



Civic Centre, Riverside, Stafford

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Dear Members

Planning Committee

A meeting of the Planning Committee will be held on **Wednesday, 30 November 2022** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown in each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

A handwritten signature in black ink, appearing to read "I. Curran".

Head of Law and Administration

PLANNING COMMITTEE - 30 NOVEMBER 2022

Chairman - Councillor E G R Jones

Vice-Chairman - Councillor P W Jones

AGENDA

- 1 Minutes**
- 2 Apologies**
- 3 Declaration of Member's Interests/Lobbying**
- 4 Delegated Applications**

Details of Delegated applications will be circulated separately to Members.

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MEMBERSHIP

Chairman - Councillor E G R Jones

F Beatty	P W Jones
A G Cooper	B McKeown
A P Edgeller	A Nixon
A D Hobbs	G P K Pardesi
J Hood	C V Trowbridge
E G R Jones	

 PLANNING COMMITTEE - 30 NOVEMBER 2022

Ward Interest - Nil

Planning Applications

Report of Head of Development

Purpose of Report

To consider the following planning applications, the reports for which are set out in the attached **APPENDIX**:-

		Page Nos
21/35062/FUL	Sandybank Land At Radmore Lane Gnosall The application was called in by Councillor R M Smith Officer Contact - Richard Wood, Development Lead Telephone 01785 619324	5 - 27
21/35049/FUL	Land At St Johns Church, Granville Terrace, Stone The application was called in by Councillor R Kenney Officer Contact - Richard Wood, Development Lead Telephone 01785 619324	28 - 45
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Previous Consideration

Nil

Background Papers

Planning application files are available for Members to inspect, by prior arrangement, in the Development Management Section. The applications including the background papers, information and correspondence received during the consideration of the application, consultation replies, neighbour representations are scanned and are available to view on the Council website.

Application: 21/35062/FUL

Case Officer: Vanessa Blake

Date Registered: 7 October 2022

Target Decision Date: 2 December 2021
Extended To: 2 December 2022

Address: Sandybank Land at Radmore Lane Gnosall Stafford ST20 0EG

Ward: Gnosall and Woodseaves

Parish: Gnosall

Proposal: Change of Use of Land for a Private Romany Gypsy Site for one family, siting of no more than two mobile homes and four touring caravans and the construction of a Dayroom.

Applicant: Mrs Lee

Recommendation: Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor R M Smith (Ward Member for Gnosall and Woodseaves) for the following reason:

"The application does not demonstrate local need to develop the site in open countryside and that it could not be reasonably be provided on a more appropriate site such as previously developed land. There are highways issues in respect of visibility".

1 CONTEXT

This application relates to a site located north of Newport Road (A518) and southwest of Radmore Lane. The site is an irregular shaped field bound by roads, to the northwest is the disused old Newport Road which is still in the ownership of the Highways Authority. The site boundary is characterised by established hedge and trees. The site is accessed from the west via the old Newport Road onto Radmore Lane. The land slopes down from east to west. There is a borehole within the site adjacent to the western boundary. The application relates only to the western portion of the field. The surrounding area is predominantly open fields with sporadic dwellings and farms. Approximately 200m to the south is the Way for the Millennium, which is a footpath which runs along the disused rail line.

The site is located outside of any designated settlement boundary. The site is within Flood Zone 1 and within a Site of Special Scientific Interest (SSSI) impact risk zone.

Background

Planning permission was refused in 2012 for the change of use of the land as a residential Gypsy site for 1 mobile home, 1 touring caravan and a day room (11/15220/FUL) for the following reasons:

“1. It has not been demonstrated that there is an overriding need to develop this site which is in an open countryside location and that the proposed gypsy pitch could not be reasonably provided elsewhere in a location that would be more appropriate under Development Plan policy, such as a location on previously developed land or closer to local/transport facilities. As such the proposal has not demonstrated need that would outweigh the harm that would result to the wider public interest with regard to sustainability, the loss of green field land and the harm on the character and appearance of the rural area. The proposal considered to be contrary to government guidance in Planning Policy for Traveller Sites and Saved Policies E&D7, E&D9, HOU3 and MV10(a) of the Stafford Borough Local Plan 2001 and Saved Policies D1(a) & (d) and H11 of the Staffordshire and Stoke on Trent Structure Plan 1996-2011.

2. It has not been adequately demonstrated through a sweep path analysis that the access onto Radmore Lane can accommodate the movement of vehicles associated with the development or that adequate visibility from the site access onto Radmore Lane can be provided. In the absence of such information the proposal it has not been demonstrated the proposal would not harm highway safety contrary to Saved Policy MV10 (a) of Stafford Borough Local Plan 2001.”

Proposal

The application seeks permission for the change of use to a permanent Gypsy site to serve one extended family. The site would contain 2 mobile homes, 4 touring caravans and a day room building. The day room building would comprise of a day room with kitchen, utility and bathroom.

Hardstanding would be laid to provide 5 vehicle parking spaces and turning areas. The development would be served by a new sewage treatment works and soakaway. A 3m high acoustic fence would be provided along the southern boundary within the site. The proposal includes the provision of a new native hedge along the eastern boundary and tree planting within the western corner of the site. The proposed site plan shows a post and rail fence and a gate to be provided adjacent to Radmore Lane and along the eastern boundary and entrance gates at the site access from the disused Newport Road. The land would be levelled for the parking and turning area and the hardstanding for the mobile homes and day room would be cut into the existing slope.

The submission includes:

- Planning statement, including design and access statement
- Preliminary ecological appraisal
- Noise impact assessment
- Arboricultural report.

During the determination of the application, the development has commenced with site levelling carried out and hard surfacing laid.

OFFICER ASSESSMENT – KEY CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the purposes of this application comprises The Plan for Stafford Borough 2011-2031 (TPSB), The Plan for Stafford Borough Part 2 2011-2031 (TPSB2), and the Gnosall Neighbourhood Plan.

2 Principle of Development

(a) The Planning Policy for Traveller Sites (PPTS) sets out in Policy H how planning applications for traveller sites are to be determined.

(b) Paragraph 24 of the PPTS sets out the following criteria:

1 the existing level of local provision and need for sites

Updated evidence documents have been produced for the appeal relating to a Gypsy site at Hilderstone Road, Spot Acre (19/31299/FUL). The 'Proof of Evidence relating to housing need' concludes that within the next 5 years there is a need for 23 additional pitches (11 to meet PPTS need and 12 for non-PPTS need). It also noted that there is a potential supply of at least 25 additional pitches to be developed during the next 5 years, however the deliverability of these sites is uncertain. As such, the LPA do not have a current 5 year supply for Gypsy and Traveller pitches.

2 the availability (or lack) of alternative accommodation for the applicants

The 'Proof of Evidence relating to housing need' evidence document concludes that: "Although there are vacancies on private sites, these are expected to be filled by family members rather than for general use. This means that it is unlikely there would be capacity on these sites for occupants of unauthorised pitches currently located in the borough."

As such, it is considered that there is a lack of alternate available pitches within the Borough to accommodate the applicant and family.

The submitted planning statement advises that the applicant's family currently occupy a pitch which does not meet their current needs.

3 other personal circumstances of the applicant

A summary of the personal circumstances of the applicant are provided below, a confidential document has been provided to expand upon these:

- Personal need of the occupants,
- Families' desire to live as an extended family unit,
- Health interests of the occupants,
- Best interests of the children.

- 4 that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

TPSB Policy C6 sets out criteria which are addressed below.

- (e) that they should determine applications for sites from any travellers and not just those with local connection

Numerous neighbour comments have been received in regard to this matter. The Applicant does not have any local connections to the area, however, has owned the site for over 10 years. As stated in criterion E there is no requirement for a local connection with the site.

- (c) Paragraph 25 of the PPTS states that;
 “Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.”
- (d) TPSB2 Policy SB1 designates the settlement boundaries for the Borough, in accordance with the sustainable settlement hierarchy set out in Policy SP3. Policy 7 of the Gnosall Neighbourhood Plan also defines the settlement boundary for Gnosall which reflects that in the TPSB2.
- (e) The site is located outside of a designated settlement boundary. However, the Key Service Village of Gnosall is approximately 1km away (when travelling by road) and is on a direct bus route. The settlement of Gnosall provides a range of services and facilities. The proposed scale of the site which would serve 1 extended family which is not considered to dominate the settlement of Gnosall nor provide undue pressure on local infrastructure. It is noted that the PPTS at Policy C recognises that Gypsy and Traveller pitches can be located in rural areas.
- (f) Paragraph 26 of the PPTS states that the following should be attached weight when considering such applications:

- (a) effective use of previously developed (brownfield), untidy or derelict land

The site is greenfield land and has not been previously developed.

- (b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness

The proposal includes the retention of existing boundary vegetation and the planting of additional landscaping.

- (c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children

This is discussed further in section 3 of this report. The proposal would provide sufficient space for outdoor play for children.

- (d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

The site is already enclosed by existing boundary vegetation and there are limited views into the site from the public realm. The scheme proposes a 3m high noise reduction fence along the southern boundary which would be largely screened by the existing trees and hedgerow which would be retained. The site is not considered to look deliberately isolated.

- (e) TPSB Policy C6 states that provision will be made for the delivery of sufficient good quality, appropriately located residential Gypsy and Traveller pitches to satisfy local need. The policy sets out that the development of pitches must comply with national policy alongside the 6 stated criteria.

- (a) The intended occupants of the site comply with the definition of Gypsies and Travellers or Travelling Showpeople;

The proposed occupants would meet the definition of Gypsies and Travellers as defined in the PPTS.

- (b) The development of the site minimises the potential impact on the surrounding landscape, environment, heritage assets and biodiversity;

This is assessed in detail in sections 2 and 6 of this report.

- (c) Good design and layout based on Government guidance in 'Designing Gypsy and Traveller Sites' or successor documents. Matters to address include pitch sizes, the adequacy of facilities, services and amenities, the utility of outside space for leisure, recreation and for any essential employment related activities;

The government guidance 'Designing Gypsy and Traveller Sites' was withdrawn in 2015 and replaced by the PPTS. This is assessed in detail in sections 2 and 3 of this report.

- (d) The site does not compromise Green Belt or the Cannock Chase Area of Outstanding Natural Beauty designations;

Contrary to a number of the neighbour comments the site is not within the Green Belt. The site is also not within the Cannock Chase AONB.

- (e) The site has good safe access to the public highway system; adequate space for parking, turning and servicing on site;

This is assessed in section 4 of this report.

- (f) Adequate disposal of foul effluent ensures that there is no reduction in water quality within the catchment.

This is assessed in section 5 of this report.

- (g) The Parish Council and residents' comments refer to the rural housing build being exceeded. However, Gypsy and Traveller sites are determined under different policies to market housing and as such the housing growth distribution targets are not relevant to this application.

- (h) In summary, the LPA currently does not have a sufficient 5 year supply for Gypsy and Travellers and as such the applicant cannot be suitably accommodated on existing pitches within the Borough. Whilst the proposed site is located outside of a designated settlement boundary it is in close proximity to the Key Service Village of Gnosall and is considered to be suitably located. The proposed occupants meet the definition of Gypsies and personal circumstances have been demonstrated to justify the need for the site. The proposal is considered acceptable in principle.

Polices and Guidance:-

National Planning Policy Framework (NPPF)

Paragraphs 8, 11, Section 5

Planning Policy for Traveller Sites (2015) (PPTS)

The Plan for Stafford Borough (TPSB) 2011-2031

SP1 (Presumption in Favour of Sustainable Development), SP2 (Stafford Borough Housing & Employment Requirements), SP3 (Stafford Borough Sustainable Settlement Hierarchy), SP4 (Stafford Borough Housing Growth Distribution), SP6 (Achieving Rural Sustainability), SP7 (Supporting the Location of New Development), C6 (Provision for Gypsies, Travellers & Travelling Show-people), E2 (Sustainable Rural Development)

The Plan for Stafford Borough: Part 2 (TPSB2) 2011-2031

SP3 (Sustainable Settlement Hierarchy), SP4 (Stafford Borough Housing Growth Distribution), SP7 (Supporting the Location of New Development), SB1 (Settlement Boundaries)

Gnosall Neighbourhood Plan

Policy 3 (Housing Provision 2011- 2031), Policy 7 (Settlement Boundary)

2 Layout, Design & Appearance

- (a) TPSB Policy N1 sets out design criteria including the requirement for design and layout to take account of residential amenity and local context and have high design standards. Policy N8 states that new development should respect the character of the landscape setting, through design, layout and materials.
- (b) Policy C6 criterion B requires "The development of the site minimises the potential impact on the surrounding landscape, environment, heritage assets and biodiversity" and criterion C requires "Good design and layout based on Government guidance in 'Designing Gypsy and Traveller Sites' or successor documents. Matters to address

include pitch sizes, the adequacy of facilities, services and amenities, the utility of outside space for leisure, recreation and for any essential employment related activities”.

- (c) With regards to the proposed layout the development would be within the western portion of the field with land levels which range from 97 to 104m above sea level. The eastern portion of the site which is not subject to this application ranges from 101 to 106m above sea level. The proposal includes site levelling of the parking and turning area which will have an overall 2m incline. The pitches and day room would be cut into the bank so that the development follows the contours of the site, the day room would be sited on the highest land at 103m above sea level. The proposed site levelling is considered to be acceptable. The overall layout of the site is considered to be acceptable and fit for purpose.
- (d) The design of the proposed day room would be relatively simple and the finishes of wooden cladding and tile would be suitable within the rural area. The exact details of the caravans are unknown, however due to the Caravan Act the LPA cannot require these details to be provided. The caravans would be of standard design. The siting of caravans within the rural area is not considered to be unusual and given the small number of caravans proposed are not considered to be detrimental to the appearance or character of the area. It is also noted that the site when viewed from the A518 and Radmore Lane would be largely screened by boundary vegetation, however the higher northern portion of the site would be visible within longer range views due to topography changes. A condition should be imposed to secure exact details of finishing materials, hard surfacing and boundary treatments.
- (e) As the site is within the rural area a condition should be attached to secure details of any external lighting before they are installed. This would ensure that there is not excessive light pollution within this rural location.
- (f) In order to retain the acceptability of the sites appearance and layout a condition should also be attached to prevent the site being used for commercial activities or storage.
- (g) Overall, subject to conditions, the proposal is considered to be acceptable with regards to layout, design and appearance.

Policies and Guidance:-

National Planning Policy Framework (NPPF)
Section 12

The Plan for Stafford Borough (TPSB) 2011-2031
Policies N1 (Design), N8 (Landscape Character), C6 (Provision for Gypsies, Travellers & Travelling Show-people)

Gnosall Neighbourhood Plan
Policy 6 (Support for Good Design)

Supplementary Planning Document (SPD) – Design

3 Amenity

- (a) Policy N1 requires the design and layout of development to take account of noise and light implications and amenity of adjacent residential areas. The Design SPD provides guidance on amenity standards and separation distances.
- (b) Policy C6 criterion C requires “Good design and layout based on Government guidance in 'Designing Gypsy and Traveller Sites' or successor documents. Matters to address include pitch sizes, the adequacy of facilities, services and amenities, the utility of outside space for leisure, recreation and for any essential employment related activities”.
- (c) With regards to the impacts upon existing residents, the Parish Councils and residents' concerns are noted. The site is relatively remote from existing dwellings and as such the proposal is not considered to impact upon residential amenity. The Environmental Health Team have raised no concerns with regards to the impact upon existing residents.
- (d) With regards to future residents, the site would provide outdoor amenity space sufficient to serve the future occupants. However, due to the proximity to the A518 the outdoor space would experience noise levels above the recommended levels even with the 3m high boundary fence along the southern boundary. The Environmental Health Team have advised that further measures are required to reduce the external noise levels.
- (e) The Environmental Health Team have advised that with the 3m high fence the noise levels within the mobile homes would be acceptable, as these caravans can be built to a higher specification than touring caravans. The Environmental Health Team have recommended that the site be restricted so that only mobile homes are sited. The Applicant's Agent has advised that they are willing to accept a condition which prevents the touring caravans being occupied, however the touring caravans are required to be stored within the site in order to serve the nomadic lifestyle of the occupants. This is considered to be reasonable and should be secured via condition.
- (f) Whilst the external areas would experience noise levels above the recommended levels the applicant as the owner of this site is aware of the existing noise levels. It is considered that the future occupants of the site would be aware of the noise issues. The proposed occupants live a nomadic life and as such have experienced roadside noise elsewhere. It is also noted that the mobile homes and day room would provide a quieter environment should the occupants require respite from the road noise. In this instance, given the proposed use of the site and the benefit of providing additional gypsy pitches the noise levels are considered to be acceptable.
- (g) Overall, the proposal is considered to not impact upon the amenity of existing residents and would provide sufficient amenity for future occupants.

Policies and Guidance:-
National Design Guide (NDG)

National Planning Policy Framework (NPPF)
Paragraph 130

The Plan for Stafford Borough (TPSB) 2011-2031
Policy N1 (Design), C6 (Provision for Gypsies, Travellers & Travelling Show-people)

Supplementary Planning Document (SPD) - Design

4 Access, Parking & Highway Safety

- (a) Policy T2 states that all new development must have a safe and adequate means of access and internal circulation; not have unacceptable highway safety impacts and provide sufficient parking provision. Appendix B of TPSB sets different parking standards.
- (b) Policy C6 criterion E requires “The site has good safe access to the public highway system; adequate space for parking, turning and servicing on site”.
- (c) The Parish Council and residents’ concerns regarding highway safety are noted. However, the Highways Authority have raised no objections to the scheme. The Highways Authority have advised that there have been no personal injury collisions on Radmore Lane within 215m either side of the proposed access within 5 years. The Highways Authority have also raised no objections with regards to highway safety.
- (d) The Highways Authority have advised that the site access via the old Newport Road onto Radmore Lane is acceptable. The submission includes tracking plans which demonstrate that a vehicle towing a caravan can safely enter and exit from Radmore Lane. A condition should be attached to ensure that the existing gates at the Radmore Lane access are removed and that no new fencing or gates are installed here.
- (e) The Parish Council and residents’ comments regarding the access over highways land is noted. However, the applicant correctly served notice on Staffordshire County Council as land owner and the right of access would be a civil matter between the applicant and the County Council.
- (f) During the determination of the application the site layout was amended in order to provide increased parking provision as requested by the Highways Authority. The subsequent site layout would provide 5 parking spaces and sufficient turning space. The Highways Authority have raised no objections to the proposed parking provision and recommended a condition to ensure it is delivered prior to first occupation. This is considered to be reasonable and necessary and should be attached.
- (g) Whilst the site does not have any pedestrian access to Gnosall this is not unusual for rural sites and is considered to not warrant a refusal of the application. It is also noted that the A518 is served by a daily regular bus service which links Telford to Stafford via Gnosall. As such there would be opportunities for future occupants to use public transport.

