulverton, Somerset

Location: Church of Blessed Virgin Mary, Brompton Regis, Somerset, TA22 9NL

Proposal: **Proposed disabled toilet (4.5m²). (Full)**

Description: The Church of the Blessed Virgin Mary is a Grade II* Listed Building located within the heart of the Historic Settlement Core in Brompton Regis.

The proposed development at the church, which is the subject of this full planning application, is the proposed construction of a disabled toilet of 4.5 square metres.

Consultee Response:

BROMPTON REGIS PARISH COUNCIL: Brompton Regis Parish Council has no objection to the above planning application.

WEST SOMERSET COUNCIL: No comment received.

SCC - ENVIRONMENT DIRECTORATE: No comment received.

ARCHAEOLOGIST - ENPA: Main Issues: Historic Environment Record - mso8847 ' St Mary's Church consists of chancel, nave, S transept, N aisle, W tower and S porch. The tower is 13th century and was added to an earlier nave and chancel. About 100 years later the S wall of the nave was altered and early in the 14th century the S transept appears to have been built, but of this only a little walling remains. Early in the 16th century the N aisle was added. In 1853-4 the church underwent a drastic restoration with much rebuilding and removal of old fittings. In normal use. Listed Grade B Church of St Mary Small plain mainly Perpendicular building, some restored Decorated windows. Nave, chancel, N aisle, S porch, W tower. Plain 2-stage tower, diagonal buttresses to lower stage, embattled parapet, single bell-chamber windows. Interior has arcade of 4 bays, "Devon" capitals to some piers, unceiled wagon roof to nave, 17th century carved wooden pulpit.'

Reasoning why acceptable/unacceptable: - The proposal is unacceptable due to the disturbance and destruction of quantities of historic building and archaeological fabric, the visual obstruction of a historic window and the enormous below ground archaeological potential.

The building is listed and English Heritage must be consulted.

Recommended Conditions: Recommend refusal.

The design and Access Statement states that 'an archaeologist will be present when excavations are taking place'. If the proposal does manage to get approval the above statement, whilst reassuring, is not sufficient. All groundworks would have to have a 'comprehensive watching brief' in accordance with Annex 1 of Exmoor National Park Authority Local Plan - the Conduct of Archaeological Work and Historic Building Recording within Exmoor National Park. Details of the archaeological contractor and WSI must be submitted to and approved by ENPA in advance of works.

In addition I must be informed ten working days before work starts in order to monitor the site works.

HISTORIC BUILDINGS OFFICER - ENPA: The preferred option makes best use of the

available space and produces a new addition for the 21C. The use of quality materials should ensure that the new addition is a positive contribution to the history of the church. ENGLISH HERITAGE: We have no objections to the proposal. That is because in this case we consider that the provision of a w.c in a small extension is preferable to an internal solution due to the potential architectural impact of locating it within the main body of the church as opposed to the availability of a discreet external location in which to build it with minimal impact on historic fabric.

Public Response:

No public responses received in respect of this application.

Most Relevant Development Plan Policies:

SOMERSET AND EXMOOR NATIONAL PARK AUTHORITY JOINT STRUCTURE PLAN

STR1 Sustainable Development

Policy 2 Exmoor National Park

STR5 Development in Rural Centres and Villages

Policy 9 The Built Historic Environment

Policy 11 Areas of High Archaeological Potential

EXMOOR NATIONAL PARK LOCAL PLAN 2001-2011

LNC1 General National Park Policy

CBS8 Alterations to Listed Buildings

CBS10 Preservation of Listed Buildings and their Features and Settings

CBS12 New Development

LNC15 Scheduled Ancient Monuments and Other Important Archaeological Sites

Observations:

The proposed location of the addition to provide a disabled WC is to the south of the church. The proposed addition is to be single storey constructed from random rubble stone and an oak door to match the materials of the existing church. The roof of the proposed addition will be flat in order that the existing window of the church situated above it is not affected by the development. Details such as stone coping to the roof and surrounding the top of the new doorway are included in the design in order that the addition blends in with the detail of the existing church.

Public footpath DU 1/31 runs along the south boundary of the church curtilage and the additional will be easily seen from the footpath. However, it is a small addition and has been sited in a recess between the porch and the organ chamber and is set back within this recess therefore it is considered that the proposed toilet makes best use of the available space.

