

UTT/1677/11/FUL – (FELSTED)

*(The application is being reported to committee at the discretion of the Assistant Director
Planning and Building Control)*

PROPOSAL: Extension to church

LOCATION: Church of Holy Cross, Station Road Felsted.

APPLICANT: Mr S Card, Felsted PCC

AGENT: Freeland Rees Roberts

GRID REFERENCE: GR/TL 676-203

EXPIRY DATE: 14th October 2011

CASE OFFICER: Mrs M Jones

1.0 NOTATION

1.1 Outside Development Limits. Conservation Area. Grade I Listed Building. Archaeological site. Public Right of Way. Tree Preservation Orders.

2.0 DESCRIPTION OF SITE

2.1 The application site relates to a Grade I Listed medieval church of mainly flint and rubble construction with some brick and tile and stone dressings. The church is early C12 with C14, C16 and later additions and alterations. The application site is located in a backland position with listed buildings to the south forming a barrier between the highway and the application site. To the north and east the site is open and is characterised by two avenues of trees. To the west of the site is a car park and a range of more modern buildings. A public footpath runs along the western side of the site.

2.2 The site has a relatively rural setting due to the presence of mature planting within the boundaries of the site. The eastern and a large section of the western part of the site are dominated by the lime tree avenues. Along the northern boundary are further mature trees forming a sense of enclosure around the graveyard and the general setting of the church as a whole. The setting of the southern church elevation is an intimate enclosure due to the presence of the listed buildings to the highway frontage and this contrast greatly to the setting of the northern elevation.

3.0 PROPOSAL

The proposal relates to the erection of a single storey extension to the northern elevation of the church. The extension would provide new parish rooms including three meeting rooms capable of being converted into a single space, an office, WC and kitchen. The proposed extension would be linked to the church by a glazed link.

The proposal is a revised scheme following refusal of application UTT/2067/10/FUL.

The following changes have been made:

- The roof is no longer half hipped
- The pitch is now steeper (48 rather than 40 degrees)
- The overhang of the roof has been reduced
- The walls will now be handmade red brick
- Changes have been made to the elevation treatments, including to the window numbers and detailing and
- Proposals to formalise parking to the south side of the church have been omitted with existing arrangements retained.

4.0 APPLICANTS CASE – The following documents have been submitted with the application.

- Design and Access Statement
- Statement of significance and Need
- Heritage Statement
- Preliminary Ecological assessment and Bat survey
- Archaeological Evaluation
- Tree survey Arboricultural implication and method statement
- A copy of the pre-faculty Consultation with English Heritage for churches.
- Planning Statement

Full details of these documents are available on file.

5.0 RELEVANT SITE HISTORY

5.1 UTT/0269/74/CA – new vehicular access approved July 1974.

5.2 UTT/2067/10/FUL – Extension to church. Refused January 2011
Reasons for refusal:

1. The proposed extension by virtue of its scale, form, layout, appearance and materials would represent an incongruous addition to the Grade I listed church, impinging on features within the conservation area which make an important contribution to the setting of the church. The proposal would result in a form of development that would have a detrimental impact on the character and setting of the listed building and the conservation area. The harm would not be outweighed by the public benefit that would arise from the proposals. The proposal is therefore contrary to ULP Policies ENV1, ENV2, GEN2 and guidance in PPS5: Planning for the Historic Environment.
2. The proposed parking spaces adjacent to the southern elevation of the church would detract from the intimate character of the setting of the church in this location. This would be detrimental to the character and setting of the listed church and adjacent listed buildings and also to the character and setting of the conservation area. Furthermore, the proposed spaces do not satisfy the current adopted parking standards and it has not been demonstrated that there would be sufficient space for vehicles to manoeuvre without compromising the safety of pedestrians and cyclists. The increased use of the footpath to provide access to these spaces would also increase the conflict between pedestrians and cyclists. The proposal is therefore contrary to ULP Policies ENV1, ENV2, GEN1 and GEN8
- 3 The site has been assessed as having the potential to harbour a Protected Species of wildlife for which no survey mitigation and enhancement plan has been submitted. Development that would have a harmful effect upon wildlife or geological features is not permitted by Policy GEN7 of the Uttlesford Local Plan, and Planning Policy Statement 9 Biodiversity and Geological Conservation requires information on the status of protected species and the impact upon them of a proposed development to be submitted with a planning application, so that policy may be properly applied. In the absence of adequate information a decision, other than refusal, cannot be reached upon the submitted proposal.