- (h) The development, subject to conditions, is considered to be adhere with the development plan and NPPF in this regard and is acceptable with regards to parking, access and highway safety.

Policies and Guidance:-

National Design Guide (NDG)

National Planning Policy Framework (NPPF)

Section 9

The Plan for Stafford Borough (TPSB) 2011-2031

Policies T1 (Transport), T2 (Parking and Manoeuvring Facilities), **APPENDIX B** – Car Parking Standards, C6 (Provision for Gypsies, Travellers and Travelling Show-people)

Gnosall Neighbourhood Plan

Policy 6 (Support for Good Design)

5 Flooding and Drainage

- (a) TPSB Policy N1 states that development should not be located in areas of flooding or contribute to flooding elsewhere. Policy N2 requires developments to provide sustainable drainage systems.
- (b) Policy C6 criterion F requires “Adequate disposal of foul effluent ensures that there is no reduction in water quality within the catchment.”
- (c) The site is located within Flood Zone 1 and as such is at the lowest risk of flooding. The comments of the Parish Council and residents with regards to flooding are noted. The scheme would introduce hard surfacing in a currently grassed field and would regrade the land. The proposal therefore has the potential to increase surface water runoff, however the scheme includes the provision of a soakaway which would assist in retaining the surface water runoff. It is also noted that the boundary vegetation would be retained which would also assist in water retention.
- (d) The proposal would be served by a sewage treatment works. The Environment Agency (EA) have advised that a permit from themselves would be required for the sewage treatment works. The suitability of which would be assessed by the EA at that stage separate to the planning process.
- (e) There is an EA borehole within the western portion of the site. The Parish Council and residents’ concerns over this are noted. The EA have advised that the proposals are unlikely to materially affect their monitoring borehole performance.
- (f) The proposal is considered to be acceptable with regards to flooding and drainage and adheres to the development plan and NPPF in this regard.

Policies and Guidance:-
National Planning Policy Framework
Sections 14 and 15

The Plan for Stafford Borough
Policies N1 (Design), N2 (Climate Change), N4 (The Natural Environment & Green
Infrastructure), C6 (Provision for Gypsies, Travellers & Travelling Show-people)
Gnosall Neighbourhood Plan
Policy 6 (Support for Good Design)

6 Ecology and Landscaping

- (a) TPSB Policy N4 states that the natural environment will be protected and that new development where damage to the natural environment is unavoidable must provide appropriate mitigation. Policy N1 requires development to retain significant biodiversity and landscaping features and create new biodiversity areas. To comply with the guidance contained within the NPPF and the Council's biodiversity duty new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- (b) Policy C6 criterion B requires "The development of the site minimises the potential impact on the surrounding landscape, environment, heritage assets and biodiversity".
- (c) The Parish Council and residents' concerns regarding impact upon ecology and landscaping are noted.
- (d) The submitted Preliminary Ecological Appraisal (PEA) found that the development would not impact upon protected or priority species or habitats. The Council's Biodiversity Officer has raised no objections to the scheme. A condition should be attached to ensure that the recommendations within the PEA are adhered to.
- (e) The Biodiversity Officer has recommended that on site habitat creation be secured. A condition should be attached to ensure that bird and bat boxes are provided within the site.
- (f) With regards to arboriculture, the proposal would retain the majority of onsite trees and hedgerow, a section of hedgerow would be removed to facilitate the access. The Council's Tree Officer has raised no objections to the scheme and advised that the impact of the development would be fairly low impact. The Tree Officer has requested conditions to secure an arboricultural method statement, tree protection plans, pruning and removals schedule, these are considered to be reasonable and necessary and should be secured.
- (g) The proposal includes additional tree and hedge planting, the Biodiversity Officer has advised that these should be of locally native species which are shown on the proposed landscaping scheme. A condition should be attached to ensure that the landscaping is provided and retained.

- (h) Natural England have advised that the proposal would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. As such the proposal is not considered to impact upon the nearby Doley Common SSSI or Aqualate Mere SSSI, Ramsar Site.
- (i) Subject to adhering to conditions the proposal is considered to be acceptable with regards to ecology and landscaping and adheres to the development plan and NPPF in this regard.

Policies and Guidance:-
National Planning Policy Framework
Section 15

The Plan for Stafford Borough
Policies N1 (Design), N2 (Climate Change), N4 (The Natural Environment & Green Infrastructure), N5 (Sites of European, National & Local Nature Conservation Importance), C6 (Provision for Gypsies, Travellers & Travelling Show-people)

Gnosall Neighbourhood Plan
Policy 6 (Support for Good Design)

7 Conclusion

In conclusion, the LPA currently cannot provide a 5 year land supply for Gypsy and Traveller sites and this scheme would provide accommodation to serve one extended family. The development is considered to be acceptable with regards to layout and design. The scheme would not impact upon highway safety and provides sufficient onsite parking and turning space. The development would not impact upon existing residential amenity and on balance is considered to provide sufficient amenity for the future residents. The scheme would not unduly impact upon biodiversity or arboriculture and would provide additional landscaping and habitat. Whilst the site is outside of a designated settlement boundary, the site is within 1km of the Key Service Village of Gnosall and is not considered to be out of scale with this community. Overall, the proposal is considered to be acceptable and is recommended for approval subject to conditions.

Consultations (summarised)

SCC Highways

14.04.2022: No objections, recommend condition to ensure that the access, parking, servicing and turning areas are provided before the first use of the development. A vehicle tracking diagram has been provided which shows that a car towing a caravan can enter and exit onto Radmore Lane safely. The amended plans show increased parking provision.

12.01.2022 Surgery: recommend a minimum of 5 parking spaces (1 per caravan).

23.12.2021: No objections, subject to conditions to secure an increased in parking and turning areas. Records show that there were no personal injury collisions on Radmore Lane within 215m either side of the proposed access within 5 years. The site access onto Radmore Lane is existing highway (originally part of the A518) and meets the

requirements in terms of visibility, width and gradient. Radmore Lane from the A518 to the site access has a natural passing place that can accommodate any additional vehicles to the development. There are no records of the existing gates at Radmore Lane being installed, these need to be removed. The internal site layout provides 4 parking spaces and appropriate turning area.

SBC Environmental Health

01.11.2022: Recommend that the site is restricted to ensure that only permanent residential caravans which meet the noise standards stated within the submitted reports. Subject to the acoustic treatment remaining in place and only residential caravans are used for accommodation Environmental Health is satisfied that internal noise can be dealt with appropriately.

Further measures are required to reduce the noise level in the external amenity areas. Predicted external noise levels exceed the guidelines with the 3m high fence in place.

01.09.2022: Objection, the 2m high boundary fence results in the internal noise level guidelines not being met and external noise levels are still in excess of guidelines.

07.04.2022: Further information required on borehole, if the borehole is active the package treatment plant must be at least 50m from it. In accordance with the submitted noise assessment a 3m high fence is required along the south and east boundaries. Recommend a condition to restrict the site to permanent caravans only, not touring caravans. Noise levels in the external amenity areas is in excess of the recommended levels as such further measures are required to reduce noise levels. Prior approval of any external lighting is required.

09.11.2021: No objections, requires the following information via condition: external lighting, noise assessment, foul sewage system details.

SBC Biodiversity

20.04.2022: The new hedgerow should consist of locally native species. Confirmation of tree and hedgerow species is required.

30.11.2021: The submitted Preliminary Ecological Appraisal found no significant protected species issues. Recommend a condition regarding nesting birds. Recommend habitat creation via bird and bat boxes and replacement hedgerow.

SBC Tree Officer

07.06.2022: The impact will be fairly low, recommend conditions to secure an arboricultural method statement, tree protection plans, pruning and removals schedule, retention of landscaping and regarding bird nesting season.

18.11.2021: Request an Arboricultural Impact Assessment to BS5837:2012 standard as there are a number of trees and hedgerows likely to be affected by the proposal.

Environment Agency

21.06.2022: The site is located on a principal aquifer, there is an EA monitoring borehole within the site towards the western corner. The borehole is for groundwater level monitoring purposes, groundwater is generally between 18 and 20.5m below ground level.

The proposals are unlikely to materially affect our monitoring borehole performance.
Provide advice regarding package treatment plants.

09.11.2021: No comments. Provide advice regarding environmental permitting in relation to the sewage treatment plant.

Natural England

07.12.2021: No objection, the proposal will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Provides general advice.

Parish

28.04.2022: Objection. The proposed post and rail fencing encompass land that does not belong to the applicant. There is a discrepancy regarding the siting of the borehole. Concern about proposals to tarmac over drainage and whether the sewage system is adequate. Previous objections still stand.

07.12.2021: Objection. Proposal only complies with 2 criteria of Policy C6. The site is outside the residential development boundary and the amount of rural build properties was well-exceeded several years ago. There is no overriding need demonstrated. Proposal is significantly larger than the scheme previously refused. Proposal seems excessive for one family. The applicant is accommodated elsewhere and there is no welfare case to consider. There are sufficient pitches in the Borough. Access issues across Highway's land. Lack of information. Impact upon residential amenity. Visual harm, prominent position. SBC website states that there are no related cases, which is incorrect. A greenfield site in the rural area should not be used for a residential gypsy site. No facilities in the immediate vicinity. Submitted ecological appraisal is incorrect. Development will extend into the rest of the field. Development has commenced. Refusal reasons of 11/15220/FUL are all still relevant. Previous refusal was not appealed. Traffic has increased since previous refusal.

SBC Policy, SBC Housing Strategy & Research Officer – Consultation expired 30.11.2021, no response received.

Member of Parliament

- Unsuitable development in this location
- Not in keeping with nearby dwellings and rural character of area
- Loss of green land
- Visually detrimental to the surrounding area
- Clearly visible in local landscape
- No overriding need for such development in this location
- Exacerbate existing traffic issues
- Unsafe access, unsuitable for large vehicles
- Exacerbate drainage issues, flooding of A518
- Set a precedent

Neighbours (305 consulted):

399 responses from 263 addresses, including 4 from outside the Borough:

392 representations of objection, material planning considerations summarised below:

Principle of development:

- Site is outside a designated settlement boundary / residential development boundary
- The site is not identified for development in the local or neighbourhood plan
- Contrary to national policy and local policy - development plan, neighbourhood plan
- Site does not meet the requirements of the gypsy/traveller policy
- Sufficient gypsy/traveller sites have been provided within the Borough to meet the identified need in the Local Plan - only 4 pitches are required within the borough by 2027, plenty of vacant traveller sites/pitches within the Borough
- There is no need identified in the local or neighbourhood plan
- Unsustainable location - not near any facilities, over a mile and half from Gnosall centre, Gnosall has limited services and resources
- Proposal is not of a scale appropriate to the community
- Permission was refused in 2021 (11/15220/FUL), previous refusal reasons are still relevant, this decision was not appealed
- Current proposal is double the size of the previously refused one
- Gnosall has experienced a lot of development in recent years
- Inappropriate in rural location
- Alternate use of site should be considered – nature area with additional planting
- Alternate more suitable sites should be considered - brownfield sites, in larger settlements, sites in or close to towns with services
- Development of Green Belt land
- Inappropriate development of greenfield land
- Gnosall doesn't need more houses
- Proposal is not compatible with adjacent land uses
- It has not been demonstrated that there is an overriding need to develop this site
- The amount of homes in rural areas identified in the local plan has already been exceeded
- Applicant lives at a site outside the Borough, no local connection to this site, no welfare needs have been established
- Personal circumstances are redacted in the public documents
- Day room is not required in addition to caravans
- If applicants are nomadic then why is a permanent site required
- There is a housing shortage for all types of residents
- Settled and traveller communities should be subject to the same planning restrictions/policies

Highway safety:

- Emergency service access concerns
- Use of access and associated land which is not in the applicant's ownership
- Unsafe access from Radmore Lane – poor visibility
- Radmore Lane, A518 junction is unsafe – poor visibility
- Existing junction will need upgrading to accommodate proposed vehicles
- Already busy, unsafe roads
- Roads are already busy with large farm and quarry related traffic
- Traffic is often diverted along Radmore Lane when there is an accident on the A518
- Road junction should have street lighting installed for safety

- Pedestrian safety issues - no footpath to Gnosall or street lighting
- Increased traffic
- Radmore Lane is unsuitable for large vehicles
- Increase in animal car collisions
- Increased congestion
- Unsafe road
- Road is in a poor state of repair
- Blind bend
- Installation of gates on the old A518 should be resisted as this is highway land
- Potential for unauthorised use of old A518 for parking etc
- Site would be a distraction to drivers on the A518
- Limited transport links here
- The junction of Radmore Lane and A518 not suitable for long vehicles
- Proposal seeks replacement gates at the junction with Radmore Lane which is contrary to Highways Authority comments
- Highways objected to the previous application but not objecting this time
- Increase in road accidents
- Safety concerns for children close to the A518

Appearance:

- Scale, design and external appearance not in keeping with surrounding rural area, existing traditional properties, village
- Intrusion in the countryside, open landscape
- Elevated land which is clearly visible, proposed levels create a steep site
- Eyesore - detrimental visual impact of proposed structures, including noise reduction fencing
- Cramped form of development – overdevelopment of site
- No details about visual screening from main road
- Negative visual impact upon the entrance to the village
- Negative impact on integrity of landscape
- The proposed landscaping will go some way to provide a sense of enclosure to the site and reduce the visual intrusion, however will take some time to establish
- The landscaping mitigations are not extensive and you will be able to see through the hedging during winter months
- The application does not acknowledge the landscape context or attempt to demonstrate how this has been addressed
- Site is within an area of high sensitivity as identified by the Staffordshire and Stoke-on-Trent Planning for Landscape Change SPG
- Proposal would be visible from the footpath along the old railway line (The Greenway) and A518
- Development would have an urbanising effect
- Potential for an untidy site

Residential amenity:

- Increased noise disturbance on existing residents
- General disturbance to existing residents
- Loss of light
- Negative impact upon neighbours and village
- Increase in antisocial behaviour and crime
- Security of nearby homes and farms

- Impact upon existing residents wellbeing
- Welfare concerns for proposed residents
- Noise disturbance from road on proposed residents
- Safety concerns for proposed residents children living next to a main road
- Detrimental to community cohesion, increased community tensions

Drainage/flooding:

- Site is within the flood plain
- Existing issues with flooding and drainage would be exacerbated
- Road is liable to flooding
- Lower portion of the site is prone to flooding
- Surface water would flow onto the A518
- Drainage and sewage disposal details needed
- Inappropriate sewage treatment plant for size of development
- Proposed sewage treatment plant and soakaway does not meet guidance – under hard surfacing, under parking areas, near trees/hedges
- The septic tank would require drainage extending onto the adjoining land which is not in the applicants ownership

Environmental impact:

- Harmful impact on environment
- More detailed and updated ecology surveys are required
- Detrimental impact upon habitats and biodiversity
- Detrimental impact upon Aqualate Mere RAMSAR site and a SSSI
- Borehole is shown in the wrong location on the submitted plans
- Impact upon groundwaters, potential contamination of aquifer
- Sewage treatment plant too close to borehole
- Removal of trees and hedgerows
- Loss of greenfield land
- Impact upon neighbouring agricultural land
- Increased pollution – noise, light, air, litter
- Electricity generators would create air and noise pollution
- Impact upon historic environment and heritage assets
- Site is within AONB

Other:

- Potential for commercial use/storage on the site alongside proposal
- Potential to attract more gypsy/travellers, visitors to site
- No services on site – water, drainage, sewage, electricity, gas
- Impact upon village infrastructure – schools, dental, police, doctors
- No details of site infrastructure or contributions
- Proposal is excessive for one family
- Potential for whole field to be developed
- Previous refusal wasn't appealed by applicant
- No details regarding waste management
- Positive discrimination towards gypsy/travellers
- Some of the documents aren't visible to the public
- Set a precedent
- Implications of infill development
- No benefits to village or local community

- Submission is inaccurate, inconsistent and incomplete
- Insufficient consultation – lack of site notices, neighbour letters
- The development has already commenced – hard surfacing laid
- A stop notice is required as works have started on site
- Amendments do not resolve previous objections
- This will be a permanent site

6 representations of support, material planning considerations summarised below:

- Addition to Gnosall's diversity is welcomed
- No valid reasons to object
- The access can be designed to safely accommodate the proposal
- The road is already busy and dangerous – the Council are responsible for resolving this
- One family would have limited impact upon environment, light and noise
- Large tractors already use these roads, towing caravans are no different

1 neutral representation, material planning considerations summarised below:

- Proposed traffic volumes and size similar to tractors
- Caravans don't spread mud on roads like tractors
- If this proposal means the fields in the centre of the village on Station Road remain undeveloped then I support this application
- If this site and the fields on Station Road are developed then I object

Site Notice expiry date: 07.12.2021

Relevant Planning History

11/15220/FUL –The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/dayroom ancillary to that use – Refused 16.05.2012

Recommendation

Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed below, except insofar as may be otherwise required by other conditions to which this permission is subject;
 - ML01 (Location Plan),
 - ML03 (Proposed Dayroom Building, Plan and Elevations),
 - ML04 v4 (Proposed Site Plan),
 - ML04 v5 (Proposed Landscaping and Planting Schedule),
 - ML05 v2 (Existing Ground Levels and Proposed Site Levels),
 - ML06 v2 (Cross-Sections of Proposed Site Levels),
 - A1/002 (Drainage Construction Details),
 - A2/001 B (Proposed Drainage Strategy).

