Dear Members

Planning Committee

A meeting of the Planning Committee will be held in the Craddock Room, Civic Suite, Civic Centre, Riverside, Stafford on Wednesday, 29 January 2020 at 6.30pm 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.

Head of Law and Administration
PLANNING COMMITTEE - 29 JANUARY 2020

Chairman - Councillor R M Sutherland
Vice-Chairman - Councillor A S Harp

AGENDA

1 Minutes
2 Apologies
3 Declaration of Member’s Interests/Lobbying
4 Delegated Applications

Details of Delegated applications will be set out in Section 6 of Digest No 264 due to be published on 7 February 2020

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5 Planning Applications 3 - 12
6 Planning Appeals 13 - 14
7 Enforcement Matters 15 - 18

MEMBERSHIP

Chairman - Councillor R M Sutherland

B M Cross W J Kemp
M G Dodson A Nixon
A P Edgeller A N Pearce
A S Harp M Phillips
A D Hobbs R M Sutherland
J Hood

(Substitutes - F Beatty, A T A Godfrey, P W Jones, R Kenney)
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 APPENDICES:-

<table>
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<tr>
<td>19/31306/HOU &amp; 19/31307/LBC</td>
<td>Loynton Hall, Newport Road, Loynton</td>
<td>4 - 12</td>
</tr>
</tbody>
</table>

This application was called in by Councillor R M Smith

Officer Contact - Richard Wood, Development Lead
- Telephone 01785 619324

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.
REASON FOR REFERRAL TO COMMITTEE

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

“For the committee to consider the degree of harm the proposal will cause to the listed building.”

Context

Loynton Hall is a detached grade II listed 17th century country house located in the rural hamlet of Loynton. Loynton is not identified as one of the residential settlements under Spatial Principle 3 (SP3) of the Plan for Stafford Borough, and is as such located in the open countryside.

The property has been extended with a white uPVC conservatory off the apse style north-eastern side elevation of the historic building. There is no planning history for the conservatory which is believed to have been constructed (based on planning history) sometime between 1991 and 2012. A neighbour comment received on 26 November 2019 claims the conservatory was erected by a previous owner of Loynton Hall in 2004. Without any evidence to the contrary, the existing uPVC conservatory is unauthorised development to the grade II listed building as there is no time limit for enforcement proceedings against such works.

The applicant seeks to remove the existing uPVC conservatory and to replace it with a brick-built orangery with timber framed glazing and a flat roof with a glazed roof lantern. For the most part the proposed orangery would be on the same footprint as the existing conservatory.
Officer Assessment – Key Considerations

1. Principle of Development

Spatial Principle 3 (SP3) of the Plan for Stafford Borough sets out where the majority of future development will be delivered within the Borough in terms of a Sustainable Settlement Hierarchy which consists of Stafford, Stone and 11 Key Service Villages (KSV’s).

The property is located in the open countryside and Policy C5 requires that in areas outside the settlements identified in SP3 the extension of an existing building should not result in additions of more than 70% to the dwelling as originally built, unless at provision (Cii), the design and appearance of the proposed extension is proportionate to the type and character of the existing dwelling and the surrounding area.

The original floor area of the property measured 611.33m².

The property has been previously extended with a two-storey rear extension under permission references 89/22996/FUL and 89/22997/LBC (approved 26 April 1989) and the unauthorised conservatory extension. These extensions account for an additional 79.52 m² over the original floor area although the existing conservatory would be demolished as part of this proposal reducing this to 50.38m².

The proposal seeks to add an additional 33.8m² resulting in a cumulative increase of 13.77% over the original floor area. The proposal would therefore be within the 70% threshold provided for under Policy C5(c).