6.0 POLICIES

6.1 National Policies

- Policy PPS1- Delivering Sustainable Development
- Policy PPS5- Planning for the Historic Environment
- Policy PPS7-Sustainable Development in Rural Areas.
- Policy PPS9- Biodiversity and Geological Conservation.

6.2 East of England Plan 2006

- Policy ENV6 - The Historic Environment
- Policy ENV3 - Biodiversity and Earth Heritage
- Policy C2 - Provision and Location of Strategic Cultural Facilities.

6.3 Essex Replacement Structure Plan 2001

- N/A

6.4 Uttlesford District Local Plan 2005

- Policy S7 - The Countryside
- Policy LC3 - Community Facilities
- Policy LC2 - Access to Leisure and Cultural Facilities
- Policy GEN2 - Design
- Policy ENV1 - Design of Development within Conservation areas.
- Policy ENV2 - Development affecting Listed Buildings
- Policy GEN7 - Nature Conservation
- Policy GEN8 - Vehicle Parking Standards
- Policy GEN1 - Access
- Policy ENV3 - Open Spaces and Trees

7.0 PARISH COUNCIL COMMENTS

- 7.1 The Parish Council supports the revised design of the church and welcomes the use of more sympathetic materials and the revised roof pitch. It urges that if the application is approved, great archaeological vigilance be exercised during excavation.

8.0 CONSULTATIONS

English Heritage (summary)

- 8.1 The church is an important medieval building, altered at various times subsequently and it stands within an extensive churchyard at the heart of Felsted. They consider that the proposed extension would damage the architectural and historic character of the church, the character of the churchyard and therefore that of the village as a whole. As we believe that the proposed facilities could be provided in a detached building the effect of which would be far less damaging, we recommend that planning permission should be refused. If, however, your council is persuaded by the parish's argument that it is essential to attach these facilities to the church, we do consider that the present proposal provides, in broad terms, as sympathetic a means of doing this as can be expected.

English Heritage considers that the effect of the proposed extension on the interest and character of the church, on its setting and therefore on the character of the conservation area, would be damaging. We have consistently advised the parish, in the course of lengthy pre-application discussions, that we did not think the extension of the church on the scale proposed appropriate in principle. Although, as is discussed, we believe the revised design more sympathetic than its predecessor, the fundamental problems entailed by adding to the church on the scale proposed remain.

The proposed addition would be a substantial structure in its own right as large as or larger in plan than the church's aisles or that of the south chapel. Its scale is such that it would be difficult to have designed it as something that in architectural terms appears as a building in its own right, albeit one joined to the church by a link. The building would not therefore seem a natural development from the church in the manner described in our guidance (in our experience additions that form a harmonious composition with a church, attached to it and seeming a natural development from it, are generally the most

successful. These tend to draw on the established vocabulary of historic additions, in the form of transepts, chapels and porches, in form and massing if not in style and detail. Such additions are usually relatively modest.

While having its own particular character due to the idiosyncrasies of its development, Holy Cross also conforms to the typical character of medieval churches. To set a large new building against the church as it is proposed would radically subvert the historic character of the church.

In the case of Felsted the alien nature of what is proposed would be compounded by the nature of the church's setting. In the case of Holy Cross the church's relationship with the churchyard and its surroundings is particularly attractive.

To place a substantial and incongruous addition to the church projecting northwards in to the northern churchyard, in a position in which it would obscure views of the northern avenue from the eastern part of the churchyard, would severely harm the setting of the church.

Notwithstanding this, it may be useful to consider the merits of the scheme itself, were the case for the attachment of the facilities to the church to be taken as given. English Heritage believes the present scheme to be considerably more sympathetic than its predecessor. The present design is a simple one. If an addition must be made to the church then the proposed scheme may be considered a sympathetic design. The problems to which this proposal rises are ones of principle rather than design.

English Heritage recommendation to your Council falls into two parts, as follows.