3. Before the development hereby approved is commenced, details of the external materials to be used in the construction of the day room and hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and retained as such for the life of the development.
4. Before the development hereby approved is commenced or any equipment, machinery or materials is brought onto site, full details of protective fencing and/or other protective measures to safeguard existing trees and hedgerows on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed tree and hedge protection measures shall thereafter be provided in accordance with the approved details and retained for the duration of construction. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed.
5. Before the development hereby approved is commenced, a comprehensive schedule of works for tree pruning and removal shall be submitted to, and approved in writing by, the Local Planning Authority. The tree pruning and removal shall thereafter be in accordance with the approved schedule and no other tree removals or pruning of any kind shall be carried out.
6. Before the development hereby approved is commenced, an Arboricultural Method Statement covering all aspects of development that are within the root protection areas of retained trees, or that have the potential to result in damage to retained trees, shall be submitted to, and approved in writing by, the Local Planning Authority. The measures within the approved Arboricultural Method Statement shall be implemented and maintained until the completion of all construction related activity.
7. Before the development hereby approved is first occupied, details of the access gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details before the development is first brought into use.
8. Before the development hereby approved is first occupied, the access, parking and manoeuvring areas shall be provided in accordance with approved plan. The access, parking and manoeuvring areas shall thereafter be retained as such for the life of the development.
9. Before the development hereby approved is first occupied, 2x Schwegler 1B bird boxes and 1x woodcrete bat roost box shall be installed within the site and shall thereafter be retained for the life of the development.
10. Before the development hereby approved is first occupied, the noise reduction fencing shall be provided in accordance with approved plan. The noise reduction fencing shall thereafter be retained as such for the life of the development.

11. Before the development hereby approved is first occupied, the sewage treatment works and soakaway shall be provided in accordance with the approved plans and thereafter retained as such for the life of the development.
12. Before the development hereby approved is first occupied, the existing gates and fencing at the access to Radmore Lane shall be removed. Notwithstanding the approved plans, no fencing or gates shall be erected at the access with Radmore Lane.
13. Within eight months of the development being first occupied, the approved landscape and planting scheme shall thereafter be implemented. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.
14. Before the installation of any external lighting, full details of any external illumination of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of illumination shall thereafter be provided in accordance with the approved details and retained as such for the life of the development.
15. The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working which are detailed within the Preliminary Ecological Appraisal, produced by Midland Ecology, dates 22nd June 2021.
16. The caravans and day room shall only be used or occupied by those persons defined in paragraph 1 of Annex 1 of "Planning Policy for Traveller Sites" (August 2015) as Gypsies or Travellers.
17. There shall be no more than 2 mobile homes and 4 touring caravans stationed on the site at any time. Any caravans positioned on the site shall be capable of being lawfully moved on the public highway. The touring caravans shall not be occupied on the site.
18. There shall be no commercial use or related storage on the site.

The reasons for the Council's decision to approve the development subject to the above conditions are:

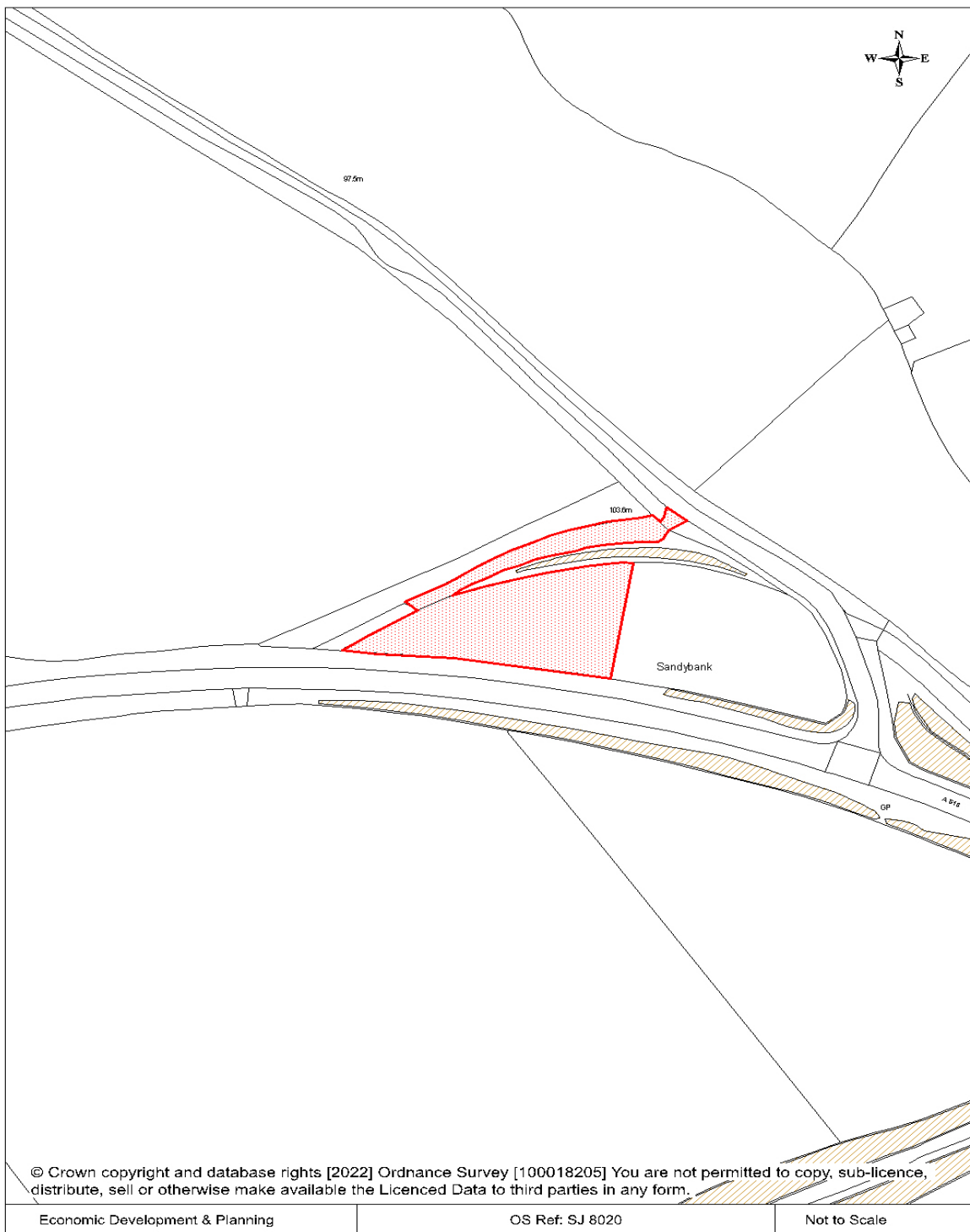
1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission.
3. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
4. To protect the existing trees within and adjacent to the site. (Policies N1 f and N5 of The Plan for Stafford Borough).
5. To protect the existing trees within and adjacent to the site. (Policies N1 f and N5 of The Plan for Stafford Borough).

6. To protect the existing trees within and adjacent to the site. (Policies N1 f and N5 of The Plan for Stafford Borough).
7. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
8. In order to ensure that the adequate access arrangements and off-street facilities are provided in the interests of the convenience and safety of users of the highway. (Policy T2d of The Plan for Stafford Borough).
9. In order to encourage enhancements in biodiversity and habitat. (Policies N1 f, g and N4 of The Plan for Stafford Borough).
10. To safeguard the future occupiers of from undue noise disturbance. (Policy N1e of The Plan for Stafford Borough).
11. To ensure the provision of adequate drainage facilities to serve the development. (Policy N2 of The Plan for Stafford Borough).
12. In the interests of the highway safety. (Policy T1c of The Plan for Stafford Borough).
13. To ensure the satisfactory appearance of the development and to encourage enhancements in biodiversity and habitat, to ensure that any initial plant losses are overcome in order to secure enhancements in biodiversity and habitat. (Policies N1 f, g, h and N4 of The Plan for Stafford Borough).
14. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).
15. In the interests of ecology and biodiversity. (Policy N4 of the Plan for Stafford Borough).
16. In accordance with the applicant's stated intentions and to ensure a satisfactory form of development (Policy C6 of The Plan for Stafford Borough).
17. In accordance with the applicant's stated intentions, to ensure a satisfactory form of development and to safeguard the future occupiers of from undue noise disturbance. (Policies C6 and N1e of The Plan for Stafford Borough).
18. To ensure the satisfactory appearance of the development (Policies N1 g and h of The Plan for Stafford Borough).

Informative

1. In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
2. The applicant is advised to note and act upon as necessary the comments of the Environment Agency dated 21.06.2022 and 09.11.2021. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

**21/35062/FUL
Sandybank Land At
Radmore Lane
Gnosall**



Application:	21/35049/FUL
Case Officer:	Ed Handley
Date Registered:	16 November 2021
Target Decision Date:	11 January 2022
Extended To:	
Address:	Land at St Johns Church, Granville Terrace, Stone
Ward:	St Michaels and Stonefield
Parish:	Stone Town
Proposal:	Variation of condition 2 (plans) of 19/31557/FUL
Applicant:	BHG Stone Ltd
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor R Kenney (Ward Member for St Michaels and Stonefield) for the following reasons: -

- 1 The proposed changes to the plans approved on appeal cause very significant damage to the immediate neighbour's privacy and amenity.
- 2 The proposed changes to the plans approved on appeal damage important heritage aspects of the listed building.
- 3 The developer has not provided a valid justification for the proposed changes to the stained-glass windows on the church.
- 4 Detail of fenestration in the listed building extension to provide privacy and amenity to the immediate neighbours is missing.

Context

The application site comprises a grade II listed church – and its grounds – which lies within Stone Conservation Area.

Planning permission and listed building consent were granted on appeal (reference APP/Y3425/W/16/3164139 and APP/Y3425/Y/16/3164144) to allow the conversion of the church to provide five dwellings, an extension to the church, the erection of an apartment building to the northern edge of the site fronting The Avenue (to provide four units), a detached garage, and a new access. The planning permission granted under APP/Y3425/W/16/3164139 was amended under 19/31557/FUL.

Works to convert the listed building are well underway, however due to the failure to discharge condition 3 of the listed building consent that consent has lapsed. Two associated applications for listed building consent are currently pending consideration; application 21/35101/LBC is submitted on the basis that the listed building consent allowed at appeal has lapsed following the failure to discharge condition 3 of that consent, it seeks consent for the 'retention of unauthorised works to the church and erection of a two-storey rear extension (following demolition of existing single-storey extension) to convert the building into five residential units'; application 21/35171/LBC seeks consent for the 'retention of unauthorised works to include the repositioning of roof lights approved by listed building consent APP/Y3425/Y/16/3164144 and internal works to include the removal of a staircase, removal of internal walls within units 1 and 2 and other minor alterations'.

This application is retrospective and seeks to vary condition 2 (approved plans) of permission 19/31557/FUL. The unauthorised works are described as the replacement of coloured glass windows in the existing building and the installation of roof lights in a revised position. The application does not seek to vary any other element of the scheme approved under 19/31557/FUL.

For the avoidance of doubt, this report uses the expressions coloured glass and stained glass interchangeably. Coloured glass is still made by staining just with less pigment.

The former windows have been removed and have been disposed of due to their condition following removal. Some coloured glass and the entirety of the tracery has been retained at the top of the windows as a feature and the remainder of the windows have been replaced with metal casements with glazing bars; some include a side-opening casement and others are fixed. The glass is clear in colour and the bottom two lights are obscure glazed to offer some privacy.

The four roof lights on the left-hand side of the southeast roof slope have been installed in a slightly different position to that approved in order to avoid cutting roof timbers; these openings have been positioned 120mm lower on elevation and the horizontal amendments as approved (left to right) are as follows: 0mm, 170mm, 40mm, and 10mm. The four roof lights on the right-hand side of the northwest roof slope have also been installed in a slightly different position to that previously approved; these openings have been positioned 210mm lower on elevation and the left and right of the four roof lights have been positioned 40mm to the left and 180mm to the left respectively.

Such minor repositioning is not considered to materially affect the external appearance of the building. Notwithstanding this, the application drawings have been amended to reflect the repositioned roof lights.

Officer Assessment – Key Considerations

1 Principle of development

This application seeks to vary an extant planning permission, reference 19/31557/FUL, for the extension and conversion of the grade II listed former church and the erection of a new detached building to provide a cumulative nine residential units. The amendments are

retrospective and comprise the replacement of windows within the building and the repositioning of roof lights.

The first issue is whether permission 19/31557/FUL was implemented. The Council are satisfied that it was. If development was carried out in contravention of the conditions, it cannot properly be described as commencing the development authorised by the permission.¹

Permission 19/31557/FUL was subject to a pre-commencement condition, namely condition 4. This required details of the new access, parking and turning area shown on drawing 14/1/3242/8 to be submitted prior to the commencement of development.

These details were submitted to the Council to discharge the permission granted on appeal. Permission 19/31557/FUL was a variation of that original appeal permission. Thus, the Council had discharged these details technically in respect to a different permission. The application to discharge was not formally submitted in respect to 19/31557/FUL. However, whether the permission was implemented needs to be tested by examining the situation in an enforcement context by considering whether enforcement action is possible (specifically in respect to the failure to discharge the condition in relation to 19/31557/FUL when it was discharged in respect to the appeal permission).

The Council take the view that the condition remained discharged by virtue of the original discharge. The condition continued to have effect pursuant to the earlier permission². Thus, given it was discharged in respect to the appeal permission, it continued to be discharged (and could still be enforced) against permission 19/31557/FUL.

Accordingly, there was no requirement to discharge condition 4 in respect to permission 19/31557/FUL again, as it had been discharged already.

If, however, that is incorrect, the Council are not satisfied that this was a condition precedent that went to the heart of the permission in any event. It is correct that it is constructed as a pre-commencement condition as a matter of interpretation. However, as a matter of fact and degree, the Council take the view that it is manifestly not about the essential subject matter of the permission. There is no reason why works to the church could not be commenced prior to the access arrangement (including parking and turning area). The condition even reflects that insofar as it also includes a prior to occupation trigger internally for the aspects to be provided.

Accordingly, as a matter of planning judgement, the Council take the view that condition 4 did not need to be discharged in any event, for permission 19/31557/FUL to be implemented.

The Council are also satisfied that the permission was implemented in time, prior to the permission lapsing.

The Council acknowledge that works have been done that deviate from the approved plans, insofar as the roof lights and windows are concerned. However, that does not

¹ FG Whitley and Sons v Secretary of State for Wales [1992] 3 WLUK 339

² As envisaged by the Supreme Court in Lambeth v SSHLG [2019] UKSC 33

render earlier works done pursuant to the permission to be unlawful. Indeed, failure to conform exactly to a planning permission does not prevent some development having taken place under the permission.³

Given that the works have been done, there is a retrospective aspect to the proposal. The application has been made in respect to s.73 of the Town and Country Planning Act. However, the retrospective aspects of the grant of permission would involve the Council also using s.73A of the TCPA 1990.⁴

The Council have contemplated whether the fact that there is a retrospective aspect to the application requires consultation on this particular point. The Council are satisfied that there is no requirement to reconsult on this point. That is owing to the fact that in substance, what is being applied for remains the same. Indeed, it is a technical difference in form rather than substance that there is a retrospective aspect to this. Moreover, it will not come as a surprise to any member of the public that there is a retrospective aspect to this proposal, given that the works are in situ for anyone to see. Furthermore, the Council do not regard the change to be so substantial in any event that it would trigger a need to reconsult.

Since the approval of 19/31557/FUL relevant planning policy has changed in that the revised National Planning Policy Framework (NPPF) was published in July 2021 and the Stone Neighbourhood Plan (SNP) was made in July 2021.

Whilst there are numerous amendments to the NPPF it is not considered that there is anything which renders the principle of development unacceptable. Furthermore, residential development within Stone is supported within the SNP.

Consequently, subject to the detail of the works, the principle of development is acceptable.

Policies and Guidance: -

National Planning Policy Framework

Paragraphs: 7, 8, 10, 11, 126, 130, 134, 135, 194, 195, 197, 199, 200 and 202

The Plan for Stafford Borough

Policies: SP1 Presumption in favour of sustainable development; SP2 Stafford Borough housing and employment requirements; SP3 Stafford Borough sustainable settlement hierarchy; SP4 Stafford Borough housing growth distribution; N1 Design; N8 Landscape character; N9 Historic environment

The Plan for Stafford Borough: Part 2

Policies: SB1 Settlement boundaries

Stone Town Neighbourhood Plan

Policies: H1 Housing tenures and types

³ Hillside Parks Ltd v Snowdonia National Park Authority [2022] UKSC 30

⁴ As envisaged by the Court of Appeal in Lawson Builders Limited v SSCLG [2015] EWCA Civ 122

2 Heritage, character and appearance

This application relates solely to retrospective amendments to permission 19/31557/FUL for the conversion of St Johns Church and the erection of a two-storey extension to the rear to provide five residential units and the erection of a 2.5 storey building on the former car park, fronting The Avenue, to provide four apartments.

St Johns Church is a grade II listed building of stone construction occupying a prominent corner position in Stone Conservation Area. Its tower and spire are particularly distinctive townscape features, and it comprised a good example of a former congregational church worship layout of later 19th Century date. Prior to works commencing a structural survey indicated that the building was experiencing active structural movement, timber decay, and some dampness. Given the state of the building it was considered that identifying a sympathetic new use and encouraging immediate remedial works before the church deteriorated further was a matter of some urgency.