Policies and Guidance:-

National Planning Policy Framework
Paragraphs 8 & 11

The Plan for Stafford Borough
Policies SP3 Sustainable Settlement Hierarchy, SP7 Supporting the Location of New Development, C5 Residential Developments outside the Settlement Hierarchy

Eccleshall Neighbourhood Plan
No relevant policies

2. Character, Appearance & Heritage

Loynton Hall is a grade II listed building of late 18th or early 19th century date. It is a symmetrical brick-built house of two storeys with a hipped roof of tile, original sash windows and central pedimented door case. The property was considerably altered and remodelled to the rear in the later 19th and 20th centuries. A very distinctive feature of the building which adds to its architectural significance are the half hexagonal apsidal ends to the main range; the southern bay highlighted by a central venetian window and the northern apse by a French window in moulded architrave. Regrettably the
Appearance of the northern apse has been harmed by the erection of the uPVC conservatory which overlies the faceted end.

The Conservation Advisor has advised that the dismantling of the unauthorised conservatory as part of the current application is supported. This is subject to clear proposals being tabled to ensure the remediation of any demolition scars, the overpainting of surrounding brickwork and reinstatement of lead flashings above the door head being secured by a planning condition should permission be granted.

However, the proposed replacement of the unauthorised conservatory by a larger, brick-built orangery on approximately the same footprint is strongly opposed on conservation grounds.

The new orangery would perpetuate the harm caused by the present conservatory in masking the distinctive apsidal end to the original house. Furthermore, it is considered that the design pays little reference to the Georgian character of the historic house in terms of the contrast of its box-like massing and forward projection overlapping the apse.

There is no historic building objection in principle to erecting a replacement conservatory of suitable design and proportions at Loynton Hall. As discussed with the applicant on site with the Conservation Advisor on 18 December 2019, it is suggested that consideration be given to siting a new structure immediately to the north west of the currently proposed location, accessed through the present dining room window (which is not original). The siting of the extension in this position would balance out the plan form of the building, would leave the architectural feature of the apsidal end unobscured and allow the applicant and their family views out over the garden to the east. Furthermore, the original external doorway to the apsidal end would then be revealed as a key historical feature to the property. Should a revised scheme be submitted in line with the above suggestion then it would likely be considered positively in historic building terms.

Policies and Guidance:

National Planning Policy Framework
Section 12 - Achieving well-designed places and Section 16 - Conserving and enhancing the historic environment

The Plan for Stafford Borough
Policies N1 Design and Policy N9 Historic Environment

Supplementary Planning Document (SPD) – Design

Eccleshall Neighbourhood Plan – Policy 5 Historic Environment
3. **Amenity**

The proposed orangery would not result in any technical breach of Guideline 6 (distances between windows) or the 45 degree and 25 degree rules set out in the Council’s Design Supplementary Planning Document.

It is therefore not considered that the proposed orangery would have any adverse impact on the amenity of neighbouring residential properties.

**Policies and Guidance:**

- National Planning Policy Framework
  - Paragraph 127
- The Plan for Stafford Borough
  - Policy N1 Design
- Supplementary Planning Document - Design
- Eccleshall Neighbourhood Plan
  - No relevant policies

4. **Parking**

The proposed orangery would not adversely impact the existing car parking provision or vehicular access to Loynton Hall.

**Policies and Guidance:**

- National Planning Policy Framework
  - Section 9 - Promoting sustainable transport
- The Plan for Stafford Borough
  - Policies T1 Transport, T2 Parking and Manoeuvring Facilities, Appendix B – Car Parking Standards
- Eccleshall Neighbourhood Plan
  - No relevant policies

5. **Trees**

There are several trees covered by a Tree Preservation Order located just north of the proposed orangery, however, the trees are on a higher land level than the existing conservatory with a retaining wall and hardstanding area surrounding it. As such, it is not considered that by replacing the conservatory with an orangery on the same footprint that this would cause any adverse impact to the trees.

