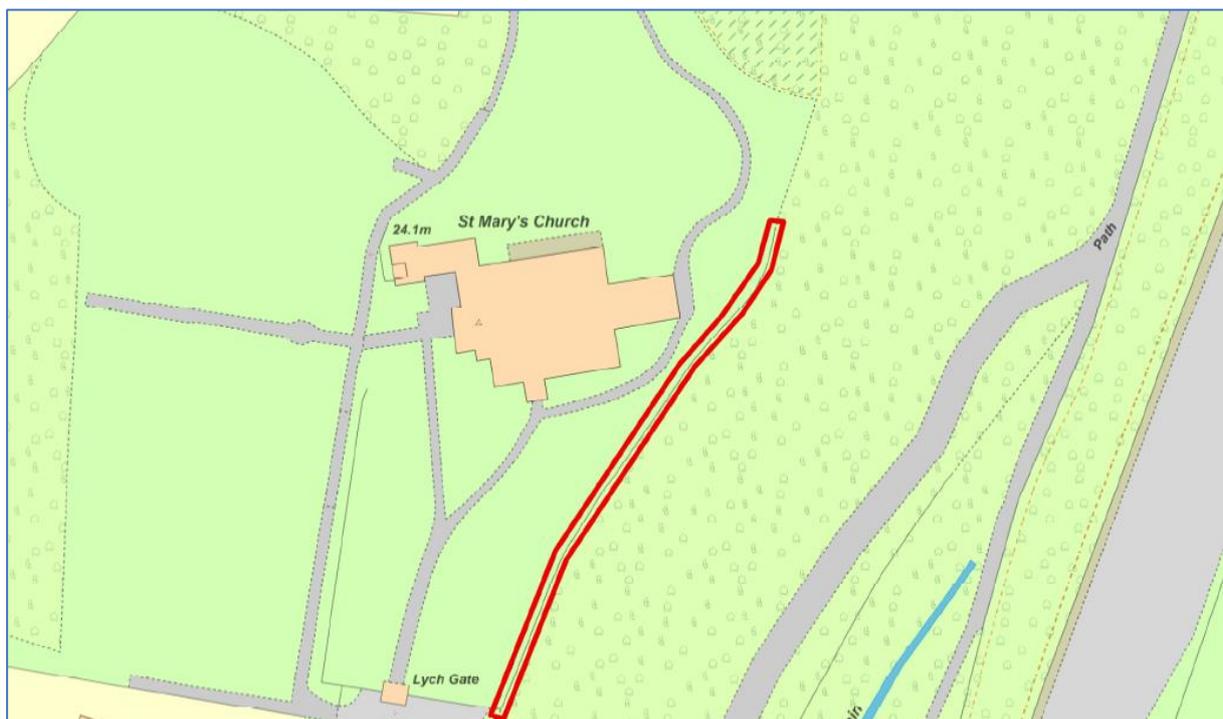


<b>Application Number</b>	07/2021/00674/FUL and 07/2021/00675/LBC
<b>Address</b>	Parish Church of St Marys Church Avenue Penwortham
<b>Applicant</b>	South Ribble Borough Council – Chris Harrison
<b>Development</b>	Listed building consent and planning permission for repair and re-build of churchyard retaining wall to the south east of southern graveyard.
<b>Officer Recommendation</b>	<b>Consent Granted / Planning Permission Approved</b>
Date application valid	17.06.2021
Target Determination Date	12.08.2021
Extension of Time	13.09.2021

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## **1. Introduction**

1.1. This application is being presented to Committee because the proposal forms a project put forward by the Council's Projects Team

## **2. Report Summary**

2.1. Applications 07/2021/00674/FUL and 07/2021/00675/LBC are separate applications which require two separate decisions, but as proposals are inextricably linked both will be presented together.

2.2. The applicant refers to St Marys Parish Church, Penwortham, and requests consent to repair a 90m length of churchyard wall to the south-east of the southern graveyard. Sections would be dismantled and rebuilt off new foundations to stabilise the wall along the top of the adjacent slope.

2.3. Representation has not been made. Comments from statutory consultees have also been taken into account and conditions recommended where appropriate.

2.4. It is recommended that listed building consent and planning permission should be granted with conditions

## **3. Application Site and Surrounding Area**

3.1. The Parish Church of St Mary's is a Grade II\* listed, property with sections dating from 14th to the 18<sup>th</sup> century. A number of Grade II listed structures lie within the curtilage including Castle Hill Motte (schedule ancient monument) which is to the rear of the church. The eastern boundary wall lies within the curtilage of the listing, it also therefore has the same Grade II\* status.

3.2. The Church which lies to the south of the River Ribble and west of Liverpool Road, Penwortham is accessed via Church Avenue to the south. The wall forms the eastern boundary of the site, between the churchyard to the west and the steeply sloping Church Wood to the east, and runs north from the junction with the southern church boundary at Church Avenue, for approximately 100m.