It is noted that the Conservation Officer has, in a later representation clarified that there has been no loss of tracery (ornamental stone openwork which supports the glass in a window, typically in the upper part of a Gothic-style window).

The Council's Conservation Officer states that whilst it is unfortunate that some of the Victorian stained-glass windows have been replaced, some of the stained glass has been retained at the top of the windows as a feature (and it should be noted that the tracery remains), and the main window to the front elevation of the church retains all of its coloured glass (and tracery). It is acknowledged that the Inspector, in dealing with the earlier appeal, stated that the retention of the stained glass windows would be of benefit, and whilst it would have been aesthetically beneficial to retain the stained glass in its entirety, the view of the Council's Conservation Officer is that its removal is not so unacceptable as to warrant refusal, by virtue that its historic and architectural interest was relatively low in terms of its contribution towards the significance of the listed church and that it has allowed for a much less invasive ventilation system to be introduced.

The new windows which have been installed comprise metal casements with glazing bars splitting them in to three; some include a side-opening casement whilst others are fixed. It is acknowledged that this design was put to the applicant by the Council's previous Conservation Advisor and is a tried and tested design for historic church conversions. The Conservation Officer considers these to be sympathetic to the character and appearance of the listed building.

Notwithstanding any concerns regarding amenity, which do not fall within the scope of conservation considerations, the Conservation Officer states that the replacement windows are of an appropriate design and materials and that consequently they are acceptable from a historic building perspective.

The Conservation Officer's view in respect to the roof lights is that the position of the roof lights had been altered slightly in order to accommodate the rafters within the roof structure and that this amendment has resulted in less impact upon the historic fabric of the building. Consequently, no historic building objection was raised in respect to the roof lights.

The occupants of a neighbouring dwelling have commissioned a built heritage statement in objection to the replacement of the stained-glass windows. This statement details that the replacement of the stained-glass windows, whilst not original, would constitute the loss of important historic fabric which contributes to the significance of the listed building with regard to its special architectural interest as well as its historic and communal interest. It is stated that the design of the replacement windows makes no reference to the distinctive design or glazing of the historic windows and the statement concludes that the loss of the windows has caused less than substantial harm to the significance of the listed building and that the replacement windows result in further harm, rather than adequate mitigation, due to their overtly modern qualities and finish.

The Council's Conservation Officer's view is that, although the historic and architectural interest of the stained-glass windows is relatively low, in terms of its contribution towards the significance of the listed church, it still would have been aesthetically beneficial to retain them.

It is clear that both the Council's Conservation Officer and the specialist acting on behalf of the neighbouring resident consider the replacement of the windows to amount to less than substantial harm to the listed building.

However, the replacement of the windows is justified. The Conservation Officer advises that whilst some of the stained-glass windows could be opened, most could not. The consequence of this is that if they were retained and then secondary glazed, as originally approved at appeal, they would have provided insufficient ventilation for the occupiers of the new units. Therefore, in order to meet building regulatory requirements relating to ventilation standards, a large and invasive mechanical ventilation system would have been required. This would have included a system involving internal ducting, ceiling mounted extract grills, and several external ventilation outlets. Such a system was initially submitted during consideration of application 18/28055/DCLB relating to condition 3 of the appeal decision. It is likely that this matter is not something that the Inspector would necessarily have foreseen or assessed when considering the appeal and in order to achieve the significant public benefits of the appeal scheme a balance needed to be struck.

Accordingly, the replacement of the stained-glass windows with the current windows, which can be opened, allows for a less invasive ventilation system to be provided.

The new windows comprise metal casements with glazing bars splitting them into three and some include a side-opening casement – a design put forward by the Council's previous Conservation Officer. The design of the windows is considered to be sympathetic to the character and appearance of this historic church and is a tried and tested approach for similar conversions.

Accordingly, whilst the Council's Conservation Officer concludes that it is unfortunate that the appropriate consents were not in place prior to the works being carried out, there is no historic building objection to the works which have been carried out to a high standard. It is stated that some less than substantial harm to the significance of the grade II listed building has resulted by virtue of the replacement of some of the stained-glass windows.

Notwithstanding the great weight and considerable importance afforded to any harm caused by the removal of the windows the benefits associated with the development proposal (which include the conversion and the delivery of housing) outweigh the less than substantial harm resulting from the development.

The NPPF, at paragraph 199 states that 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, irrespective of whether any harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any such harm should require clear and convincing justification, and less than substantial harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 202, NPPF).

With regard to the public benefits of the works to the listed building it is noted that the Inspector, in allowing the appeal relating to the conversion of the church, stated that "residential conversion is the most likely optimal viable use of the building" on the basis that other potential uses including restaurant, office, and 'antiques showroom' appeared to be unviable based on repair costs, availability of other suitable premises, and floor space. The estimated cost of repairing and restoring the church, quantified within the Inspector's decision, was set out at £508,725. Whilst the scheme allowed on appeal did not include details of replacement windows, it is considered that the works which have been carried out in replacing the stained-glass windows have resulted in a design which would provide better amenity for occupiers of the conversion scheme due to their having a clear view out of habitable rooms, albeit limited. Consequently, it is considered that the replacement windows have contributed to achieving the costly restoration and repair of the listed building and the building moving to what is likely its optimum viable ongoing use which will subsequently safeguard the listed building from falling back into such a state of disrepair. Securing the integrity of the listed building, which is also a positive building within the Stone Conservation Area, is considered to be of significant public benefit.

On the basis of the support from the Council's Conservation Officer in this regard, it is considered that the variation to permission 19/31557/FUL is in accordance with policies N1 and N9 of The Plan for Stafford Borough with regard to design, form, materials, and detailing; policies H2 and CAF3 of the Stone Neighbourhood Plan with regard to design standards and special local views and vistas within the historic environment; and paragraphs 130 and 202 of the NPPF with regard to design and the requirement to protect the significance of designated heritage assets.

Policies and Guidance: -

National Planning Policy Framework

Paragraphs: 126, 130, 132, 134, 135, 189, 195, 197, 199, 200, 202

The Plan for Stafford Borough

Policies: N1 Design; N8 Landscape character; N9 Historic environment
Supplementary Planning Document (SPD) – Design

Stone Neighbourhood Plan:

Policies: H2 Housing design; CAF3 Protected views and vistas

3 Residential amenity

The southeast elevation of St Johns Church faces onto the driveway and side elevation of Granville House; at their closest, the two buildings are separated by 11.25m, increasing to 13.0m. There are five openings on the northwest side elevation of Granville House, which serve the main access door, cellar stairs, and pantry at ground floor, and W.C. and landing/stairs at first floor; none of which are habitable rooms and, consequently, none of which can be defined as principal windows with regard to local policy and guidance.

There is no specific policy or guidance with regard to the separation distance to be achieved between such properties in these circumstances, however whilst it relates to extensions and alterations to existing dwellings guideline 6 of the Council's Design SPD (supplementary planning document) is considered to be a reasonable starting point in the absence of any such policy or guidance. Guideline 6 recommends that a distance of 12m is achieved between a principal window and the wall of another dwelling with more than one storey and no principal windows; this is to ensure appropriate levels of outlook from habitable rooms within extensions and alterations to existing dwellings. It must also be acknowledged that this application involves the conversion of an existing urban building which, given that it relates to a historic building, within a physically constrained site, could clearly not be carried out in complete accordance with up-to-date standards. There is, therefore, a balance to be made in the planning consideration of this application in relation to the appropriate re-use of the historic building and the need to provide adequate levels of amenity. Given the context of the proposal and the site it is considered that a relaxation of standards with regard to new development is justified and balanced against the national and local policy support for bringing underutilised historic buildings back into use. Furthermore, the Council's Design SPD itself allows for relaxation; particularly where characteristic patterns of development are already established.

It is considered that outlook from the proposed units within the listed building would be acceptable in that a minimum separation distance of 11.25m would be achieved and that the windows in the scheme allowed at appeal, and consequently permitted under 19/31557/FUL, were coloured glass allowing for limited views out.

There would be no implications with regard to outlook from the adjacent dwelling – Granville House – as there would be no alteration to the form and massing of the application building by virtue of the replacement of the coloured glass windows.

With regard to privacy the only policy or guidance set out relates to directly facing principal and rear elevations. With regard to this application the relationship between St Johns Church and Granville House is one akin to a principal/rear elevation containing a number of principal windows at the former and a side elevation at the latter where the main architectural features and principal windows are present on the elevation fronting Granville Terrace. There is no protection given, in policy or guidance, to non-principal windows and in considering appropriate separation distance with regard to privacy the guidance given in guideline 6 of the Design SPD (12m separation distance) is again considered to be a reasonable starting point.

On the elevation facing Granville House ten coloured glass windows have been replaced. At ground floor, from left to right, these serve the open plan living space in unit 2 (two windows), unit 2 bedroom, and the games room within the dwelling (two windows); at first

floor they serve the open plan living space in unit 4 (two windows), unit 4 bedroom, and the en-suite and library within the dwelling (two windows). At ground floor the windows are obscure glazed to a height of 2.0m above floor level and at first floor the windows are obscure glazed to a height of 1.50m above floor level (in all cases this is the bottom two lights).

Consequently, when stood adjacent to the windows an occupier of the proposed units within St Johns Church would have the opportunity to look out across the curtilage of Granville House. The obscure glazing and presence of the garage limits the impacts from the windows within the dwelling which afford limited views of the garden to Granville House. Within unit 2 the windows afford limited views from the top light towards the side elevation of the garage and the side elevation of Granville House across the associated parking area. Within unit 4 the windows afford limited views from the top light towards the side elevation of the dwelling, the roof of the garage restricts views into the rear garden of Granville House.

In order to aid the perception of privacy between the two properties, the bottom two lights (up to 1.5m above floor level) of the replacement windows facing onto Granville House have been obscure glazed. Furthermore, to appease the concerns of neighbouring residents the applicant has submitted a unilateral undertaking to ensure that the side-opening casements would remain restricted to open only 25.4cm (10 inches) which is the measurement of the stone window reveals. Whilst it is not considered that the replacement windows would result in such undue loss of privacy as to justify the refusal of this application or that the unilateral undertaking would be necessary in order to approve the application, it is considered that the restricted opening, secured by a unilateral undertaking, would be of benefit to further reduce the incidences whereby occupiers would view each other from their respective homes and the Planning Committee is invited to consider whether it is appropriate or necessary to grant permission subject to, or without the benefit of, this unilateral undertaking.

It is not considered that the relationship between the application building and Granville House, with regard to privacy, would result in undue harm which would justify the refusal of this application. Views between principal windows within the application building and openings serving the hall (entrance door), cellar stairs, pantry, W.C., and landing/stairs are not considered to result in any undue loss of privacy due to the nature of the respective internal spaces.

Given the orientation and context of the building there is no concern regarding amenity in relation to other elevations of the property where coloured glass windows have been replaced.

The alterations to the position of the roof lights are not considered to result in any implications with regard to amenity.

Comments are made with regard to increased noise pollution. The application relates to amendments to an existing planning permission for the conversion of, and works to, the listed building within the settlement of Stone; it is not considered likely that noise emanating from the proposed residential units would result in any undue harm to the occupiers of any existing neighbouring dwellings – it is not uncommon for dwellings to be in close proximity in such a setting without any restrictions on the opening of windows.

This application does not involve any alterations to other elements of the scheme, including the proposed extension to the listed building. Consequently, comments made regarding windows to these elements are not relevant in consideration of the application.

Consequently, it is considered that an appropriate level of amenity would be retained for the existing and future occupiers of the application site and surrounding properties in accordance with paragraph 130 (f) of the NPPF.

Policies and Guidance: -

National Planning Policy Framework
Paragraphs: 130

The Plan for Stafford Borough
Policies: N1 Design
Supplementary Planning Document (SPD) - Design

4 Access and parking

The amendments to which this application relates would not result in any implications with regard to access, parking, or the local transport network.

Policies and Guidance: -

National Planning Policy Framework
Paragraphs: 107 and 108

The Plan for Stafford Borough
Policies: T1 Transport; T2 Parking and manoeuvring facilities; Appendix B – Car parking standards

5 Other

Following queries having been raised with regard to ownership the applicant has confirmed that they own the buttresses of St Johns Church and drawn attention to the definition of boundaries at the front of the Land Registry documents, indicating that it is standard practice to show such boundaries in a straight line. It is stated that it is inconceivable that the church would have sold the supporting structures to their own building and that it is a civil matter whereby a boundary dispute can be brought if desired for the purposes of the Planning Act. The applicant confirms that the location plan is accurate, and the correct ownership certificate has been provided. The red edged application site is as considered by the Inspector in 2016; this includes land which is acknowledged to form part of the curtilage of Granville House. However, no development is, or has been, proposed in this area. Consequently, the effect of any approval would be only to amend the earlier permission with regard to conditions to which the permission is subject.

Conditions 3 and 4 of permission 19/31557/FUL (relating to visibility splays and access, parking, and turning areas) have been discharged under 18/27950/DCON and therefore any approval should include revised conditions to include reference to the approved details.

Policies and Guidance: -

National Planning Policy Framework
Paragraphs: 8, 120, 153, 154, 174

The Plan for Stafford Borough

Policies: N2 Climate change; N4 The natural environment and green infrastructure; N5 Sites of European, national and local nature conservation importance; N6 Cannock Chase special area of conservation

6 Conclusion

Whilst some less than substantial harm has been caused with regard to the significance of the grade II listed building it must be acknowledged that the replacement of the windows has enabled the provision of a significantly less invasive system to provide the requisite ventilation requirements for occupiers of the proposed flats. The replacement of a number of the stained-glass windows is considered to be acceptable on balance due to the limited extent of the harm and that the works to facilitate the conversion of the listed building into flats - considered to be its optimum viable use - which has resulted in the significant repair and restoration of the listed building and which would undoubtedly result in better future management and maintenance through increased occupation. Securing this restoration, repair, and ongoing security is considered to constitute significant public benefit which should be given significant weight in the balancing exercise to be made with regard to section 16 (conserving and enhancing the historic environment) of the NPPF.

It is not considered that the scheme, namely the replacement of the stained-glass windows, has resulted in any undue harm with regard to the amenity of the occupiers of adjacent residential properties. For the reasons set out in section 4 of this report it is considered that the scheme would ensure that adequate levels of amenity are preserved, and such levels would be ensured for future occupiers.

Consequently, it is considered that this application to vary condition 2 of permission 19/31557/FUL be approved.

Consultations

Conservation Officer:

(Comments dated 20 September 2022):

- Many of the original coloured-glass windows were fixed lights, some had been modified to have openers but ultimately if retained and then secondary glazed, as originally approved, they would have provided insufficient ventilation for the occupiers of the new apartments approved by the planning inspector.
- In order to meet building regulatory requirements on ventilation standards for new dwellings, a large and invasive mechanical ventilation system would have been required which included internal ducting, ceiling mounted extract grills, and several

external ventilation outlets. The details of this system have been previously submitted to the Local Planning Authority.

- It was considered by the previous Conservation Officer that replacing the coloured glass leaded lights with openable metal casements with plain glass (to which considerable design advice was provided) would result in less harm to the historic and architectural interest of the grade II listed former church than the installation of the mechanical ventilation system. In this instance a balance needed to be struck in order for the units to be habitable and meet the required building regulatory standards. This is not something the planning inspector, in issuing the approval, could have necessarily foreseen or assessed.
- As a result of the replacement windows, a far less invasive ventilation scheme has since been put forward and is considered acceptable a discreet from a conservation perspective.
- The judgement of the previous Conservation Officer is considered to be sound, that the replacement of the Victorian coloured glass leaded lights with metal framed opening casements was the correct course of action to take in this instance due to the more serious harm which could have been caused by the originally proposed mechanical ventilation system.

(Comments dated 8 September 2022):

- There is an inaccuracy in the earlier comments where it is mentioned that some of the tracery has been replaced. This is not correct, none of the original tracery at St Johns Church has been removed, only some of the Victorian coloured glass.
- For clarity, tracery is defined as an open work pattern of masonry or timber in an opening, especially the upper part of an opening, most common in Gothic architecture.

(Comments dated 16 February 2022):

No objection.

- St Johns Church is a grade II listed building in Stone Conservation area. 16/23671/FUL and 16/23672/LBC were allowed on appeal (APP/Y3425/W/16/3164139 and APP/Y3425/Y/16/3164144),
- This application is for the variation of condition 2 (the plans condition) of the planning permission, specifically in relation to the replacement of windows.
- Whilst it is unfortunate that some of the tracery and Victoria coloured glass windows have been replaced, some of the tracery and coloured glass has been retained at the top of the windows as a feature and the main window to the front elevation of the church still retained all of its tracery and coloured glass.
- Coloured glass is a lesser version of true stained glass, it has a limited range of colours – usually blues, pinks, purples, and yellows – and has a much lower pigment content than stained glass. Although it would have been aesthetically beneficial to retain the tracery and coloured glass, its removal is not so unacceptable as to warrant refusal as its historic and architectural interest is relatively low in terms of its contribution towards the significance of the listed church.
- The new windows that have been installed comprise metal casements with glazing bars splitting them into three lights, some include a side-opening casement and others are fixed. This design was put forward to the applicant by the Council's previous Conservation Advisor; it is a tried and tested design for historic church conversion schemes and is considered to be sympathetic to its character and appearance. The windows on the southeast elevation, facing Granville House, have obscured glazing to the bottom two lights in order to provide some privacy.

