



Committee Report

Planning Committee South – 25 January 2022

Application no DC/21/4799/FUL

Location

St Andrews Church
The Street
Rushmere St Andrew
Suffolk

Expiry date 21 December 2021

Application type Full Application

Applicant East Suffolk Council

Parish Rushmere St Andrew

Proposal Works to additionally buttress a leaning section of the east boundary wall of St Andrews Churchyard, Rushmere St Andrew and to undertake localised crack & copings repairs

Case Officer Eleanor Attwood
07385 407101
eleanor.attwood@eastsoffolk.gov.uk

1. Summary

- 1.1. This application seeks Planning Permission for stabilisation and repair works to the churchyard boundary wall at St Andrews Church, Rushmere St Andrew.
- 1.2. This application is presented to the Planning Committee for determination as East Suffolk Council is the applicant.
- 1.3. There are no objections from Statutory Consultees on this application and the Parish Council has recommended approval, subject to access being provided at all times to the Lawn Cemetery.
- 1.4. The application is recommended for approval subject to conditions.

2. Site Description

- 2.1. The church of St Andrew is a Grade II* listed building situated within the settlement boundary of Rushmere St Andrew. This application relates to the boundary wall on the east side of the site which encloses the graveyard. St Andrews churchyard is a closed churchyard for which the East Suffolk Council is responsible for as part of its ground maintenance duties.
- 2.2. The site lies is not within a conservation area or AONB. The site is covered by a TPO area and the access lane to the east of the wall is a Public Right of Way.

3. Proposal

- 3.1. This application proposes to strengthen the existing north buttresses by enlarging them with surrounding brick skins on to supplementary footings. Two internal buttresses would be removed, these buttresses lean away from the wall and no longer serve a structural purpose.
- 3.2. Permission will also need to be sought from the diocese for the proposed works. As this is a wall within the curtilage of a church of England church building, facility consent will be required from the Diocese rather than Listed Building Consent, as per the requirements of the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) Order 2010.

4. Third Party Representations

- 4.1. No third-party representations received.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Rushmere St Andrew Parish Council	11 November 2021	30 November 2021
"Subject to access being provided at all times to the Lawn Cemetery, located to the north of the work site, Rushmere St Andrew Parish Council recommends APPROVAL."		

Statutory consultees

Consultee	Date consulted	Date reply received
Historic England	11 November 2021	25 November 2021
Summary of comments: Do not wish to comment.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	11 November 2021	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	11 November 2021	12 November 2021
Summary of comments: No objection. Have included information on PROW's.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	11 November 2021	No response
Summary of comments: No response.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	11 November 2021	No response
Summary of comments: Internal - comments included in report.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	11 November 2021	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	N/A	5 January 2022
Summary of comments: Internal - comments included in report.		

Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Archaeological Site Listed Building Public Right of Way Affected	25 November 2021	16 December 2021	East Anglian Daily Times

Category	Published	Expiry	Publication
Listed Building	18 November 2021	9 December 2021	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: May Affect Archaeological Site / Listed Building / In the Vicinity of Public Right of Way Date posted: 18 November 2021 Expiry date: 9 December 2021
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6. Planning policy

National Planning Policy Framework 2021

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

7. Planning Considerations

Visual Amenity and Heritage Considerations

- 7.1. This application has been reviewed by the ESC Principal Design and Conservation Officer and their comments have been incorporated into this report.
- 7.2. The application is for works for the stabilisation of the churchyard wall. The north-end of the wall leans outwards, towards the access path and has separated from two internal

buttresses. The proposal would strengthen the wall, enabling its retention and therefore having conservation benefits.

- 7.3. The proposal would result in a change of appearance to the north end of the wall as the existing external buttresses will appear larger. These buttresses are on the east side of the wall and will be visible from the Public Right of Way. Although the proposal would alter the appearance of the wall, it is not considered that this will have a harmful impact on the wall or the setting of the Grade II* listed church.
- 7.4. It is proposed to remove two internal buttresses which have separated from the wall. These buttresses are not visible from the Public Right of Way and it is not considered that their removal will have a harmful impact on the wall or the setting of the Grade II* listed Church.
- 7.5. Historic England do not wish to comment on this application and the application is supported by the ESC Design and Conservation Team. It is considered that the submitted details are acceptable and that the scheme meets the statutory tests of the NPPF.
- 7.6. The proposals would also seek to preserve the future of the wall, and thus comply with the requirements of the Listed Buildings and Conservation Areas Act 1990, which require that proposals preserve or enhance Listed Buildings and their settings.

Public Right of Way:

- 7.7. The application site is within the vicinity of a Public Right of Way and works would take place to the buttresses facing the Public Right of Way. The submitted Schedule of Works has stated that the area of works will be enclosed but these will not encroach on the access lane.
- 7.8. The Suffolk County Council Public Rights of Way Team have reviewed this application and have not raised any objections. They have included information which the applicant/agent should be aware of and which should be included as informative notes on any grant of approval.
- 7.9. The granting of planning permission is separated to any consents that may be required in relation to the Public Right of Way. To carry out work on a Public Right of Way or seek a temporary closure, permission would need to be sought from Suffolk County Council.

Trees:

- 7.10. The site is situated within a TPO area, and the wall is located in close proximity to several trees. The scheme does not propose to remove any trees.
- 7.11. The application has been reviewed by the ESC Landscape Team, who have no problems with the proposed details. Although, they have commented that there may be an issue with excavations for footings where they occur within root zones of trees and have therefore recommended that a Condition should be attached to any grant of planning permission to address this.

Residential Amenity:

- 7.12. It is not considered that the proposed scheme would have adverse impact on the amenity of any nearby residential property.