With regard to the impact of the works on the character of this listed building, the church has ecclesiastical exemption therefore there is no need for listed building Consent. However, planning permission is still required and the proposal must be assessed against Policy CBS 8 and 10 of the local Plan to ensure the works will not adversely affect the special character of this listed building. The Exmoor National Park Historic Buildings Officer has advised that the works are acceptable and therefore it is considered that the proposal accords with Policy CBS8 and CBS10. In addition, as the building is grade II* listed, English Heritage have been consulted and have no objections to the proposed development.

The Exmoor National Park Archaeologist recommended refusal of the application due to the disturbance and destruction of quantities of historic building and archaeological fabric.

However, it was felt that a suitably worded watching brief condition could be imposed which will ensure the construction of the disabled WC does not adversely affect any archaeology on site.

There have been no public objections received in respect of this planning application and Brompton Regis Parish Council responded to advise that they have no objection.

Therefore taking in consideration, the materials, siting, scale and design of the proposed development, it is considered that the proposal will not be of detriment to the character and appearance of the character and appearance of the church or on the wider locality of the National Park. The development accords with the relevant policies of the Local Plan, therefore the recommendation is that the proposed development is granted planning permission.

Recommendation

Approve subject to the following conditions

1. 1 Time limit for commencement of development (3 years)
 2. The development hereby approved shall be carried out in accordance with the approved plans numbered 2172/6, 2172/10, 2172/11, 2172/12, 2172/13, 2172/14 and 2172/16 received on 02 February 2010 and submitted as part of the application.
 3. The site is within an area of high archaeological potential and no groundworks/no demolition/no development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved by the Local Planning Authority Archaeologist. The WSI must be submitted at least 15 working days in advance of works.
 4. The developer shall notify the National Park Authority Archaeologist in writing 14 days before the commencement of the earth works on site. The developer shall then afford access at all reasonable times to any archaeologist nominated by the Planning Authority and shall allow them to observe the excavations and record items of interest and finds.
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1. In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990, (as amended by the Planning & Compulsory Purchase Act 2004).
 2. For the avoidance of doubt and in the interests of visual amenity.
 3. To ensure the site has provision for full recording of its archaeological potential
 4. To rescue or record items or features of archaeological interest before they are lost.

Notes to Applicant:

MONITORING OF DEVELOPMENT

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. The National Park Authority endeavours to monitor on site the compliance with conditions and building works. This has benefits for applicants and developers as well as the National Park. To assist with this monitoring of development the applicant/developer is requested to give at least fourteen days notice of the commencement of development to ensure that effective monitoring can be undertaken. The Planning Section can be contacted at Exmoor National Park Authority, Exmoor House, Dulverton, Somerset, TA22 9HL or by telephone on 01398 323665 or by email plan@exmoor-nationalpark.gov.uk.

CONDITIONS AND INFORMATIVES AND THE SUBMISSION OF FURTHER DETAILS Please check all the conditions and informatives attached to this Decision Notice. If there are any conditions which require submission of details and/or samples prior to work commencing on site it is vital that these are submitted and agreed in writing by the Local Planning Authority before work starts. Given the High Court's interpretation of the Planning Acts and their lawful implementation it is unlikely that the Local Planning Authority will be able to agree to a sample/details after the commencement of works if that sample/details should have been approved prior to commencement. If a sample/detail is not agreed as required prior to commencement and works have started then it is likely that this matter may only be able to be rectified by the submission of another application. To avoid delay, inconvenience and the need to submit a further application, please ensure that all appropriate details/samples are submitted and agreed at the specified time.

Please also note that due to other decisions of the High Court it is now not normally possible for the Local Planning Authority to agree to minor amendments to approved applications on an informal basis. The Department of Communities and Local Government have introduced a process whereby it is now possible to apply for a non-material amendment to a permission. This can deal with changes to plans which do not fundamentally alter the form of permission but are a variation to the approval. The appropriate form is available by request at Exmoor House or by downloading from the National Park Authority web site. Applications can be made via the Planning Portal.

Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.

SUMMARY OF REASONS FOR GRANTING PERMISSION.

The development by reason of its impact on local amenity, character, design and subject to the above conditions, is considered to accord with the policies of the Development Plan (detailed below) and material planning considerations do not indicate otherwise.