- Notwithstanding any amenity concerns, which do not fall within the scope of conservation considerations, the new windows are considered to be of appropriate design and materials and are acceptable from a historic building perspective.
- It is noted that there is a discrepancy between drawings 19/2/3242/33 (JPK Designs) and the window detail drawing by Holdsworth Windows Limited. There is no conservation objection based on the window design by Holdsworth Windows Limited; the detail shown in the JPK Designs drawings is inaccurate and is not acceptable as the casements are too thick.
- Whilst it is unfortunate that the appropriate consent was not sought prior to the works being carried out there is no historic building objection. The works have been carried out to a high standard and whilst some minor, less than substantial, harm has been caused to the character of the grade II listed former church by virtue of the replacement of some of the Victorian coloured glass and tracery, this had relatively low historic and architectural interest in the context of the significance of the grade II listed church. Furthermore, the replacement metal framed windows are of a sympathetic design which was agreed with the Council's previous Conservation Advisor. This minor harm is significantly outweighed by the public benefits of bringing the redundant listed building back into a viable use which would see it maintained and preserved. There is no conservation objection to the works carried out being retained.

Stone Town Parish Council:
No objection.

Neighbours (12 consulted):

Seven representations received in objection from one household raising the following points:

- Boundaries shown on the location plan are incorrect.
- Plans and supporting documents are misleading and factually incorrect.
- The development doesn't benefit from planning permission or listed building consent and all works are unauthorised.
- Planning permission hasn't been carried out in accordance with the approved plans.
- Loss of privacy, both visual and aural.
- Coloured glass would provide privacy and a sense of outside ambience.
- Increased light and sound pollution from the proposed units.
- Harm to amenity of neighbouring residents.
- Substantial harm has been caused to the significance of the listed building.
- No justification for replacement of coloured glass windows.
- Details of fenestration in the extension to the listed building to protect privacy are missing.
- The opening lights were original.
- The unilateral undertaking is not acceptable and does not protect privacy of neighbouring residents. It cannot be relied upon and creates the basis for dispute with neighbours.
- Conservation comments do not correctly consider the requirements of the NPPF (paragraphs 200-202).
- The window detail is of prominent importance in the listing – they are referred to as “2-light segmental-pointed windows to lower level; 2-light pointed windows to upper level”.
- Likely increased need for access over third party land for maintenance.

- Windows open directly over neighbouring property.
- Impact to thermal and acoustic performance of the building.
- Sufficient ventilation and light was provided by the original-coloured glass windows.
- The earlier ventilation plan has not been superseded and has been provided.
- Additional ventilation would not have been required on the basis of the scheme approved by the Inspector.
- Although not specifically mentioned in the listed Granville House is integral to the listing of St Johns Church.
- The heritage setting of the adjacent unlisted building has been undermined.
- The windows should be non-opening and obscure glazed to a height of 1.7m above floor level.

A significant number of points are also raised with regard to procedural matters, to compliance (or otherwise) with the conditions of the earlier planning permission and listed building consent allowed on appeal, as well as works which form part of other applications which are either currently pending consideration or which have been determined in recent years in relation to this site.

A built heritage statement has been prepared on behalf of the occupants of the neighbouring property in objection to the replacement of the coloured glass windows. In particular the following points are made:

- Due to the nature of the works the present contribution of the Church of St John to the Stone Conservation Area will be preserved and the replacement windows would not result in harm to the significance of the conservation area.
- Whilst not the original windows (due to fire damage) the coloured glass windows comprised important historic fabric and replicated the original design and contribute to the significance of the listed building.
- The removal of the majority of the coloured glass windows has had a material impact on the heritage significance of the building and its special architectural interest as well as its historic and communal interest as the changes have fundamentally affected the ability to experience the qualities and atmosphere of the interior of the building which is linked to how the building was used and appreciated as a place of worship and spirituality.
- The loss of the windows has caused less than substantial harm to the significance of the listed building.
- The specification of the replacement windows does not provide adequate mitigation of the harm caused by the loss by virtue of their overtly modern qualities and finish. The replacement windows cause additional harm which could be avoided.
- The replacement windows do not preserve or enhance the special interest of the listed building.
- The less than substantial harm to the significance of the building must be balanced against the public benefits of the scheme and take into account the reduction of the heritage benefits that the consented scheme was considered to deliver.
- The Conservation Officer's description of the replacement windows as a 'tried and tested design for historic church conversions' highlights the generic design used which makes no reference to the distinctive design or glazing of the windows which is an important part of the significance of the church.
- The retention of the coloured glass windows clearly formed part of the overall balancing exercise carried out by the Inspector in allowing the appeal.

- The failure to replicate or reflect the distinctive character and appearance of the historic windows is made more apparent by the juxtaposition of the retained coloured glass and the new windows.
- Secondary glazing would have preserved the special interest of the building and improved energy efficiency.

Site notice expiry date: 12 January 2022

Newsletter advert expiry date: 20 January 2022

Relevant Planning History

79/08961/FUL – Extensions to church hall – Approved 10 October 1979

84/16631/FUL – New car park entrance, reposition oil tank, and installation of steps – Approved 31 October 1984

15/21725/COU – Temporary change of use from church car park and offices to van hire business – Refused 4 December 2015 (Subsequent enforcement appeal dismissed)

15/22081/FUL and 15/22082/LBC – Conversion of church and erection of two-storey extension (following demolition of existing single storey extension) to provide 4 residential units and the erection of 2.5 storey building fronting The Avenue to provide 4 apartments on the former church car park – Refused 18 June 2015

16/23671/FUL and 16/23672/LBC – Conversion of church and erection of rear two-storey extension (following demolition of existing single-storey extension) to provide five residential units and the erection of a 2.5 storey building fronting The Avenue to provide four apartments on the former Church car park – Not determined. Allowed on appeal, reference APP/Y3425/W/16/3164139 and APP/Y3425/Y/16/3164144 (10 August 2017)

18/27950/DCON – Discharge of conditions 3 and 4 of 16/23671/FUL and 16/23672/LBC – Discharged 6 March 2018

18/28055/DCLB – Discharge of conditions 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h and 3i of 16/23672/LBC – Refused 30 July 2021

19/31557/FUL – Variation of condition 2 of APP/Y3425/W/16/3164139 – Approved 23 January 2020

20/33452/LBC - Repositioning of roof lights approved by listed building consent APP/Y3425/Y/16/3164144 and internal works to include the removal of a staircase, removal of internal walls within units 1 and 2 and other minor alterations – Refused 6 August 2021

21/35101/LBC – Retention of unauthorised works to the church and erection of a two-storey rear extension (following demolition of existing single-storey extension) to convert the building into five residential units – Pending consideration

21/35171/LBC - Retention of unauthorised works to include the repositioning of roof lights approved by listed building consent APP/Y3425/Y/16/3164144 and internal works to include the removal of a staircase, removal of internal walls within units 1 and 2 and other minor alterations – Pending consideration

Recommendation

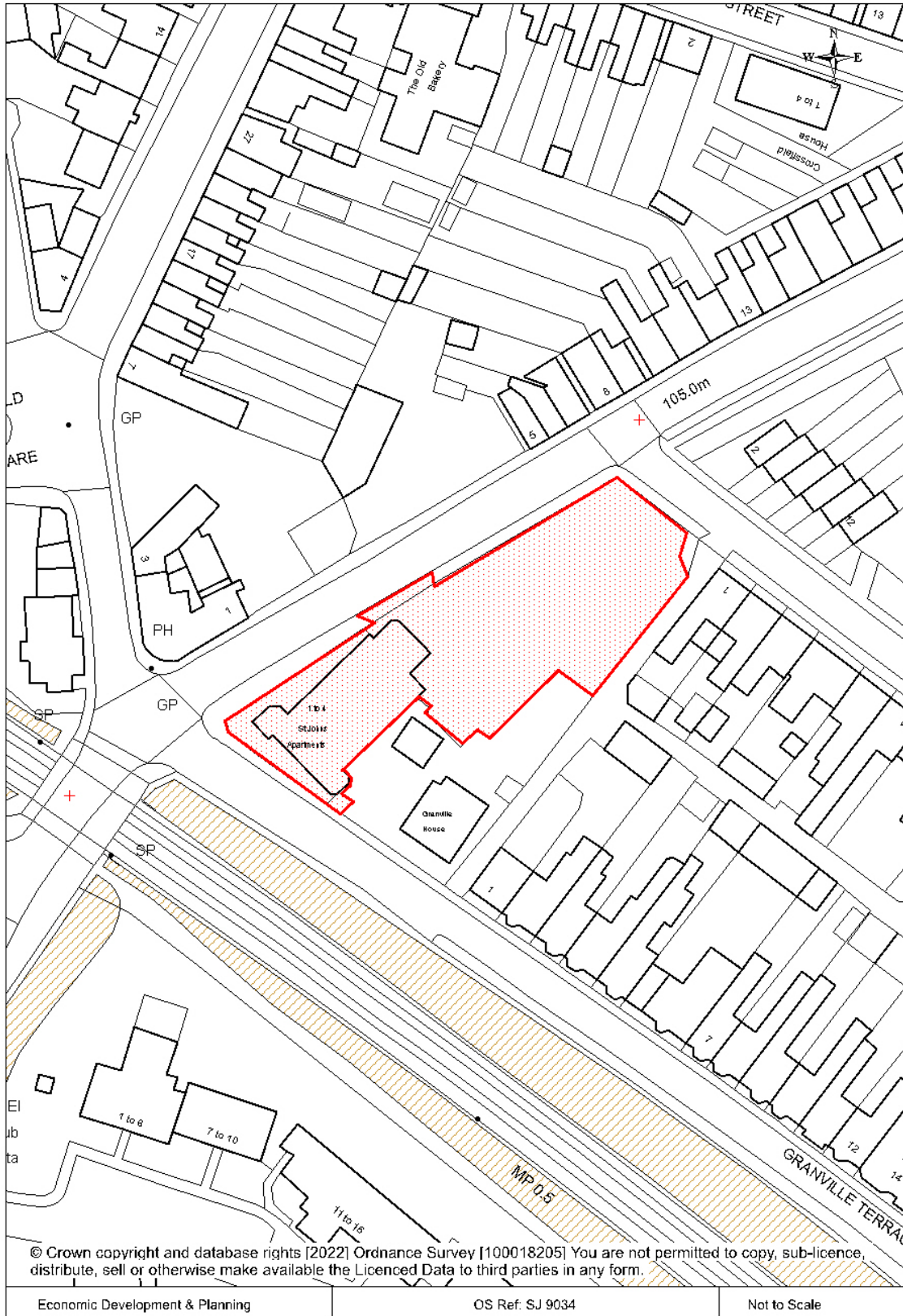
Approve, subject to the following conditions:

- 1 This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence: -
 - 1:1250 Location plan revision E
 - 1:500 Block plan revision E
 - 14/1/3242/1
 - 14/1/3242/2
 - 14/1/3242/3
 - 14/1/3242/4
 - 14/1/3242/5a Rev U
 - 14/1/3242/5b Rev U
 - 14/1/3242/6 Rev Q
 - 14/1/3242/7 Rev C
 - 14/1/3242/8 Rev L
 - 14/1/3242/9 Rev J
 - 14/1/3242/10 Rev C
 - 14/1/3242/11
 - 14/1/3242/36 Rev E
- 2 The development hereby permitted shall not be brought into use unless and until visibility splays at the new vehicular access have been provided in accordance with drawing 14/1/3242/8 revision L, as approved under 18/27950/DCON, unless otherwise approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level
- 3 Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be brought into use unless and until the new access, parking, and turning area shown on drawing 14/1/3242/8 Rev L and approved under 18/27950/DCON have been provided and they shall thereafter be retained as such.
- 4 The development hereby permitted shall not be brought into use until the footpath between The Avenue and the north end of the proposed vehicular access onto Longton Road has been widened to 2m in accordance with drawing 14/1/3242/8 revision L as approved under 18/27950/DCON or any other drawing subsequently approved under condition 3 above.
- 5 All construction, including demolition, site works and deliveries to the site shall only take place between the hours of 0800 and 1800 Monday to Friday and 0800 to 1400 on Saturday, and not at all on Sundays or public/bank holidays. There shall be no burning on site during development.

The reasons for the Council's decision to approve the development subject to the above conditions are

- 1 To define the permission.
- 2 In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
- 3 In the interests of the safety and convenience of users of the highway. (Policy T1c of The Plan for Stafford Borough).
- 4 In the interests of the safety and convenience of pedestrians. (Policy T1 and N1o of The Plan for Stafford Borough).
- 5 To safeguard the amenities of the area (Policy N1e of The Plan for Stafford Borough).

21/35049/FUL
Land At St Johns Church
Granville Terrace
Stone



Application:	21/35101/LBC
Case Officer:	Ed Handley
Date Registered:	15 November 2021
Target Decision Date:	10 January 2022
Extended To:	
Address:	Land At St Johns Church, Granville Terrace, Stone
Ward:	St Michaels and Stone
Parish:	Stone
Proposal:	Retention of unauthorised works to the church and erection of a two-storey rear extension (following demolition of existing single-storey extension) to convert the building into five residential units
Applicant:	BHG Stone Ltd
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor R Kenney (Ward Member for St Michaels and Stonefield) for the following reasons:-

- 1 The proposed changes to the plans approved on appeal damage important heritage aspects of the listed building.
- 2 The proposed changes to the plans approved on appeal cause very significant damage to the immediate neighbour's privacy and amenity.
- 3 The developer has not provided a valid justification for the proposed changes to the stained glass windows on the church.

Context

The application site comprises a grade II listed church – and its grounds – which lies within Stone Conservation Area.

The listing (1992) details the following in terms of the interior of the building: “gallery on iron columns to all 4 sides has timber front with arched panels and enriched iron detailing; large pulpit has arcaded balustrade and communion rail; organ in arched recess behind gallery; pews with arcaded fronts. A good example of its type with well-preserved interior”.

The main church building is a prominent feature on a principal approach into the historic town centre and conservation area. The building has been disused since approximately 2012. It is principally of stone construction, erected in two main phases in the 1870s and

in 1886 after a fire. Prior to the recent works commencing, a number of alterations had taken place, although the original character of the building remained largely intact.

The structure comprises a tall stone built core with two rows of windows to either side and a dual-pitched roof. Two staircases stood flanking the original main entrance to the southwest with a clock tower to the west side. The main internal space was open to the roof with a timber gallery on three sides and an altar dais with organ loft above at the southwestern end.

Attached to the north end is a lower section of stone and rendered brick finish which contained a series of small rooms and provided an entrance to the church, with a staircase to the first floor seating area and organ loft.

The car park to the north of the site is at a higher ground level than the front (south) of the church. Steps at the southwest entrance provide access up into the building. A brick wall bounds the highway land to the west and north side of the parking area. Other external boundaries to the site are marked by brick walls or kerbs and timber fences, except where the walls of the church form the boundary shared with Granville House to the southeast.

Planning permission and listed building consent was granted on appeal (reference APP/Y3425/W/16/3164139 and APP/Y3425/Y/16/3164144) to allow the conversion of the church to provide five dwellings, an extension to the church, the erection of an apartment building to the northern edge of the site fronting The Avenue (to provide four units), a detached garage, and a new access. The planning permission granted under APP/Y3425/W/16/3164139 was amended under 19/31557/FUL and is considered to remain extant (for reasons that are explained in the report pertaining to application 21/35049/FUL).

Whilst works to convert the listed building are well underway, due to the failure to discharge condition 3 of the consent, that listed building consent has lapsed.

Two associated applications are currently pending consideration; applications 21/35049/FUL and 21/35171/LBC.

Application 21/35049/FUL is submitted under s73 of The Town and Country Planning Act and seeks to vary condition 2 (approved plans) of permission 19/31557/FUL. The unauthorised works are described as the replacement of windows and the installation of roof lights in revised position.

Application 21/35171/LBC seeks listed building consent for the 'retention of unauthorised works to include the repositioning of roof lights approved by listed building consent APP/Y3425/Y/16/3164144 and internal works to include the removal of a staircase, removal of internal walls within units 1 and 2 and other minor alterations'.

This application, reference 21/35101/LBC, is submitted in retrospect and seeks consent for the retention of a schedule of works to the listed building as allowed on appeal under reference APP/Y3425/Y/16/3164144 and to include the replacement of the previous stained-glass windows. The scheme, insofar as it requires listed building consent, includes the following principal elements:

- Conversion of the listed building to provide five dwellings.

- Demolition of the timber and brick rear additions to the listed building.
- Repair, refurbishment, and modification of the listed building.
- Extension of the listed building.
- Replacement of twenty coloured glass windows (ten on either side to serve the main internal space of the church) and two clear windows (store and organ room).

The conversion of the building has involved the subdivision of the principal open space within the main church building, both horizontally and vertically, to provide four units with a fifth, larger, unit being created within the northern end of the church interior (altar, organ loft, lower stone section of the building) and the proposed extensions. The two smallest units at ground floor have a single bedroom. The two units above include a mezzanine floor inserted over approximately 60% of their floor area, providing an open, dual height space behind the main southern window opening; these units each have two bedrooms.

The floor plans of the largest unit are annotated to include five bedrooms, however two mezzanine areas within the extension show the position of two double beds and therefore there are seven bedrooms indicated; only the master bedroom would be within the original church building. A central lobby area, cinema room and games room/gym would be located below at ground floor within the conversion. The altar dais and steps would be maintained within the games room/gym space which would maintain a central opening above to roof level. As well as the master bedroom there would be a library, sitting area, en-suite and dressing room at first floor level within the conversion.

Access to the four smaller units is from the original southwest openings to the main lobby and eastern stairwell; the larger unit would be accessed by an existing side door to the northwest corner of the building.

No alterations are proposed to the cellar which is accessed by an external door to the north end of the western elevation. It is understood that at the time of the earlier application the cellar was to be conveyed within unit four for maintenance reasons.

Except for the replacement of the stained-glass windows, this application seeks listed building consent for the scheme which was previously allowed on appeal. All other alterations which go beyond the scope of that earlier consent are the subject of application 21/35171/LBC.