- (i) We consider that the proposed extension of the church of the Holy Cross would severely harm the architectural and historic character of the church, its relationship with its setting, and therefore its significance, as well as harming the character of the conservation area. Your Council should therefore refer to PPS 5 policies HE 9.2 and 10.1 in determining this application. Given the potential existence of an alternative approach to provide many if not all of the benefits that the scheme would bring we recommend that your Council should refuse planning permission.
- (ii) Should your Council be persuaded by the parish's argument that the proposed facilities *must* be attached to the church, it should then consider whether the harm entailed by the present scheme would be outweighed by the benefits that would follow from it, again in accordance with policy HE9.2 of PPS 5. In case of that eventuality, it would be relevant to note that were the fact of attachment to be taken as a given we consider the present design to be as sympathetic a means of doing this as can be expected.

Ancients Monuments Society

- 8.2 We continue to regret an extension which however low key or contextual it attempts to be still runs counter to the dynamic of the historic building – by jutting out from it at 90 degrees and to some considerable length. We continue to prefer a separate structure for the following reasons.

Our instinctive reaction is to favour the freestanding option.

Concern has been expressed over the infringement of the view of the church tower from the west but we do think this is overstated.

In the context of medieval settlements like Felsted, churchyards were more often enclosed by building than open – indeed part of the magic of the approach to the church from the south is the fact that there is a line of ancient buildings through which and over the church is glimpsed.

The very experienced architects have responded to the brief for an attached building with great skill. We like the use of self effacing materials and the maintenance of the avenue of trees as a screen. However any extension at a right angle to the church will be visually discordant and run counter to the traditional method of providing extra accommodation at medieval churches like Felsted, which was by building along the longitudinal axis, mostly adding an aisle. Larger cruciform churches do have lateral wings in the form of transepts

but Felsted as a village church would never have displayed such architectural grandeur and in any case transepts are meant to straddle a crossing and to be constructed in pairs. Practical arguments are advanced in favour of a contiguous building and it is clearly a truism that a freestanding structure would require people to walk to it in the open air, come rain or shine. And yet would not a separate structure also bring advantages

- a) A detached building might be capable of extension at some time in the future, something that would be much more problematic for a new wing that abuts a Grade I listed church.
- b) Proximity to the car park would be useful
- c) It is always wiser to place any sources of fire or flood away from an ancient, irreplaceable and flammable church
- d) Separate lettings, or boisterous uses can be better accommodated where the users don't disturb worshippers or visitors in the church itself.

Archaeology

- 8.3 Recommends archaeological monitoring condition.

Landscaping Advice:

- 8.4 The proposed extension would be in close proximity to the avenue of mature Lime trees which are protect under TPO 8/98. The footprint of the new build would encroach significantly within the root protection area [RPA] of three of these trees. In order to safeguard these subjects a specialised foundation construction would need to be designed where the footprint of the new building impinges on the RTA. It is likely that some root pruning would need to be undertaken together with crown lifting of these trees. However, it is considered that with care the work would not significantly impact on the trees. Protective measures would need to be put in place for the duration of the construction works.

The applicant's architects [Freeland Rees Roberts] have experience in the design of extensions to Grade I listed churches. The general design and palette of external materials for the proposed parish rooms is considered appropriate [subject to details]. The glazed link would provide some degree of visual separation between the new building and the church. It is proposed that this glazed link has a metal frame, however, consideration should be given to a design with integral structural glass beams to create a totally frameless glass corridor in order to maximise the sense of separation.

The proposed new building would undoubtedly have an adverse visual impact on the setting of the church. Unless there is a demonstrable overriding need for the provision of proposed facility in this particular location then I recommend that the application is refused.

Environmental Health

- 8.5 No comment. Will need to be informed if exhumations become necessary.

Conservation Officer:

- 8.6 The proposal to extend Felsted Church has been subject of number of meeting over last two years. The professional conservation advice has predominately favoured a detached structure. The applicant feels however that the local community would benefit in a greater extend if the access to this new facility could be gained under cover. This issue still remains unresolved, but I fill that possibly time has come for an on balance decision by the Members.

As a result of negotiation in terms of design the proposal successfully encapsulate the concept of traditional form and more contemporary elevational treatment. The very low

key glazed link located away from the prominent tower would in some measure make the new range appear to be free standing.

On balance I am persuaded that due to the over all appropriate design, inconspicuous glazed link and existing screen of mature avenue of trees, the impact on the setting of this grade I listed Church would be within the realms of acceptability.

