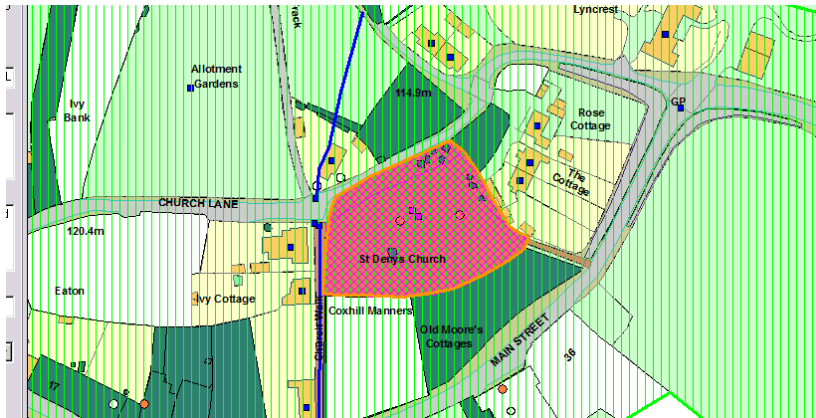


**Reference:** 16/00733/FUL  
**Date Submitted:** 6<sup>th</sup> October 2016  
**Applicant:** Parochial Church Council St Denys Church, Eaton, Leics.  
**Location:** St Denys Church Church Lane Eaton NG32 1SL  
**Proposal:** Proposed disabled toilet extension with terne coated steel roof covering



**Introduction:-**

The proposal seeks listed building consent for a disabled toilet extension with terne coated steel roof covering

**It is considered that the main issues arising from this proposal are:**

- **Impact upon the setting of the listed building**

**History:-** There is no planning history for the site.

The application site is a Grade I listed Church, which is identified as a Parish church, early C14 nave, south aisle and west tower, C13 north aisle, mid C14 chancel. C15 re-workings and restorations 1883 and 1923. Ironstone with limestone dressings and lead roofs. The application is brought to the attention of the Melton Borough Council Planning Committee because there have been a sufficient number of objections to the proposal to require a committee level decision to approve the works.

**Planning Policies:-**

**Melton Local Plan (Saved policies)**

**Policy BE1** – This policy states that planning permission will not be granted for new buildings unless (including): the buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing, the buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight/ daylight and adequate vehicular access and parking is provided.

**The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out - of- date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

**On Specific issues it advises:**

**Conserving and enhancing the historic environment**

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- In determining planning applications, 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.
- 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 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 securing its optimum viable use.

**Listed Buildings and Conservation Area Act 1990**

As the Church is a listed building and within a Conservation Area the Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the building and its setting and preserving and enhancing the conservation area, sections 66 and 72.

**Consultations:-**

<b>Consultation Reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Eaton PC – No comment</b></p> <p>Eaton PC were consulted on 24.10.2016 and no comment was received</p>	<p>Noted</p>
<p><b>Historic England</b></p> <p>In a revised letter from Eilis Scott of Historic England received 26<sup>th</sup> July 2017, Historic England stated that following their receipt of more information in response to their questions about alternative options they were willing to reconsider their original response advising refusal of the application. They acknowledged the cost implications of the north porch option, the reluctant to adapting the server, and that the parish do not believe there is a realistic viable alternative to house the WC. The concerns over noise as expressed within Mr Dodson’s letter were recognised as a relevant consideration as there is no other means to provide the sewage disposal. Therefore, in assessing all the information, Historic England stated that they would not object to this proposal</p>	<p>Noted. Historic England is a statutory consultee on all Grade I and II* listed buildings and their judgement should be followed by Local Authority Conservation Policy unless there are wholly exceptional circumstances relating to the application.</p> <p>In this instance there are no identified external circumstances and as such MBC Conservation supports the judgement taken by Historic England.</p>

**Representations:-**

The application was advertised by means of a site notice and letters were sent out to a number of neighbouring properties. 13 Objections were received from members of the public and 4 letters of support were received. Comments received are summarised below.