Further detail is given where this was required under condition 3 of the appeal decision (APP/Y3425/Y/16/3164144). This relates to the following elements:

- Schedule of dilapidation and repair.
- Structural steel work.
- Internal partitions.
- Stone cleaning.
- Fenestration.
- Conservation works (clock restoration, pews, and organ cleaning).
- External joinery, including colour finishes, relating to openings within the extension.
- Rainwater goods.
- Brickwork and render.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the Local Planning

Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, section 66 states the same with regard to the exercise of planning functions by the Local Planning Authority.

With regard to the second reason for which Councillor Kenney has called in this application to be determined by the planning committee it must be noted that impacts upon amenity are not a material consideration in whether listed building consent should be granted.

Officer Assessment – Key Considerations

1 Heritage conservation

The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that special regard is given to the desirability of preserving a listed building, its setting, and any features of special architectural or historic interest which it possesses.

The NPPF (National Planning Policy Framework) states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. At paragraph 195 the NPPF requires the local planning authority to identify and assess the particular significance of any heritage asset which may be affected by a proposal, taking account of the available evidence and any necessary expertise and in determining an application, paragraph 197 requires that the local planning authority takes account of – amongst other things – the desirability of sustaining and enhancing the significance of heritage assets.

Great weight should be given to the conservation of a heritage asset (paragraph 199); any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (paragraph 200). Where a proposed development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 202).

Policy N9 of The Plan for Stafford Borough requires that development sustains, and where appropriate, enhances the significance of heritage assets and their setting by understanding the heritage interest, encouraging sustainable re-use, and promoting high quality design. All potential loss of, or harm to, the significance of a heritage asset, including its setting, requires clear justification.

It is not considered that policy, either national or local, has changed in the intervening period to the extent that full weight should not be given to the Inspector's determination and consequent allowing of appeal APP/Y3425/Y/16/3164144. Consequently, the balanced view made at that time is considered to stand. With reference to superseded paragraph numbers within the NPPF as published at that time, the Inspector's decision states:

“47. Statute requires that I give special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic

interest which it possesses. I have concluded that the proposed conversion would harm the open plan form and volume of the church's interior, an important element of the listed building's significance.

48. The church's significance arises both from its internal space and use and its external impact being located on a prominent corner site on a main road on the edge of Stone town centre. Whilst the proposed internal conversion works would have a material impact on the church they would not in my opinion amount to substantial harm to the listed building because they would preserve many of its key internal features as set out above and enable the building to be restored and remain as a dominant feature in this part of the town, whilst the extension and new apartment building would respect its external design and be respectful of its setting.

49. It is important that the building is preserved and in order for this to occur it must have a long-term viable use. I have concluded that residential conversion is the most likely optimal viable use of the building and also that the extent of the proposed works/development has been financially justified.

50. The public benefits of the scheme, namely the restoration of the listed building and its preservation into the future secured by the residential conversion scheme, outweigh the harm to its interior space. Even if, as per the Council's contention, the works would lead to substantial harm, I consider that the harm is outweighed by the benefit of bringing the site back into use. The proposal therefore complies with either paragraphs 133 or 134 of the NPPF."

With regard to the supporting information to which condition 3 of the appeal decision related, it is noted that under application 18/28055/DCLB, dated 30 July 2021, it was confirmed that the detail provided was acceptable for the discharge of this condition. However, with regard to the detail provided in relation to condition 3(e) (fenestration), which comprised the replacement of the coloured glass windows, it was considered that this went beyond the scope of the listed building consent allowed on appeal. Consequently, it is considered that the supporting information with regard to the other elements of condition 3 of the appeal decision is acceptable and any approval should be subject to a condition that the works are carried out in accordance with these details.

The replacement of the stained-glass windows goes beyond the scope of works allowed by the Inspector and must be given further, separate, consideration. It is acknowledged that at paragraph 10 of the Inspector's decision it is stated that the repair and retention of the church's stained-glass windows and their protection by the use of new internal secondary glazing would be a positive benefit.

The applicant advises that the new windows are a critical element in both maintaining the character of the historic church and providing effective illumination and ventilation for the new residential units. It is stated that the design process was effectively led by the Council's previous Conservation Advisor who secured the compromise of setting the new windows in a finely framed opening with fixed lights. Furthermore, the applicant states that the replacement windows retain the elegance of the originals and do not dilute the stone window tracery and relief which this gives to the planar elevations of the church. On the basis that the undecorated coloured glass was not deemed to be of especial significance, thermally efficient glass has been utilised which facilitates well insulated residential

modules; obscure glazing has been incorporated into the lower panes to safeguard amenity of the occupants of neighbouring dwellings.

One objector (a neighbouring resident) comments that the replacement windows amounts to substantial harm to the listed building. Notwithstanding this, they have commissioned a built heritage report which states that the earlier windows, whilst not original, constituted important historic fabric of the building; the qualities of the coloured glass used forming part of the appreciation and experience of the building as a place of worship. It is stated in this submission that the removal of the majority of the coloured glass windows has had a material impact on the significance of the listed building to the extent of 'less than substantial harm'. The interested party's advisor states that the specification of the replacement windows does not provide adequate mitigation of the harm caused by the loss of the earlier windows and, in fact, cause additional harm which could be avoided due to their overtly modern qualities and finish and by their failing to reflect any of the important design elements of the earlier windows. The submission concludes that the less than substantial harm must be balanced against the public benefits of the scheme.

The Council's Conservation Officer view is that although the historic and architectural interest of the stained-glass windows is relatively low, in terms of its contribution towards the significance of the listed church, it still would have been aesthetically beneficial to retain the stained glass.

It is clear that both the Council's Conservation Officer and the specialist acting on behalf of the neighbouring resident consider the replacement of the windows to amount to less than substantial harm to the listed building.

However, the replacement of the windows is justified. The Conservation Officer advises that whilst some of the stained-glass windows could be opened, most could not. The consequence of this is that if they were retained and then secondary glazed, as originally approved at appeal, they would have provided insufficient ventilation for the occupiers of the new units. Therefore, in order to meet building regulatory requirements relating to ventilation standards, a large and invasive mechanical ventilation system would have been required. This would have included a system involving internal ducting, ceiling mounted extract grills, and several external ventilation outlets. Such a system was initially submitted during consideration of application 18/28055/DCLB relating to condition 3 of the appeal decision. It is likely that this matter is not something that the Inspector would necessarily have foreseen or assessed when considering the appeal and in order to achieve the significant public benefits of the appeal scheme a balance needed to be struck.

Accordingly, the replacement of the stained-glass windows with the current windows, which can be opened, allows for a less invasive ventilation system to be provided.

The new windows comprise metal casements with glazing bars splitting them into three and some include a side-opening casement – a design put forward by the Council's previous Conservation Officer. The design of the windows is considered to be sympathetic to the character and appearance of this historic church and is a tried and tested approach for similar conversions.

The Council's Conservation Officer concludes that whilst it is unfortunate that the appropriate consents were not in place prior to the works being carried out, there is no historic building objection to the works which have been carried out to a high standard. It is stated that some less than substantial harm to the significance of the grade II listed building has resulted by virtue of the replacement of the stained-glass windows which had relatively low historic and architectural interest in the context of the significance of the grade II listed church.

The Council's Conservation Officer states that, as a result of the replacement windows, a far less invasive ventilation scheme has been put forward and is considered to be acceptable and discreet from a heritage perspective.

Notwithstanding the great weight and considerable importance afforded to any harm caused by the removal of the windows the benefits associated with the development proposal (which include the conversion and the delivery of housing) outweigh the less than substantial harm resulting from the development.

It is considered that the public benefits of the scheme, as outlined by the Inspector, namely the restoration of the listed building and its preservation into the future being secured by the residential conversion scheme continues to outweigh the harm to the significance of the listed building with regard to both the replacement of the windows and the harm to its interior space as considered by the Inspector. The works under consideration would ensure that this redundant listed building is brought back into a viable use which would see it maintained and preserved for future generations. Moreover, the loss of the stained-glass windows allows for a less invasive ventilation system to be installed. Thus, the loss of the stained-glass windows does not provide a reasonable basis for the Council to depart from the conclusions of the Inspector which, with the benefit of hindsight, officers agree with.

Consequently, it is considered that the proposal is in accordance with section 16 of the NPPF and policy N9 of The Plan for Stafford Borough and that the works are acceptable.

Policies and Guidance: -

National Planning Policy Framework

Paragraphs: 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, & 208

The Plan for Stafford Borough

Policies: N1 Design; N8 Landscape character; N9 Historic environment
Supplementary Planning Document (SPD) – Design

Planning (Listed Buildings and Conservation Areas) Act 1990

2 Other

The consideration of this application must be based on the impacts upon the historic interest of the building and its reasons for designation. Whilst the occupants of the neighbouring property have raised concern regarding implications involving amenity it is not considered that residential amenity comprises any part of the reason for the designation of this heritage asset and, therefore, matters of amenity should not be taken into consideration. Such matters would be considered should any development, as defined under section 55 of the Town and Country Planning Act 1990 and which require planning permission, be proposed; any such development would be the subject of a separate application under that legislation. Matters of amenity must be taken into account in consideration of application 21/35049/FUL.

3 Concluding comments

It is considered that the removal of the earlier coloured glass windows and their replacement with a modern metal casement design has resulted in minor (less than substantial) harm to the significance of the grade II listed St Johns Church. The Council's specialist Conservation Officer advises that, whilst it would have been aesthetically beneficial to retain the coloured glass, its removal is not so unacceptable as to warrant refusal, by virtue that the historic and architectural interest of the glass was relatively low in terms of its contribution towards the significance of the listed church and that their replacement has enabled the provision of a significantly less intrusive system to provide the requisite level of internal ventilation. The design of the replacement windows is considered to be sympathetic to the character and appearance of the listed building church and it is acknowledged that the nature of such replacements comprises a tried and tested approach within similar conversion schemes. It is considered that securing the public benefits of the scheme, as outlined by the Inspector in determining the earlier appeals to which this application relates - namely the restoration of the listed building and its preservation into the future being secured by the residential conversion scheme – without resulting in additional harm via the provision of an intrusive ventilation system, outweighs the minor harm to the significance of the listed building with regard to the replacement of the windows. The works would ensure that this otherwise redundant listed building is brought back into a viable use which would see it maintained and preserved for future generations.

On balance it is considered that the weight to be afforded to public benefits in permitting the conversion of the church and associated works, including internal alterations and the proposed extension outweighs the harm identified with regard to the composition of the original internal space within the building and the loss of the coloured glass windows. Consequently, it is considered that the proposal is in accordance with section 16 of the NPPF and policy N9 of The Plan for Stafford Borough and that listed building consent should be granted for the retention of these unauthorised works.

Consultations

Conservation Officer:

(Comments dated 20 September 2022):

- Many of the original coloured-glass windows were fixed lights, some had been modified to have openers but ultimately if retained and then secondary glazed, as

- originally approved, they would have provided insufficient ventilation for the occupiers of the new apartments approved by the planning inspector.
- In order to meet building regulatory requirements on ventilation standards for new dwellings, a large and invasive mechanical ventilation system would have been required which included internal ducting, ceiling mounted extract grills, and several external ventilation outlets. The details of this system have been previously submitted to the Local Planning Authority.
 - It was considered by the previous Conservation Officer that replacing the coloured glass leaded lights with openable metal casements with plain glass (to which considerable design advice was provided) would result in less harm to the historic and architectural interest of the grade II listed former church than the installation of the mechanical ventilation system. In this instance a balance needed to be struck in order for the units to be habitable and meet the required building regulatory standards. This is not something the planning inspector, in issuing the approval, could have necessarily foreseen or assessed.
 - As a result of the replacement windows, a far less invasive ventilation scheme has since been put forward and is considered acceptable a discreet from a conservation perspective.
 - The judgement of the previous Conservation Officer is considered to be sound, that the replacement of the Victorian coloured glass leaded lights with metal framed opening casements was the correct course of action to take in this instance due to the more serious harm which could have been caused by the originally proposed mechanical ventilation system. (Comments dated 8 September 2022):
 - There is an inaccuracy in the earlier comments where it is mentioned that some of the tracery has been replaced. This is not correct, none of the original tracery at St Johns Church has been removed, only some of the Victorian coloured glass.
 - For clarity, tracery is defined as an open work pattern of masonry or timber in an opening, especially the upper part of an opening, most common in Gothic architecture. (Comments dated 16 February 2022):

No objection.

- St Johns Church is a grade II listed building in Stone Conservation Area.
- Schedule of dilapidation and repair:
 - o Drawings 5705-001 revision A and 5705-003 in addition to the structural report by HBL Associates Ltd – Schedule of Works are acceptable.
- Structural steelwork:
 - o The structural steelwork details on drawing 5705-002 revision D are acceptable.
- Stone cleaning:
 - o The method statements for the DOFF (external pre-cleaning) and JOS (external abrasive cleaning) are acceptable in addition to the Stone Restoration Details document. The works have been carried out on site and to a good standard.
- Windows:
 - o Whilst it is unfortunate that some of the tracery and Victorian coloured glass windows have been replaced, some of the tracery and coloured glass has been kept at the top of the windows as a feature, and the main window to the front elevation of the church still retains all its tracery and coloured glass.
 - o Coloured glass is a lesser version of true stained glass; it has a limited range of colours, usually blues, pinks, purples, and yellows, and has much lower

pigment content that stained glass. Although it would have been aesthetically beneficial to retain the tracery and coloured glass its removal is not so unacceptable as to warrant refusal by virtue that its historic and architectural interest is relatively low in terms of its contribution towards the significance of the church.

- The new windows which have been installed comprise metal casements with glazing bars splitting them in to three lights, some include a side-opening casement and others are fixed. This design was put to the applicant by the Council's previous Conservation Advisor, is a tried and tested design for historic church conversions, and is considered to be sympathetic to the character and appearance of the building. The windows on the southeast elevation facing neighbouring residential property (Granville House) have obscured glazing to the bottom two lights in an effort to provide some privacy.
- Notwithstanding any concerns regarding amenity which do not fall within the scope of conservation considerations, the new windows are considered to be of an appropriate design and materials and are acceptable from a historic building perspective.
- There is a discrepancy between the drawing 19/2/3242/33 by JPK designs and the window detail drawing submitted by Holdsworth Windows Limited. The JPK drawing shows the windows split into two lights as opposed to the three-light casements which have been installed, the JPK drawing also shows much more cumbersome casements. There is no conservation objection based on the window detail submitted by Holdsworth Windows Limited, however the detail shown on the JPK drawing is not acceptable as the casements would be too thick.
- Conservation works:
 - The restoration of the clock by Smiths of Derby in line with the submitted detail is acceptable. Having visited the site on 23 March 2021 it is noted that these works have been completed to a high standard.
 - The refurbishment and retention of a large pew from the ground floor, relocated to the communal lobby on the first floor, as shown on drawings 14/1/3242/5a revision L and 14/1/3242/5b revision M, is acceptable.
 - The cleaning and retention of the organ is acceptable.
- External joinery, including colour finishes:
 - The existing joinery is shown to be retained and the proposed painting of the timber doors externally in Dulux Weathershield 'Burnt Cherry' is acceptable.
- Rainwater goods:
 - The use of moulded cast black aluminium ogee rainwater goods from Rain Clear, to match the shape of the existing rainwater goods on the building is acceptable.
- Brickwork and render for the proposed extension:
 - The use of Ibstock Warwick Olde English brick and Monocouche Render XF in 'off-white' is acceptable.
- Ventilation:
 - A ventilation plan has been submitted which shows the positioning of the external vent outlets both to the roofs and the walls. The number of outlets is minimal, they are positioned discreetly, are modest in size, and are designed sympathetically.
 - The vent outlets have black cast iron covers where positioned on external walls and are grey in colour where positioned on the roof.

- There is no conservation objection to the ventilation details.
- Whilst it is unfortunate that the appropriate consents were not sought in the first instance for the works prior to them being carried out on site, overall, there is no historic building objection.
- The works have been carried out to a high standard and whilst some minor, less than substantial, harm has been caused to the character of the grade II listed former church by virtue of the replacement of some of the Victorian coloured glass tracery, this had relatively low historic and architectural interest in the context of the significance of the grade II listed building. Furthermore, the replacement metal framed windows are of a sympathetic design which was agreed with the Council's previous Conservation Advisor.
- The minor harm to the historic and architectural interest of the church is significantly outweighed by the public benefits of bringing the redundant listed building back into a viable use which would see it maintained and preserved for generations to come. Consequently, there is no conservation objection to the retention of the works being retained.

Stone Town Parish Council:

(Comments dated 6 October 2022):

No objection.

(Comments dated 5 January 2022):

No objection.

(Comments dated 8 December 2021):

No objection.

Neighbours (11 consulted):

Representations have been received from one household in objection to this application, the comments relevant to this application are summarised below:

- Drawings (as initially submitted) contain errors and are inaccurate.
- The modern replacement windows result in substantial harm to the character of the listed building.
- There is no public benefit to the windows being replaced.
- The replacement of windows has resulted in harm to the historic setting of the buildings in the vicinity.
- The removal of the coloured glass windows was unlawful.
- The replacement windows represent a significant reduction in the thermal performance of the building compared to the scheme allowed at appeal.
- Adequate ventilation would have been achieved under the scheme allowed at appeal.
- All windows on elevations overlooking Granville House and its gardens should be obscure glazed and non-opening below 1.7m above the adjacent floor level.
- All windows on the now demolished extension and church hall overlooking Granville House were obscure glazed. Views from two original clear glass windows to the storeroom and organ room were obscured by the extension and church hall.
- The use of modern glass and the retention of the original glass within the same window openings is incompatible.
- The modern glazing draws attention to the residential use of the building.

- The opening lights were original.
- The ventilation plan has not been amended and has been implemented.
- Additional ventilation would not have been required should the development allowed at appeal have been implemented.

A significant number of points are also raised with regard to procedural matters, to compliance (or otherwise) with the conditions of the earlier planning permission and listed building consent allowed on appeal, as well as works which form part of other applications which are either currently pending consideration or which have been determined in recent years in relation to this site.