8. Conclusion

- 8.1. The scheme would enable the stabilisation and conservation of the existing churchyard wall. The scheme is not considered to have a harmful impact on heritage assets. Neither is it considered to have adverse impact on residential amenity.
- 8.2. With the addition of a condition, it is considered that the application will not have adverse impact to any nearby trees.
- 8.3. Therefore, the scheme is considered to be acceptable and in accordance with the requirements of the NPPF, policies SCLP 11.1, 11.2, 11.3 and 11.4 of the East Suffolk Council Suffolk Coastal Local Plan (2020) and the Listed Buildings and Conservation Areas Act 1990.

9. Recommendation

- 9.1. Authority to Approve with conditions as set out below.

Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved documents and drawing(s):

- 20261/01 and 20261/02 received 20/10/2021.
- Schedule of Works received 20/10/2021.
- Design and Access Statement and Heritage Statement received 20/10/2021.

Reason: For avoidance of doubt as to what has been considered and approved.

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

4. Where buttresses are removed there shall be works to making good the brickwork in the general area after removal. All new brickwork to and works of making good to the existing brickwork of the wall, shall match the existing original work adjacent in respect of brick size, colour, texture, pointing mortar, execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the character, integrity and preservation of the building.

5. Where concrete footings pads occur within root zones of existing trees, the excavations shall be lined with DPM grade polythene prior to backfilling with concrete. Tree root zones shall be defined as being within a distance from the tree that is 12x tree trunk diameter measured at 1.4m above ground level.

Reason: to prevent toxic contamination of tree root zones by wet concrete leachate.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. PROW MUST remain open, unobstructed, and safe for the public to use at all times, including throughout any construction period. If it is necessary to temporarily close or divert a PROW, the appropriate process must be followed.

The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface, or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate.

Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

.To apply for permission to carry out work on a PROW, or seek a temporary closure - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-andresponsibilities/> or telephone 0345 606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.

.To discuss applying for permission for structures such as gates to be constructed on a PROW - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-andtransport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.

3. To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted

at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-insuffolk/public-rights-of-way-contacts/>

PLEASE NOTE that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

4. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council.

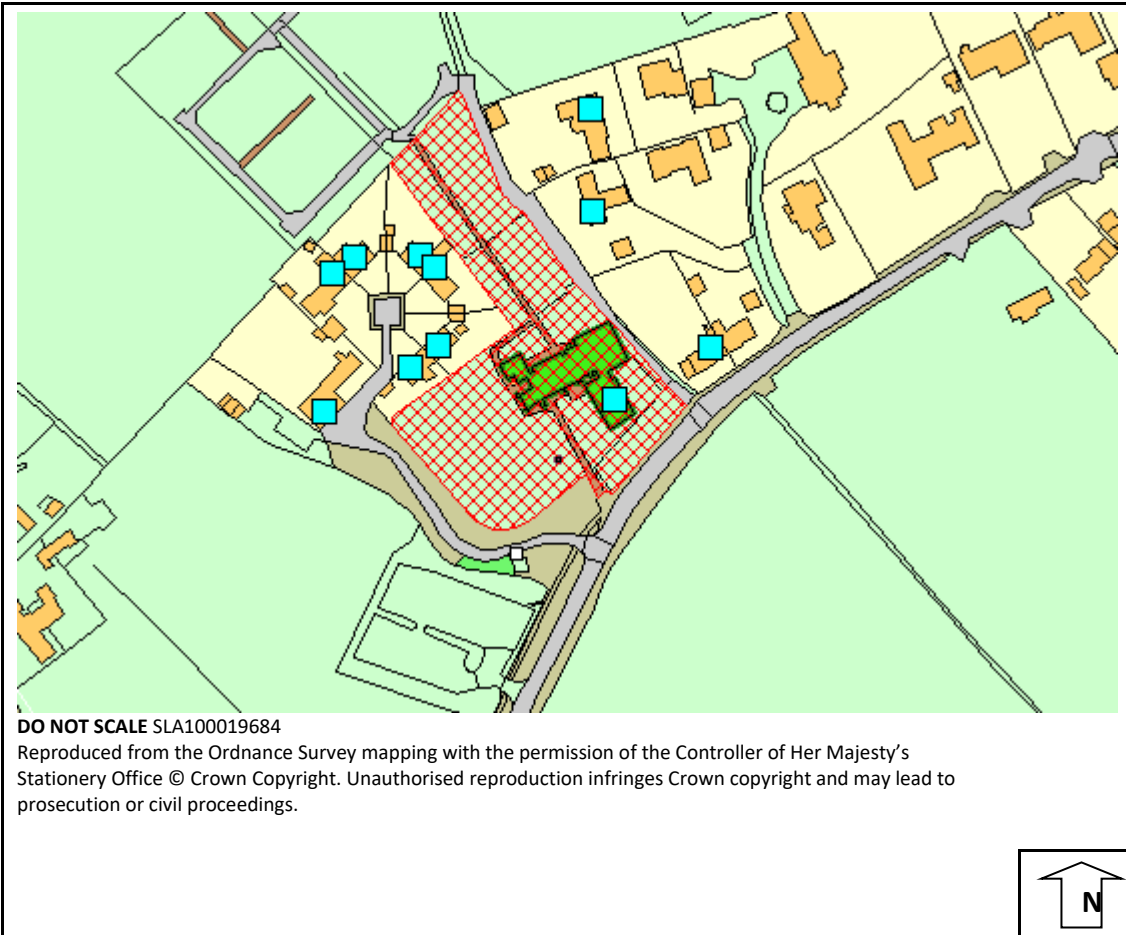
Applicants are strongly encouraged to discuss preliminary proposals at an early stage.

5. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path and should not be allowed to obstruct the PROW.
6. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

Background information

See application reference DC/21/4799/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support