Consequently and subject to Member having mind to approve this application, I suggest that conditions are applied (details of recommended conditions are available on file)

9.0 REPRESENTATIONS

9.1 This application has been advertised and two representations have been received. Period expired 29th September 2011

1) The church desperately needs extra accommodation to carry out their commitment to the village activities. As a resident and member of various organisations related to the village of Felsted we have used the Riche Chapel on many occasions and it would be an improvement to have a designated building in the centre of the village.

2) The Commonwealth War Graves Commission is opposed to any proposals which may involve the disturbance of war graves except in cases of overriding public necessity in accordance with the Geneva Conventions. It appears from the proposal that the one war grave located at the Church of the Holy Cross that of Private EE Fairhurst, will not be affected and as such the commission would have no objection provided the grave remains intact and access remains possible.

10.0 APPRAISAL

The issues to consider in the determination of the application are:

- 1) The principle of development is acceptable in this location and whether the design proposal of the application would be acceptable in terms of the impact on the character and setting of the Listed Building or conservation area (ULP polices GEN2, ENV1, ENV2, PPS1, PPS5) (ULP polices S7, LC3, PPS1, PPS7, PPS5)
- 2) The proposal would have an impact on important open spaces/trees or biodiversity (ULP polices ENV3, GEN7, PPS9)
- 3) The proposal would be accessible to all (ULP polices GEN2, LC2)
- 4) The proposal would provide adequate parking facilities and have suitable access (ULP polices GEN8, GEN1)
- 5) Any other planning considerations.

The principle of development is acceptable in this location and whether the design proposal of the application would be acceptable in terms of the impact on the character and setting of the Listed Building or Conservation Area (ULP polices GEN2, ENV1, ENV2, PPS1, PPS5) (ULP polices S7, LC3, PPS1, PPS7, PPS5)

- 10.1 As stated in the previous application, the site is outside development limits where there is a policy presumption against development and a desire to protect the countryside for its own sake and planning permission will only be granted for development that needs to take place there. The church is a Grade I listed building within the Conservation Area and as such development affecting a listed building should be in keeping with its scale, character and surroundings. Development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted.

In cases where planning permission might not normally be granted for conversion of listed buildings to alternative uses, favourable consideration may be accorded to schemes which incorporate works that represent the most practical way of preserving the building and its architectural and historic characteristics and its setting.

- 10.2 However, this needs to be weighed against a positive policy approach in relation to the provision of community facilities where the need for the facility can be demonstrated. There is no doubt that the need for the facility exists.
- 10.3. The revised scheme, following several meetings over the last two years, is a significant improvement in design terms, and more sympathetic to the impact on the character of the listed building, to the previously refused application. Professional Conservation advice has predominately favoured a detached structure, although the applicant feels that the local community would benefit in a greater extent if the access to this new facility could be gained under cover. This issue remains unresolved. However, the Council's Conservation Officer states that the very low key glazed link located away from the prominent tower would in some measure make the new range appear to be free standing and that on balance the impact on the setting of this Grade I listed church would be within the realms of acceptability.
- 10.4 Against this view both English Heritage and The Ancient Monuments Society recommend refusal. As stated by English Heritage " To set a large new building against the church as is proposed would radically subvert the historic character of the church. The relationship between the church and its setting as a whole remains important, and the contrast between the character of the churchyard to the south and north of the church adds to the beauty of the whole. To place a substantial and incongruous addition to the church projecting northwards in to the northern churchyard, in a position in which it would obscure views of the northern avenue from the eastern part of the churchyard, would severely harm the setting of the church."
- 10.5. They do however; agree that the present scheme to be considerably more sympathetic than its predecessor. Policy HE 9.2 of PPS5, as advised in the practice guide states:
- (i) Whether similar benefits to those that the scheme would bring could be achieved by other means that would not harm the significance of the church, and the character of its setting and that of the conservation area, and,
 - (ii) if not, whether the harm entailed by the present scheme would be outweighed by the benefits that would follow from it.

It is considered that a detached building would provide much of the benefit of the present scheme without the harm the proposal would entail. Various other options have been discussed prior to the application, however it does not appear that other locations outside the church site, within Felsted have been investigated.