A built heritage statement has been prepared on behalf of the occupants of the neighbouring property in objection to the replacement of the coloured glass windows. In particular the following points are made:

- Due to the nature of the works the present contribution of the Church of St John to the Stone Conservation Area will be preserved and the replacement windows would not result in harm to the significance of the conservation area.
- Whilst not the original windows (due to fire damage) the coloured glass windows comprised important historic fabric and replicated the original design and contribute to the significance of the listed building.
- The removal of the majority of the coloured glass windows has had a material impact on the heritage significance of the building and its special architectural interest as well as its historic and communal interest as the changes have fundamentally affected the ability to experience the qualities and atmosphere of the interior of the building which is linked to how the building was used and appreciated as a place of worship and spirituality.
- The loss of the windows has caused less than substantial harm to the significance of the listed building.
- The specification of the replacement windows does not provide adequate mitigation of the harm caused by the loss by virtue of their overtly modern qualities and finish. The replacement windows cause additional harm which could be avoided.
- The replacement windows do not preserve or enhance the special interest of the listed building.
- The less than substantial harm to the significance of the building must be balanced against the public benefits of the scheme and take into account the reduction of the heritage benefits that the consented scheme was considered to deliver.
- The Conservation Officer's description of the replacement windows as a 'tried and tested design for historic church conversions' highlights the generic design used which makes no reference to the distinctive design or glazing of the windows which is an important part of the significance of the church.
- The retention of the coloured glass windows clearly formed part of the overall balancing exercise carried out by the Inspector in allowing the appeal.
- The failure to replicate or reflect the distinctive character and appearance of the historic windows is made more apparent by the juxtaposition of the retained coloured glass and the new windows.
- Secondary glazing would have preserved the special interest of the building and improved energy efficiency.

Site notice expiry date: 12 January 2022

Newsletter advert expiry date: 20 January 2022

Relevant Planning History

79/08961/FUL – Extensions to church hall – Approved 10 October 1979

84/16631/FUL – New car park entrance, reposition oil tank, and installation of steps
Approved 31 October 1984

15/21725/COU – Temporary change of use from church car park and offices to van hire business – Refused 4 December 2015 (Subsequent enforcement appeal dismissed)

15/22081/FUL & 15/22082/LBC – Conversion of church and erection of two-storey extension (following demolition of existing single storey extension) to provide 4 residential units and the erection of 2.5 storey building fronting The Avenue to provide 4 apartments on the former church car park – Refused 18 June 2015

16/23671/FUL & 16/23672/LBC – Conversion of church and erection of rear two-storey extension (following demolition of existing single-storey extension) to provide five residential units and the erection of a 2.5 storey building fronting The Avenue to provide four apartments on the former Church car park – Not determined. Allowed on appeal, reference APP/Y3425/W/16/3164139 and APP/Y3425/Y/16/3164144 (10 August 2017)

18/27950/DCON – Discharge of conditions 3 and 4 of 16/23671/FUL and 16/23672/LBC – Discharged 6 March 2018

18/28055/DCLB – Discharge of conditions 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h and 3i of 16/23672/LBC – Refused 30 July 2021

19/31557/FUL – Variation of condition 2 of APP/Y3425/W/16/3164139 – Approved 23 January 2020

20/33452/LBC - Repositioning of roof lights approved by listed building consent APP/Y3425/Y/16/3164144 and internal works to include the removal of a staircase, removal of internal walls within units 1 & 2 and other minor alterations – Refused 6 August 2021

21/35049/FUL – Variation of condition 2 (plans) of permission 19/31557/FUL – Pending consideration

21/35171/LBC – Retention of unauthorised works to include the repositioning of roof lights approved by listed building consent APP/Y3425/Y/16/3164144 and internal works to include the removal of a staircase, removal of internal walls within units 1 and 2 and other minor alterations – Pending consideration

Recommendation

Approve, subject to the following conditions:

1. This consent relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence: -
 - 1:1250 Location plan revision B
 - 1:500 Block plan revision D
 - 14/1/3242/5A U Proposed ground floor plan
 - 14/1/3242/5B U Proposed first floor plans
 - 14/1/3242/5C E Proposed sections
 - 14/1/3242/5D E Sections
 - 14/1/3242/9 J Street scene
 - 14/1/3242/18 B Conservation details sheet 1
 - 14/1/3242/19 B Conservation details sheet 2
 - 14/1/3242/20 B Conservation details sheet 3
 - 14/1/3242/21 C Conservation details sheet 4
 - 14/1/3242/22 B Conservation details sheet 5
 - 14/1/3242/35 A Sleeper wall details
 - 14/1/3242/36 E Proposed SW elevation
 - 14/JPK/4675/3 E Proposed elevations

2. Repair works shall be carried out in accordance with the following documents unless an alternative schedule of dilapidation and repair is first submitted to, and approved in writing by, the local planning authority:
 - Drawing 5705-003 B
 - 'Masonry and Timber Repair Schedule' by HBL Associates Ltd, dated December 2017

3. The structural steelwork required to carry out the conversion of the listed building shall be installed in accordance with drawing Drawing 5705-002 F unless an alternative scheme is first submitted to, and approved in writing by, the local planning authority.

4. Stone cleaning shall be carried out in accordance with the following documents unless an alternative scheme is first submitted to, and approved in writing by, the local planning authority:
 - External pre-cleaning (DOFF/Thermotech system): Sandstone (Alan Bridgman, Stone Co. Draft issue number 1. dated 06/02/18)
 - External abrasive (JOS/TORC. system) cleaning sandstone (Alan Bridgman, Stone Co. Draft issue number 1. dated 06/02/18)
 - Repairing/renovating and conserving masonry (Stone restoration details) (Alan Bridgman. undated) (received 25 October 2021)

5. Notwithstanding any description/detail within the application documents the coloured glass windows, where shown to be replaced on drawing 14/JPK/4675/3 E shall be replaced in accordance with the Holdsworth Windows Limited document (sheets 1 and 2 of 2).

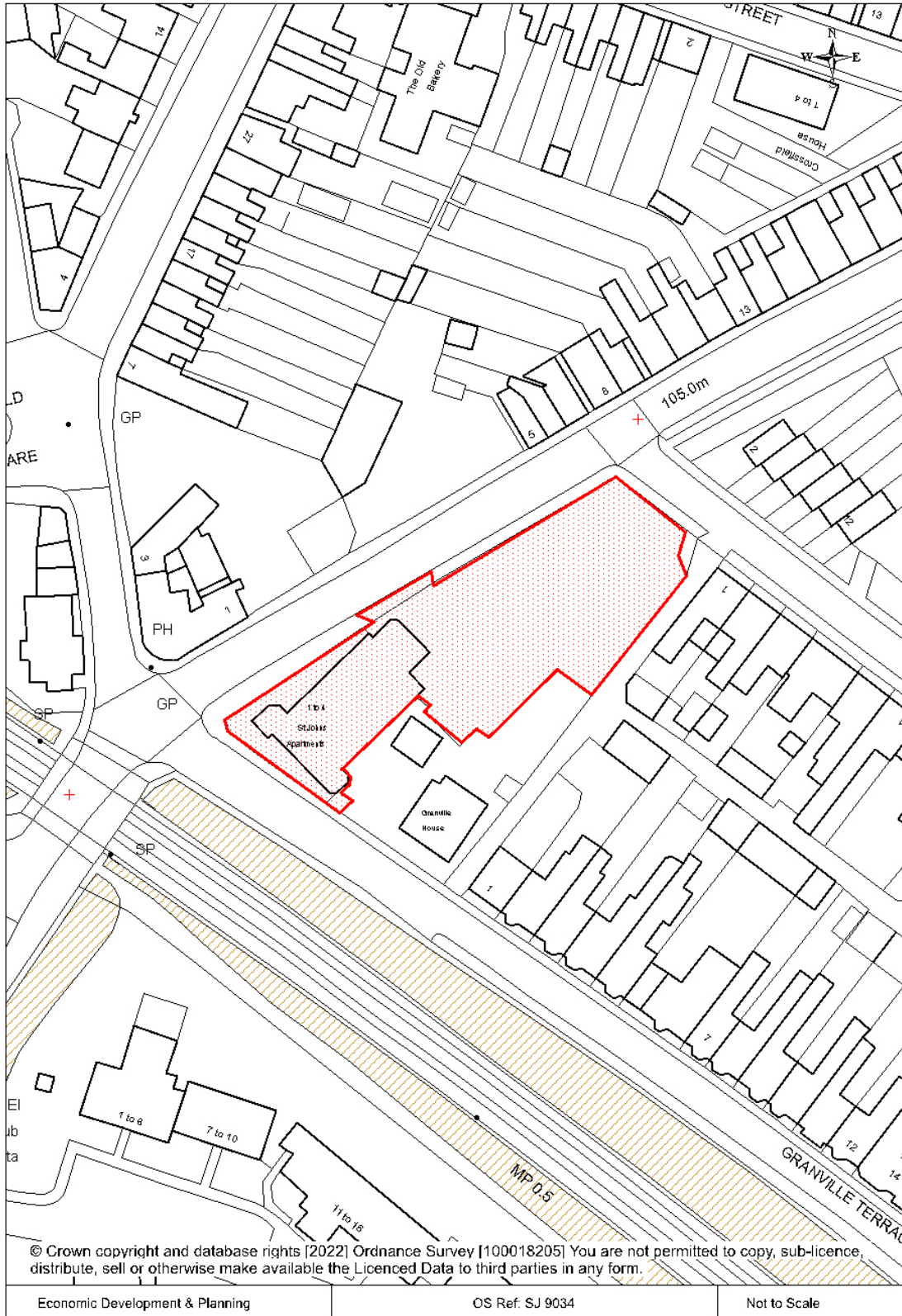
6. Notwithstanding any description/detail within the application documents, except for the replacement of the coloured glass windows all new and/or replacement windows and doors shall be installed in accordance with the ODC door and glass systems report (reference EST-12401, received 14 September 2022)
7. Repairs and restoration of the listed building with regard to the following elements shall be carried out in accordance with the following documents unless an alternative scheme is first submitted to, and approved in writing by, the local planning authority:
 - Clock: Clock restoration details from Smiths of Derby
 - Pews: Drawings 14/1/3242/5A U and 14/1/3242/5B U
 - Organ: To be cleaned and retained in situ.
8. All windows for the new dwelling are to be retained and painted in Dulux Weather Shield 'Burnt Cherry'.
9. All new guttering shall be Rain Clear moulded ogee cast aluminium guttering to match the shape of the existing church guttering.
10. All new external brickwork shall be Ibstock Warwick Old English, unless otherwise approved in writing by the local planning authority.
11. All new external render shall be in accordance with details to be submitted to, and approved in writing by, the local planning authority before its first application.

The reasons for the Council's decision to approve the development subject to the above conditions are

1. To define the permission.
2. In order to safeguard the architectural and historic character of this Grade II Listed Building. (Policy N9 of The Plan for Stafford Borough).
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21/35101/LBC
Land At St Johns Church
Granville Terrace
Stone



Application:	21/35171/LBC
Case Officer:	Ed Handley
Date Registered:	9 November 2021
Target Decision Date:	4 January 2022
Extended To:	
Address:	St Johns Church, Granville Terrace, Stone
Ward:	St Michaels and Stonefield
Parish:	Stone Town
Proposal:	Retention of unauthorised works to include the repositioning of roof lights approved by listed building consent APP/Y3425/Y/16/3164144 and internal works to include the removal of a staircase, removal of internal walls within units 1 and 2 and other minor alterations
Applicant:	BHG Stone Ltd
Recommendation:	Approve, subject to conditions

REASON FOR REFERRAL TO COMMITTEE

This application has been called in by Councillor R Kenney (Ward Member for St Michaels and Stonefield) for the following reasons: -

- 1 This application cannot be agreed in isolation. It relies on listed building consent and planning permission not currently in place. The heritage statement refers to items 1-12 but the associated documentation show changes to plans approved on appeal, specifically removal and replacement of stained-glass windows, which go beyond the earlier lapsed consent. Consequently, the approval of the unauthorised works would prejudice the consideration of other, earlier unauthorised works.
- 2 Submitted drawings have been annotated as 'As approved on appeal - APP/Y3425/Y/16/3164144' They have been significantly amended when compared to the ones approved on appeal.
- 3 The changes applied for have a significant negative impact on an important heritage feature and damage the aesthetic of the building in daylight and at night.

Context

The application site comprises a grade II listed church – and its grounds – which lies within Stone Conservation Area.

The listing details the following in terms of the interior of the building: “gallery on iron columns to all 4 sides has timber front with arched panels and enriched iron detailing; large pulpit has arcaded balustrade and communion rail; organ in arched recess behind gallery; pews with arcaded fronts. A good example of its type with well-preserved interior”.

Planning permission and listed building consent was granted on appeal (reference APP/Y3425/W/16/3164139 and APP/Y3425/Y/16/3164144) to allow the conversion of the church to provide five dwellings, an extension to the church, the erection of an apartment building to the northern edge of the site fronting The Avenue (to provide four units), a detached garage, and a new access.

The planning permission granted under APP/Y3425/W/16/3164139 has been amended under 19/31557/FUL.

Works to convert the listed building are well underway, however due to the failure to discharge condition 3 of the listed building consent that consent has lapsed. The planning permission is considered to remain extant. An application to vary condition 2 of 19/31557/FUL is currently pending consideration (reference 21/35049/FUL) and an application for listed building consent for the ‘retention of unauthorised works to the church and erection of a two-storey rear extension (following demolition of existing single-storey extension) to convert the building into five residential units’ is also pending consideration (reference 21/35101/LBC) on the basis that the listed building consent allowed at appeal has lapsed following the failure to discharge condition 3 of that consent.

This application is submitted in retrospect and seeks consent for a schedule of works to the listed building beyond those subject to application 21/35101/LBC which seeks to renew listed building consent granted under APP/Y3425/Y/16/3164144.

The scheme of works to which this application relates includes the following additional elements:

- 1 Removal of the staircase within the clock tower to comply with fire regulations and provide space for a water tank to feed the sprinkler system;
- 2 Provision of shower room to unit 1;
- 3 Provision of new storage cupboard beneath the main stairwell for electrical supply units;
- 4 Provision of new boiler room in studwork beneath the stairs within unit 2;
- 5 Provision of new cupboard in studwork to house sprinkler system pipework within lobby of units 1 and 2;
- 6 Re-hang and reverse the swing of an internal door within unit 3;
- 7 Retention of existing door to form entrance to bathroom within unit 3;
- 8 Provision of new cupboard in studwork to house sprinkler system pipework within lobby of units 3 and 4;
- 9 Retention of existing door to new cupboard formed in studwork within unit 4;
- 10 Repositioning of doors to bedrooms within units 3 and 4;
- 11 Minor repositioning of roof lights on the southeast and northwest elevations; and
- 12 Removal of internal walls within units 1 and 2.

The four roof lights on the left-hand side of the southeast roof slope have been installed in a slightly different position to that approved in order to avoid cutting roof timbers; these openings have been positioned 120mm lower on elevation and the horizontal

amendments as approved (left to right) are as follows: 0mm, 170mm, 40mm, and 10mm. The four roof lights on the right-hand side of the northwest roof slope have also been installed in a slightly different position to that previously approved; these openings have been positioned 210mm lower on elevation and the left and right of the four roof lights have been positioned 40mm to the left and 180mm to the left respectively. Such minor repositioning is not considered to materially affect the external appearance of the building. The other works only affect the interior of the building and, therefore, with regard to section 55 of the Town and Country Planning Act 1990 the proposed works are not considered to constitute development. Notwithstanding this, the works are unauthorised and all require listed building consent in their own right.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, section 66 states the same with regard to the exercise of planning functions by the Local Planning Authority.

The unauthorised works rely upon listed building consent for the conversion of the building and the recommendation made with regard to this application is reliant upon the granting of listed building consent under 21/35101/LBC.

With regard to the first two reasons for which Councillor Kenney has called in this application to be determined by the planning committee, the following points should be noted:

- 1 Planning permission for the development remains extant and an application (21/35049/FUL) under s73 of The Town and Country Planning Act to vary that permission with regard to the replacement coloured-glass windows is pending consideration. Furthermore, an application (21/35101/LBC) for listed building consent for the development is also pending consideration. With regard to the removal and replacement of coloured glass windows, it must be acknowledged that these works do not form part of this application. It is recommended that the two aforementioned applications are determined before this application in order to ensure that the determination of this application does not prejudice the determination of the others.
- 2 The drawings referred to have been superseded by submission of amended drawings in December 2021.

Officer Assessment – Key Considerations

1 Heritage conservation

Policy N9 of The Plan for Stafford Borough states that proposals relating to heritage assets will be expected to sustain and, where appropriate enhance, the significance of heritage assets and their setting. Any potential harm to the significance of a heritage asset, including its setting would require clear justification. Development proposals must conserve and protect the significance of heritage assets by avoiding unnecessary loss of historic fabric and detail of significance, and for listed buildings this includes internal features, floor plans, and spaces.

Paragraph 199 of the NPPF states that 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 (and the more important the asset, the greater that weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset, including from its alteration, should require clear and convincing justification. Substantial harm to any grade II listed building should be exceptional.

Paragraph 202 states that where a proposal would 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.

Historic England state that they do not wish to make any comment on the basis of the information available and that the advice of the Council's specialist conservation advisor is sought.

The Council's Conservation Officer raises no objection to listed building consent being granted for the unauthorised works retrospectively.

The Conservation Officer states that whilst it is unfortunate that listed building consent was not sought in the first instance prior to the works being carried out, there is no objection in terms of the impact upon the historic building. It is stated that the works have been carried out to a high standard and whilst some harm has been caused to the character and significance of the grade II listed building by virtue of the removal of an original staircase, clear and convincing justification has been provided as required by paragraph 200 of the NPPF with regard to the works in question. It is considered that the harm amounting to the listed building is less than substantial and the works facilitate the conversion of the building – clearly was considered to be an optimum viable use by the Inspector in allowing the earlier related appeals.