The Tree Officer has advised that his comments from the previously withdrawn application for the same development (19/31306/HOU) still stand and remain unchanged, as the proposal has not changed. He therefore raises no objection.
6. Public Right of Way

Public Footpath No. 22 Norbury Parish partially runs up the private road leading to the property. From the application documents it does not appear that the footpath will be directly affected by the development.

Whilst the County Council Rights of Way Officer does not consider that the proposed development would have any adverse impact on the public footpath, it has been requested that the applicant be reminded that although the lane to the property is private, the fact that the route is a public highway (footpath) takes precedence. The use by private vehicles is therefore subordinate to the public’s right.

The applicant’s attention can be drawn to the advice of the Rights of Way Officer by means of an informative should permission be granted.

7. Conclusion

The proposed orangery extension by way of its inappropriate siting would result in a visually prominent addition which would obscure an architecturally significant feature of the designated heritage asset and disrupt its plan form to an unacceptable degree, subsequently causing harm to the character and significance of the grade II listed building. The extension is therefore contrary to Policy N1 (f) and (g) and Policy N9 (ii) and (vi) of the Plan for Stafford Borough.
Consultations

Conservation Advisor:
Loynton Hall is a grade II listed building of late 18th or early 19th century date. It is a symmetrical brick-built house of two storeys with hipped roof of tile, original sash windows and central pedimented door case. The property was considerably altered and remodelled to the rear in the later 19th and 20th centuries. A very distinctive feature of the building which adds to its architectural significance are the half hexagonal apsidal ends to the main range; the southern bay highlighted by a central venetian window; the northern by a French window in moulded architrave. Regrettably the appearance of the northern apse has been harmed by the erection of a uPVC conservatory which overlies the faceted end in recent years. The conservatory does not have the benefit of listed building consent.

The proposed dismantling of the unauthorised conservatory as part of the current application is supported. Clear proposals should be tabled to ensure the remediation of any demolition scars, the overpainting of surrounding brickwork and reinstatement of lead flashings above the door head.

The proposed replacement of the unauthorised conservatory by a larger, brick-built orangery on approximately the same footprint is strongly opposed on conservation grounds. The proposed new structure will perpetuate the harm caused by the present structure in masking the distinctive apsidal end to the original house. Its design pays little reference to the Georgian character of the historic house; the contrast of its box-like massing and forward projection overlapping the apse will cause substantial harm to the appearance and significance of the listed building. While the proposal offers the benefit of removing the unauthorised conservatory this could be secured through listed building enforcement action (which is advised) and is not contingent on approval of the current application.

It is recommended therefore that the application should be refused listed building consent and that the Council initiate listed building enforcement action to secure removal of the unauthorised works.

There is no historic building objection in principle to erecting a replacement conservatory of suitable design and proportions at these premises. As discussed with the applicant at my site visit this morning it is suggested consideration be given to siting a new structure immediately to the north west of the currently proposed location, accessed through the present dining room window. It would be worth deferring determination of the current application to allow the applicants the opportunity to consider this alternative option.

Tree Officer:
Having reviewed the submitted plans I can confirm that no tree of significant value will be damaged or lost as a result of the proposed development. Therefore, I have no objections, nor any requirement for tree related conditions.

Right of Way Officer:
Public Footpath No. 22 Norbury Parish partially runs up the private road leading to the property. From the application documents it does not appear that the footpath will be directly affected by the development.
The applicant needs to be reminded that although the lane to the property is private, the fact that the route is a public highway (footpath) takes precedence. The use by private vehicles is subject, and subordinate to, the public’s right. In other words, pedestrians have a public right and vehicles need to give way to them not the other way around.

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development or use of the site if the application is approved. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the path to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required. The County Council is only responsible for the surface of the footpath for pedestrians not vehicles, and the applicant should be made aware of this.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Parish Council:
Norbury Parish Council has no objection to application 19/31306/HOU at Loynton Hall, Newport Road, Loynton, in fact fully supports the application. Councillors feel the proposed plans would enhance the building.

Neighbours
(4 consulted): 2 responses received in support of the proposals.