3.3. West of the church site are residential properties, but these are well screened by mature trees and shrubbery.

3.4. Church Wood is a Biological Heritage Site and Ancient Woodland, and the overall site lies within St Mary's Conservation Area,

## **4. Site History**

4.1. None on record

## **5. Description of works**

5.1. The application proposes repair of 90m of churchyard retaining wall to the south east of the southern graveyard. Sections of the wall would be dismantled and rebuilt off new foundations, with new piling to stabilise the wall along the top of the slope.

5.2. The existing wall is topped with dressed sandstone capstones and iron railings in varying degrees of condition. Where these have failed, timber fences have been placed to block the holes and prevent access to the steep slope beyond. At the southern end where the wall meets the boundary to Church Ave, it is constructed of rough stone rubble. This remains the case for approximately 30m, before the wall becomes brick in construction. The sandstone

capping remains the same and the brick construction is only barely visible in places on the west side, as the ground rises level with the capping. Brick construction continues to run to the end of the wall, with the exception of the last 10m or so, where it returns to stone; this section has been rendered. At this junction, on the east side of the wall, a large stone buttress is present. The wall ends in the north with a large concrete post and re-used sandstone cap. Generally, the wall is untidy and in need of replacement from both visual and safety perspectives

5.3. An existing arch would be rebuilt into the outer wall as a blind arch reusing the existing stone work. Otherwise the wall would be rebuilt using the original materials where possible, with new ones only being introduced where original fabric is not fit for purpose.

5.4. The wall was built mid to late 19th century (1844 – 1891) and partially rebuilt in brick in the 1930's, with the stone capping and iron railings re-used. The wall itself has a very low heritage significance, although is known to be in close proximity to early inhumations (buried human remains)

5.5. The application is brought before committee as the churchyard is closed to burial, and responsibility for its maintenance has been passed to South Ribble Borough Council. Once responsibility is accepted, the District Council from that time onwards [reversion is not possible] must '*maintain paths which cross a churchyard up to the standard of decent order, ... as well as cultivated and uncultivated areas, memorials to ensure that they do not topple over, walls fences and gates, trees and the general health and safety of those working or visiting the churchyard*'. In addition, access to the area must be clearly maintained.

## **6. Summary of Supporting Documents**

6.1. The application is accompanied by documents noted in proposed condition 2

## **7. Representations**

7.1. A site notice and a newspaper advertisement have been posted, and eleven neighbours have been consulted. Representation has not been made

## **8. Summary of Responses**

8.1. **Historic England** - on the basis of the information available to date, Historic England did not wish to comment subject to the Council's specialist's involvement.

8.2. **Lancashire County Council Archaeology** - The accompanying Heritage Assessment indicates that this wall is a re-alignment of the original graveyard boundary wall surrounding the church. The church has been in use since at least the fourteenth century and may have earlier origins connected to the nearby 11th C motte and bailey castle. The graveyard is therefore likely to contain a very significant number of burials which may well extend beyond the line of the wall that is proposed for reconstruction. It must be considered probable that the excavations for new foundations and for platforms to drive piles to support the new structure will disturb burials or parts of burials and reveal amounts of disarticulated bone, this last being the result of centuries of digging graves, the latter of which disturb earlier burials and scatter small bones and bone fragments not the "grave earth" although the large bones from such disturbed burials were often gathered by the sextons and reburied or deposited in a charnel house. There are various legal implications, both secular and ecclesiastical, which apply to groundworks that might disturb human burials. The developers are likely to be aware of these, but it should be ensured that all legal requirements are in place and can be complied with. The excavations should also be monitored archaeologically with suitable provision to properly excavate and record any burials and identify any that would be suitable for proper post excavation analysis, and to identify any charnel that might come to light so it can be collected

and placed in a suitable repository after the project is completed. A suitable condition has been proposed to take account of this requirement

Please note: the applicant has separately applied for a faculty (diocesan permission) which would cover any works which may result in relocation or exhumation of human remains.

8.3. **Building Control** are satisfied with the approach and professional surveys provided

8.4. **Lancashire County Council Highways** has no objections

8.5. **South Ribble Arborist** have no objections to the development. There are no trees identified for works or removal, but trees in the immediate vicinity of works should be protected during development

## **9. Material Considerations**

### 9.1. Specific Policy Background

9.1.1. Chapter 16 of the National Planning Policy Framework (2021), Core Strategy Policy 16 (Heritage Assets) and Local Plan Policy G17 (Design) state that when considering proposed development of a designated heritage asset, great weight should be given to the assets conservation, and to protecting and enhancing both the asset and its setting from inappropriate development.

9.1.2. The NPPF is very specific in its approach to designated heritage assets with Para 189 stating that *'assets are an irreplaceable resource to be conserved in a manner appropriate to their significance, so that they can be enjoyed ... for future and existing generations'*

9.1.3. Para 197 goes on to say that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make and the desirability of new development making a positive contribution to local character and distinctiveness. 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, where appropriate, securing its optimum viable use. (Paras 200-201)

9.1.4. Separately, and particularly in consideration of archaeological assets Para 205 states that *'Local planning authorities should ... require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'*.