The merits of the works carried out to the building are assessed in turn.

Staircase

The removal of the staircase has been carried out to accommodate a fire sprinkler system which is required to comply with fire regulations and which necessitates a large water tank; this location was identified as the most feasible and appropriate by the fire safety officer. The size of the tank is justified by virtue of the height of the building and the water pressure required to pump the water to the required height.

Whilst it is unfortunate that the original staircase in the clock tower has been lost it is unlikely that the water tank could have been accommodated elsewhere within the historic building.

The sprinkler system is a zoned system which would only be active in zones where there is a fire as opposed to a building-wide reaction to fire; this would ultimately preserve and

protect the listed building in the event of a fire and prevent unnecessary water saturation in areas where there is no fire resulting in less damage in such an unfortunate event.

Furthermore, it should be noted that the original staircase in the eastern tower – which is identical to that which has been removed – has been repaired and restored, thereby retaining a surviving example within the building.

The benefits in terms of ensuring an appropriate re-use of the building and the continued protection of the historic fabric is considered to outweigh the harm of the loss of the staircase.

Roof lights

The position of the roof lights has been altered slightly in order to accommodate the rafters within the roof structure. This amendment has resulted in less impact upon the historic fabric of the building. There is no historic building objection.

Internal walls

The walls in question were of no architectural significance and mainly served as supports to the gallery which has been retained and is now supported by alternative means. The removal of these walls has allowed for better reconfiguration of the space within units 1 and 2 and there is no historic building objection to the removal of the two walls.

It is noted that concern is raised with regard to how the opening up of the floor plan would impact upon spill of internal artificial light. It is not considered that the intensity of internal illumination or the quantity of time for which this is turned on would result in any impact upon the significance of the listed building.

Other works

The other works mainly comprise the formation of cupboards to provide additional storage and to conceal services and utilities, the retention or alteration of doors, and the alteration of new door positions. There is no historic building objection to any of these minor works.

On the basis of the advice of the Council's Conservation Officer it is not considered that the works have resulted in any harm to the significance of the listed building with regard to its external appearance and, consequently there is no resultant harm with regard to its setting.

Concluding comment

It is considered that the less than substantial harm identified with regard to the loss of a staircase has been justified in a clear and convincing manner. The Conservation Officer does not recommend that any consent should be subject to any conditions, including any record taking.

Policies and Guidance: -

National Planning Policy Framework

Paragraphs: 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, and 208

The Plan for Stafford Borough

Policies: N1 Design; N8 Landscape character; N9 Historic environment
Supplementary Planning Document (SPD) – Design

Planning (Listed Buildings and Conservation Areas) Act 1990

2 Other

The consideration of this application must be based on the impacts upon the historic interest of the building and its reasons for designation. Whilst the occupants of the neighbouring property have raised concern regarding implications involving amenity it is not considered that residential amenity comprises any part of the reason for the designation of this heritage asset and, therefore, matters of amenity should not be taken into consideration in the determination of this application. Such matters would be considered should any development, as defined under section 55 of the Town and Country Planning Act 1990 and which require planning permission, be proposed; any such development would be the subject of a separate application under that legislation.

The Council's Conservation Officer raises no objection to the removal of the internal walls and, whilst this would create a more open plan layout to units 1 and 2, the fact that the windows would serve habitable rooms would not change. Matters of amenity would have been considered by the Inspector in allowing the earlier appeal and consequently in granting planning permission for the residential conversion of the building. Furthermore, matters of amenity must be taken into account in consideration of application 21/35049/FUL.

3 Concluding comments

It is not considered that the works which have been carried out to St Johns Church, and which are the subject of this retrospective application, result in any material impact upon the external appearance of the building; consequently no harm results to the setting of the listed building or to its significance in terms of its external appearance.

Internally, whilst it is considered that the works result in less than substantial harm to historic fabric and, consequently, the significance of the listed building, it has been demonstrated that there is clear and convincing justification that the harm identified is outweighed by public benefits.

It is recommended that, provided that listed building consent is granted under 21/35101/LBC, this application be approved; this is on the basis that the works which have been carried out to the listed building are reliant on there being listed building consent for the conversion of the building.

Consultations

Conservation Officer:

No objection.

- St Johns Church is a grade II listed building in Stone Conservation Area.
- The application seeks listed building consent for unauthorised works described as the repositioning of previously approved roof lights and internal works to include the removal of a staircase, removal of internal walls within units 1 & 2, and other minor alterations. The works in question have been carried out and are unauthorised.
- Repositioning of rooflights: Their siting has been altered slightly to accommodate the rafters of the roof. No objection.
- Staircase removal in western tower: The removal of the staircase has been carried out to accommodate a fire sprinkler system which required a significant space for a large water tank. This location was identified as the most feasible and appropriate by the fire safety officer. The sprinkler system was required to comply with fire regulations and its size is justified by virtue of the height of the building and the water pressure required to pump the water to the required height. Whilst it is unfortunate that the original staircase in the western tower has been lost, it is unlikely that the water tank for the sprinkler system could have been accommodated elsewhere in the historic building. In addition, the sprinkler is installed in a zoned system only active in zones where a fire is present as opposed to setting off sprinklers across the whole building when a fire is detected. This would ultimately assist in preserving and protecting the listed building in the event of a fire by preventing unnecessary water saturation in area of the building not at risk of fire. The original staircase in the eastern tower (identical to that which has been removed) has been repaired and restored so a surviving example remains in the church for reference. Consequently, the benefits are considered to outweigh the harm in this instance.
- Removal of two internal walls to units 1 & 2 on the ground floor: The two walls were of no architectural significance and mainly served as supports to the gallery (retained), which is now supported by alternative means. The removal of these walls has allowed for better reconfiguration of the space within units 1 & 2 and there is no objection to the removal of these walls.
- Other minor alterations: These mainly comprise of the formation of cupboards under the stairs in the eastern tower and on the ground floor of the western tower to provide additional storage, and to conceal services and boilers. Other alterations include retention of existing doors but reversing door swings where necessary and alterations to new door positions. There is no historic building objection to these minor works.
- Whilst it is unfortunate that listed building consent was not sought in the first instance prior to them being carried out on site there is no historic building objection. The works have been carried out to a high standard and whilst some harm has resulted with regard to the character and significance of the grade II listed former church by virtue of the removal of the original staircase, clear and convincing justification has been provided as required by paragraph 200 of the NPPF for the works in question.

Historic England:

No objection.

- Seek the views of your specialist conservation advisor.

Stone Town Parish Council:

No objection.

Neighbours (11 consulted):

Representations have been received from two households in objection to this application, the comments relevant to this application are summarised below:

- The application site/ownership certificate is incorrect.
- Listed building consent for the conversion of the building has lapsed.
- The planning permission has not been implemented in accordance with the approved plans.
- This application relies on listed building consent which is to be considered under application 21/35101/LBC and should not be considered in isolation.
- Concerns raised with regard to application 20/33452/LBC remain relevant.
- The applicant has not fully assessed the impact of making changes to the windows in accordance with the tests set out in paragraphs 200-202 of the NPPF.
- Harm to setting of a heritage asset.
- Noise and light pollution impacts upon neighbours.
- The removal of the staircase renders the left-hand door on Granville Terrace redundant and shifts the centre of gravity for pedestrian access towards Granville House. This may impact on parking habits of occupants and bin storage.
- Whilst there is a brief explanation for the removal of the staircase there is no commentary on the reasoning or details for the other proposed alterations.
- The opening lights were original.

A heritage statement has been commissioned by a neighbour; however, this only focuses on the removal of the coloured glass windows which is not of relevance in the determination of this application.

Site notice expiry date: 12 January 2022

Newsletter advert expiry date: 20 January 2022

Relevant Planning History

79/08961/FUL – Extensions to church hall – Approved 10 October 1979

84/16631/FUL – New car park entrance, reposition oil tank, and installation of steps – Approved 31 October 1984

15/21725/COU – Temporary change of use from church car park and offices to van hire business – Refused 4 December 2015 (Subsequent enforcement appeal dismissed)

15/22081/FUL and 15/22082/LBC – Conversion of church and erection of two-storey extension (following demolition of existing single storey extension) to provide 4 residential units and the erection of 2.5 storey building fronting The Avenue to provide 4 apartments on the former church car park – Refused 18 June 2015

16/23671/FUL and 16/23672/LBC – Conversion of church and erection of rear two-storey extension (following demolition of existing single-storey extension) to provide five residential units and the erection of a 2.5 storey building fronting The Avenue to provide four apartments on the former Church car park – Not determined. Allowed on appeal, reference APP/Y3425/W/16/3164139 and APP/Y3425/Y/16/3164144 (10 August 2017)

18/27950/DCON – Discharge of conditions 3 and 4 of 16/23671/FUL and 16/23672/LBC – Discharged 6 March 2018

18/28055/DCLB – Discharge of conditions 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h and 3i of 16/23672/LBC – Refused 30 July 2021

19/31557/FUL – Variation of condition 2 of APP/Y3425/W/16/3164139 – Approved 23 January 2020

20/33452/LBC - Repositioning of roof lights approved by listed building consent APP/Y3425/Y/16/3164144 and internal works to include the removal of a staircase, removal of internal walls within units 1 & 2 and other minor alterations – Refused 6 August 2021

21/35049/FUL – Variation of condition 2 (plans) of permission 19/31557/FUL – Pending consideration

21/35101/LBC – Retention of unauthorised works to the church and erection of a two-storey rear extension (following demolition of existing single-storey extension) to convert the building into five residential units – Pending consideration

Recommendation

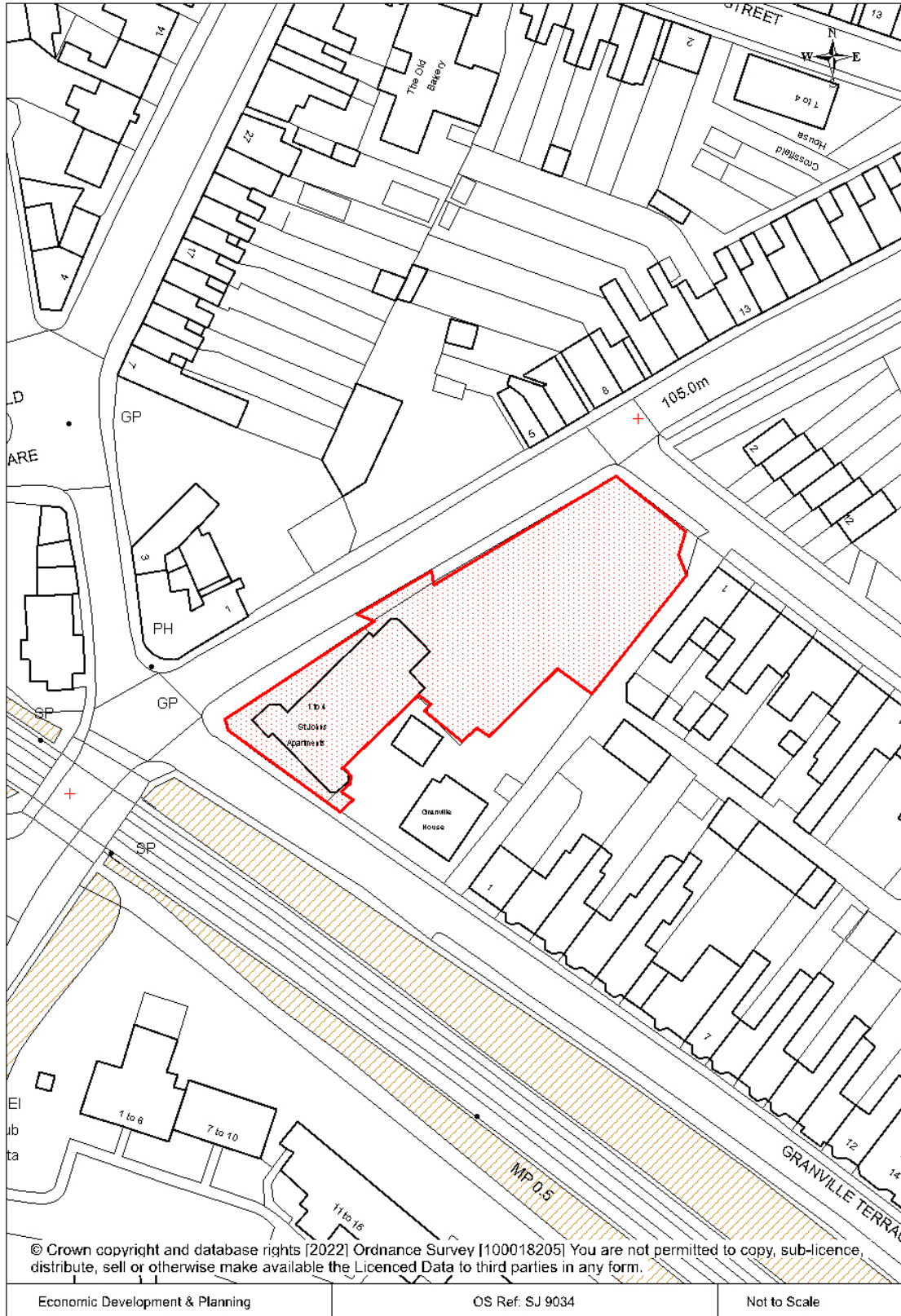
Approve subject to the following conditions:

- 1 This consent relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-
 - 1:1250 Location plan revision B
 - 1:500 Block plan revision D
 - 14/JPK/4675/1 revision D
 - 14/JPK/4675/2 revision C
 - 14/JPK/4675/3 revision E
 - 14/JPK/3242/9 revision J

The reasons for the Council's decision to approve the development subject to the above conditions are:

- 1 To define the permission.

21/35171/LBC
Land At St Johns Church
Granville Terrace
Stone



 PLANNING COMMITTEE - 30 NOVEMBER 2022

Ward Interest - Nil

Planning Appeals

Report of Head of Development

Purpose of Report

Notification of new appeals and consideration of appeal decisions. Copies of any decision letters are attached as an **APPENDIX**.

Notified Appeals

Application Reference	Location	Proposal
22/35819/FUL Delegated Refusal	Blacklake Farm 85 Hilderstone Road Meir Heath	Removal of condition 2 (pd rights) on 19/30024/FUL

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager, 01785 619302

PLANNING COMMITTEE - 30 NOVEMBER 2022

Ward Interest - Nil

Enforcement Matters

Report of Head of Development

Purpose of Report

To consider the following reports:

	Page Nos
7(a) WKS3/00255/EN21 Park House, Park Lane, Brocton	75 - 77

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager, 01785 619302

ITEM NO 7(a)

ITEM NO 7(a)

PLANNING COMMITTEE - 30 NOVEMBER 2022

Ward - Milford

WKS3/00255/EN21 Park House, Park Lane, Brocton

Report of Head Development and Head of Law and Administration

Purpose of Report

To consider the erection of a carport to the front elevation of the property without the benefit of planning permission.

1 Detail

- 1.1 A report was received in Planning Enforcement on 26 November 2021 regarding the erection of a carport to the front elevation of Park House, Park Lane, Brocton.
- 1.2 The property to the front of Park House (The Cottage), is a Grade II Listed building.
- 1.3 A site visit took place on 9 December where photos were taken. A letter was subsequently sent to the owner of Park House on 14 December 2021 requesting a planning application for the retention of the carport.
- 1.4 The owner of the property emailed on 4 January 2022 to say they would be submitting a planning application and that they hadn't realised permission was needed as the company they had used for the installation had not informed them so.
- 1.5 Planning application 22/35518/HOU was received on 21 January 2022, and was valid on 2 March 2022.
- 1.6 Planning application 22/35518/HOU was refused on 17 August 2022 for the following reason:

“by way of its contemporary design and shiny reflective finish, combined with its proximity to the Grade II Listed Building ‘The Cottage’, the carport structure is considered to result in a discordant and incongruous feature which fails to preserve the traditional rural character of the surrounding area, and is considered to harm the setting of a Listed Building contrary to policies N1 and N9 of The Plan for Stafford Borough 2011-2031.”

- 1.7 The agent overseeing the planning application on behalf of the owner of Park House contacted the Planning Officer on 12 September 2022 to see what changes could be made to the materials of the carport which would enable the retention of the structure. The Planning Officer replied that she was not sure that “any cosmetic treatment to the existing carport will address the reason for refusal in this case”
- 1.8 The owners have been written to on 18 August 2022, 27 September and 24 October 2022 confirming that planning permission has been refused and that the safe removal of the structure should take place.
- 1.9 A site visit on 1 November 2022 confirmed that the carport remains in situ.

2 Policies

- 2.1 The Plan for Stafford Borough - Policy N1 - Design; and Policy N9 Historic Environment of the Plan for Stafford Borough.
- 2.2 National Planning Policy Framework; Section 4; Decision Making - Paragraph 59 (enforcement),

3 Conclusion

- 3.1 The structure has been erected without planning permission.
- 3.2 The structure remains in place following the refusal of the retrospective planning application.
- 3.3 The owners have been given a timeframe for the removal of the car port but have not complied despite being sent two further letters.
- 3.4 The structure has been erected to the front elevation of the property and adjacent to the curtilage of a Grade II listed building, and is considered to harm the setting of the Listed Building.
- 3.5 The owners have other parking provision at their property.
- 3.6 It is therefore considered expedient to take enforcement action to secure the removal of the car port.

4 Recommendations

- 4.1 That appropriate action be authorised to include all steps including the instigation of court proceedings and any work required to secure the removal of the car port.

Background Papers and History

WKS3/00255/EN21 - Car Port

Contact Officer

John Holmes, Development Manager, 01785 619302

WKS3/00255/EN21
Park House
Park Lane
Brocton