A detached building to the west of the church have been considered, however I agree with the Parish's view that this would block an important view of the church tower from the street, concealing from view the fine Norman doorway at the base of the tower and would be more damaging to the setting of the church. English Heritage considers that the construction of a new, detached building to the west of the church, although harmful to its setting in some ways, would be likely to cause far less damage to the significance of the building than would the proposed construction of an extension to its north.

I am in agreement with English Heritage that the proposed scheme would be severely damaging to the church, its setting and the village. Second, it is not essential that the proposed facilities should be attached to the church. Third, the possibility exists of designing a less damaging alternative, in the form of a detached building to the west of the church. The proposal is therefore considered to be contrary to policy HE 9.2 of PPS5. In addition the proposed building could be detached from the church and of a smaller scale in the location proposed, but of similar design to that submitted, reducing the harm to the significance of the church and its character of its setting.

It has not been demonstrated whether similar benefits to those that the scheme would bring could be achieved in other locations, outside the church site have been explored.

It is considered that the extension would severely harm the architectural and historic character of the church, its relationship with the setting, and therefore its significance, as well as harming the character of the conservation area.

It is not considered that the public benefit of the scheme outweighs the harm to the heritage asset which is of high significance being a Grade I Listed building.

In conclusion, the submitted proposal does not overcome the previous number 1. reason for refusal - The design and proposed materials are an improvement of the previous scheme, however, the scale, form and layout would still result in a form of development that would have a detrimental impact on the character and setting of the listed building and the conservation area. The proposal is therefore contrary to ULP policies ENV1, ENV2, GEN2 and guidance in PPS5.

The proposal would have an impact on important open spaces/trees or biodiversity (ULP policies ENV3, GEN7, PPS9)

2. An ecology assessment and bat survey together with a tree survey has been submitted with the application.
Several trees have bat roost potential, however, a bat survey of the sites lime trees found no evidence of use by roosting bats and a low likelihood of use. The church is used by at least three species of bat, a Serotine roost was confirmed and roosts of Brown Long-eared Bat and Pipistrelles are likely. However, there are no significant potential impacts of the proposed new extension upon the bat roosts in the church.
If any trees or shrubs have to be cut or removed during the breeding season (March - August) there is a danger that birds nests may be damaged or destroyed and nestlings killed. This can be overcome by condition. It is not necessary to fell any trees in order to achieve the proposed layout. The alignment of the new structure encroaches within the root protection area of three trees that are to be retained. In view of this, careful consideration must be given to foundation design. The other trees to remain should suffer no structural damage provided that protective fencing is erected and the work is scheduled as listed in the proposal documents.
Providing the suggested mitigation is implemented the development it is considered unlikely that there would be any adverse impact on protected species caused by the proposal.

The proposal would be accessible to all (ULP policies GEN2, LC2)

3. ULP Policy GEN2 requires development proposals to meet the reasonable needs of all potential users.
Policy LC2 requires all cultural facilities to provide inclusive access to all sections of the community, regardless of their disability, age or gender.
The proposed extension has been designed to ensure adequate access for those with limited mobility to and from the church and within the building as a whole. The proposal is therefore acceptable in policy terms.

The proposal would provide adequate parking facilities and have suitable access (ULP policies GEN8, GEN1)

4. ULP policy GEN8 requires development to have the appropriate car parking provision. Policy GEN1 seeks to ensure that access to the site does not, inter alia, compromise the road safety of pedestrians and cyclists. This revised scheme has omitted the previous proposals to formalise parking to the south side of the church. The existing parking is retained.

The parking provision for cultural facilities would be maximum parking standards. There is a car park adjacent to the church although this is for general public use and not restricted to users of the church.