### 9.2. Other relevant policy

#### **National Planning Policy Framework (2021)**

9.2.1. Chapter 2 (Achieving Sustainable Development) includes a presumption towards sustainable development across a number of different objectives; one of which is a social role which includes *'fostering well designed and safe environments ... that reflect current and future needs and support communities' health, social and cultural well-being'*

#### **Central Lancashire Core Strategy**

9.2.2. Policy MP: states that Councils will take a proactive approach which reflects the NPPF's presumption in favour of sustainable development, and that applications which accord with the

policies of the Local Plan will be approved without delay unless material considerations indicate otherwise.

9.2.3. Policy 17(Design of New Buildings) requires new development to take account of the character and appearance of the local area.

9.2.4. Policy 22 (Biodiversity and Geodiversity) conserves, protects and enhances the biological assets of the area

### **South Ribble Local Plan**

9.2.5.Policies G13 (Trees, Woodland and Development) and G16 (Biodiversity and Nature Conservation) seek to protect and enhance the natural environment

9.2.6. Policy G17 (Design of New Buildings) each attach great importance to the design of the built environment, requiring proposals to take account of the character, appearance and amenity of the local area, and to highways and pedestrian safety

### **9.3. Character and Appearance, Impact upon Designated Heritage Assets and Relationship to Neighbouring Properties**

9.3.1. Restoration of the wall will both upgrade its physical state and visual appearance and will prevent any further deterioration. As a consequence, safety of the site and any users within proximity of the steep slope between the churchyard and Church Wood would be assured.

9.4. The proposal which is wholly within church land, will not affect or impact on the amenity of neighbouring residents. It will relate well to the church and surrounding buildings, and is considered to be appropriate in design and construction. As such it accords well to the National Planning Policy Framework, Core Strategy and South Ribble Local Plan, and is recommended for approval of planning permission/grant of listed building consent subject to the imposition of conditions.

### **RECOMMENDATION:**

Approval with Conditions/Consent Granted with Conditions.

### **RECOMMENDED CONDITIONS:**

1. (FUL only).

The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

AND (LBC only)

Works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of the Decision Notice.

REASON: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved documents

- Heritage Statement (Archaeology Co: May 2021)
- Planning statement
- Tree detail plan
- Location/site plan 96039: 17.5.21

- Slope stability assessment J17056 16.5.17 GEA
- Proposal Drawings – Capstone prefix P571/
- Structural survey July 17 Rev A
- Pile performance plan 13
- Option 02 details 15
- Northern wall details 05A
- Central wall repairs 12
- Southern wall repairs 14
- Plan whole wall repairs 01A

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan

3. Prior to commencement of development, protective fencing should be erected around all trees to be retained within proximity of the approved development. The fencing shall consist of a scaffold framework in accordance with Figure 2 of BS 5837 - 2012 comprising a metal framework. Vertical tubes will be spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with scaffold clamps. Weldmesh panels on rubber or concrete feet should not be used. The site manager or other suitably qualified appointed person will be responsible for inspecting the protective fencing daily; any damage to the fencing or breaches of the fenced area should be rectified immediately. The fencing will remain in place until completion of all site works and then only removed when all site traffic is removed from site.

Reason: To protect trees from damage during construction in accordance with BS 5837 2012 in accordance with Local Plan Policy G13

4. No machinery shall be operated, no process carried out and no deliveries taken at or dispatched from the site where associated with construction, demolition or clearance of the site outside the following times:

0800 hrs to 1800 hrs Monday to Friday

0800 hrs to 1300 hrs Saturday

No activities shall take place on Sundays, Bank or Public Holidays.

REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

5. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site. Note: The programme of archaeological work should include a formal watching brief, followed by such subsequent work as required to investigate and record any remains encountered. There is a high probability that this will include human burials and charnel and appropriate licensing must be obtained. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists Lists of suitable contractors are available on the following websites: Chartered Institute for Archaeologists (CIFA) <http://www.archaeologists.net/> British Archaeological Jobs and Resources (BAJR) <http://www.bajr.org/>

REASON: To ensure and safeguard the recording and inspection of matters of archaeological and/or historical importance, and of possible human remain associated with the building/site in accordance with Policy 16 in the Central Lancashire Core Strategy and the National Planning Policy Framework

## **RELEVANT POLICY**

### **NPPF National Planning Policy Framework**

#### **Central Lancashire Core Strategy**

- 16 Heritage Buildings
- 17 Design of New Buildings
- 22 Biodiversity and Geodiversity

#### **South Ribble Local Plan**

- G13 Trees, Woodlands and Development
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

#### **Note:**

The applicant is advised that under the terms of the Wildlife and Countryside Act 1981, Wild Mammal (Protection) Act 1996 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds, roosting birds or other protected species, or to inflict unnecessary suffering to wild animals. The work hereby granted does not override the statutory protection afforded to these species or provide defence against prosecution under this act, and you are advised to seek expert advice if you suspect that any aspect of the development would disturb any protected species