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Support:</b></p> <p>The support for the application can be summarised in the following key points:</p> <ul style="list-style-type: none"> <li>• Church worshippers at Eaton have explored the possibilities of where to place a toilet, including all ideas mentioned in the objections, concluding that a disabled access is best placed through the porch, with better privacy, flat access for wheelchairs and buggies, no interruption of Church Services.</li> <li>• The plans are entirely sympathetic to a church that has been altered from it's original for centuries (Tower, spire, clock, side aisles, organ).</li> <li>• The church is for all people. There must be no exclusion of childrens activities, the disabled, the very elderly from full use of the facilities.</li> </ul>	<p>Noted.</p> <p>The objections and support for the church demonstrate the planning balance that must be taken into account with this application, between the harm caused to the heritage asset weighed up against the accrued public benefits as a result of a planning consent for the works.</p> <p>13 objections that largely considered to be relevant to the fabric of the listed building demonstrate a strong local sentiment with concern to the harm caused through alteration.</p> <p>As such, a recommendation must be made which considers Paragraph 132 and 134 of the NPPF, and this will be summarised below.</p>

**Objections:**

The objections for the proposal can be summarised as follows:

- The Church of St Denys is the only Grade I listed building in the Eaton area and – in terms of heritage, history and architecture – is one of the most important churches in the Borough.
- The proposed development would do substantial harm to designated heritage assets (see below). Approval for applications which do substantial harm to assets of Grade I significance should be wholly exceptional
- The heritage assets which would be substantially harmed by this application include the long gabled south porch, which is specifically mentioned in the building's Grade I listing. The proposal is to knock through the eastern wall of this medieval ironstone structure to create access to a lean-to structure that will house a toilet and will be built onto the medieval porch. This alteration will involve the destruction of medieval masonry. It will utterly alter the external appearance of the porch and destroy the symmetry that is part of its medieval heritage.
- Also substantially harmed will be the medieval stone benches that run the length of the eastern side of the porch on the inside. These benches will be largely destroyed by the proposed work, and will be replaced by a toilet door.
- The proposals will have a significant impact on the setting of the C13th doorway, a significant heritage asset also mentioned specifically in the Grade 1 listing. The doorway is currently approached through and framed by the long south porch and its parallel stone benches. The proposal will do substantial harm to this setting.
- The proposed extension would permanently obscure an architecturally significant stone window that features carved medieval head mould stops, and would destroy the existing symmetry of that window with the one above it. These beautiful windows and carefully crafted stone carvings are a significant part of the village's heritage and are in

<p>themselves a significant heritage asset.</p> <ul style="list-style-type: none"> <li>• This window in the south chancel was designed to light the interior of the church. The proposed extension, by partially blocking this window, would deprive the interior of the church of part of its original light source. The way in which the southern light enters the church from this window is part of the design of the church and part of the building's heritage.</li> </ul>	
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**Other Material Considerations not raised through representations:**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Planning Policies and compliance with the NPPF</b></p>	<p>Paragraph 132 of the NPPF states that: <i>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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.</i></p> <p>As the harm is considered to be less than substantial it must be balanced against Paragraph 134 of the NPPF which states that:</p> <p><i>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 securing its optimum viable use.</i></p> <p>Furthermore the application is considered under in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning Practice Guidance and the Historic Environment Good Practice Advice in Planning Notes 2-3 and Historic England's published guidance document 'New Work in Historic Places of Worship,' 2012.</p> <p>As previously stated, Historic England have assessed the proposal in accordance with Paras 132 and 134 of the NPPF, as well as Planning Practice Guidance and Historic Environment Good Practice Advice in Planning Notes 2-3 and Historic England's published guidance document 'New Work in Historic Places of Worship,' 2012.</p> <p>Historic England have determined that in this instance, the public benefits to the Parish and the local community, through the provision of more commodious church services, outweigh the harm caused through the material changes. As such, there are no external circumstances that would affect the judgement of MBC Conservation in</p>

	choosing not to support Historic England in their decision.
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### **Conclusion**

**Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that on the balance of the issues, permission should be permitted.**

**It is considered that the proposed public benefits in the provision of a disabled toilet block outweigh the harm caused to the heritage asset, in line with Paragraphs 132 and 134 of the NPPF. As such the scheme is recommended for approval**

Recommendation: Permit

Officer to contact: **Toby Ebbs**

Date: **05.10.2017**