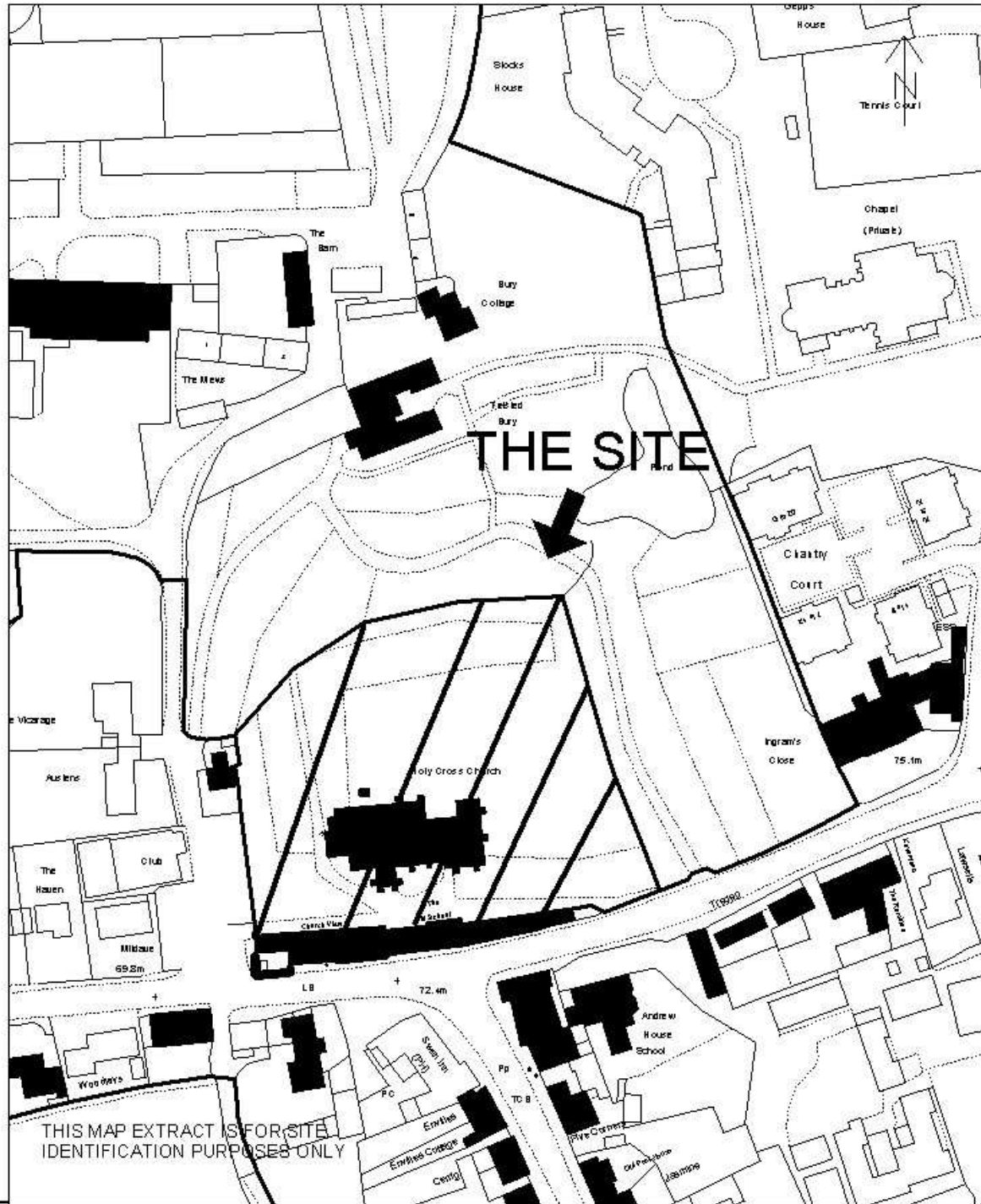
The current adopted parking standards recommend a maximum of 1 space per 20 sqm, which equates to a maximum of 7 spaces. However a lower provision of vehicle parking may be appropriate in urban areas where there is good access to alternative forms of transport and existing car parking facilities. On balance, parking provision is considered to be adequate for this proposal.

11.0 CONCLUSION

In conclusion taking into consideration all the comments received and while noting that the strong public support remains, it is still considered that the proposal would have a detrimental impact on the setting and character of the Listed Building and Conservation Area.

RECOMMENDATION – REFUSAL

The proposed extension by virtue of its scale, form, and layout would represent an incongruous addition to the Grade I listed church, impinging on features within the conservation area which make an important contribution to the setting of the church. The proposals would result in a form of development that would have a detrimental impact on the character and setting of the listed building and the conservation area. The harm would not be outweighed by the benefit that would arise from the proposals. Similar benefits could be delivered by an alternative approach and alternatives of appropriate sites have been insufficiently explored. It is not essential that the building is attached to the church. The proposal is therefore contrary to ULP policies ENV1, ENV2, GEN2 and policies HE9.2 and HE10.1 of PPS5 - Planning for the Historic Environment.



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