Site Notice: ‘B’, Listed Building and Right of Way
Expiry date: 10.12.2019

Newsletter Advert: Listed Building and Right of Way
Expiry date: 11.12.2019

Relevant Planning History
- 19/30302/HOU and 19/30303/LBC - Removal of existing UPVC conservatory and replace with new traditional hardwood orangery – Withdrawn
- 19/30140/FUL - Proposed horse ménage with post and rail fencing around the perimeter – Permitted
- DSTRUCT/00006/EN07 – Enforcement Enquiry - 7 Metres of the wall as collapsed onto the adjacent highway known as ‘The Street’ – No Further Action – In accordance with planning permission
- 91/26997/FUL & 91/26998/LBC - Conversion Of Farm Buildings Into Three Residential Units – Permitted
- 91/26809/FUL - 9 Hole Golf Course – Refused
- 89/22996/FUL & 89/22997/LBC - Alts & Exts New Boundary Wall & Gates To Rear & Main Entrance Etc – Permitted
- 88/21554/LBC - Formation Of Dwelling In Existing Stable Building – Permitted
- 88/21525/FUL - Formation Of A Dwelling Within The Existing Stable Building External Repairs – Withdrawn
- 82/13767/LBC - Conversion To Form Dwelling With Garage - Permitted

**Recommendation for 19/31306/HOU and 19/31307/LBC**

Refuse due to the following reason:

1. The proposed orangery extension by reason of its inappropriate siting and design would result in a visually prominent addition which would obscure an architecturally significant feature of the designated heritage asset and disrupt its plan form to an unacceptable degree. The proposal would consequently harm the character and significance of the grade II listed dwelling contrary to policies N1(g) and (h) and N9 (ii) and (vi) of the Plan for Stafford Borough.

**Informative(s)**

1. The Local Planning Authority has worked in a positive and proactive manner in dealing with this application, however it is considered that the applicant is unable to overcome the principle of the proposal being an unsustainable form of development and therefore does not conform with the core planning principles of the National Planning Policy Framework.
Ward Interest - Nil

Planning Appeals

Report of Head of Development

Purpose of Report

Notification of new appeals and consideration of appeal decisions.

Notified Appeals

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Location</th>
<th>Proposal</th>
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<tbody>
<tr>
<td>USE/00258/EN17</td>
<td>Stables Wheatlow Brooks Road</td>
<td>Caravan being lived in on land storing machinery</td>
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<td></td>
<td>Milwich</td>
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Decided Appeals

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<tr>
<th>Application Reference</th>
<th>Location</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/28148/FUL</td>
<td>Land Rear Of Brampton The Butts Little Haywood</td>
<td>Erection of four bedroomed detached bungalow and detached garage</td>
</tr>
<tr>
<td>Appeal Dismissed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18/28053/REM</td>
<td>Broughall Grange Woodside Road Gnosall</td>
<td>Reserved Matters application - Vehicular access, layout of the site, scale of the buildings, the appearance of the buildings including materials and landscaping</td>
</tr>
<tr>
<td>Appeal Allowed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COND/00277/EN16</td>
<td>Stables Outwoods Bank Outwoods Newport</td>
<td>Caravan being used for residential purposes</td>
</tr>
<tr>
<td>Enforcement notice Quashed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Previous Consideration
Nil

Background Papers
File available in the Development Management Section

Officer Contact
John Holmes, Development Manager, Tel 01785 619302
Ward Interest - Nil

Enforcement Matters

Report of Head of Development

Purpose of Report

To consider the following reports.

(a) Quarterly Enforcement Report 16 - 18

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302
PLANNING COMMITTEE - 29 JANUARY 2020

Quarterly Enforcement Report

Ongoing Authorised Enforcement Cases

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<tr>
<th>Reference</th>
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<th>Unauthorised Works/Use</th>
<th>Action Authorised</th>
<th>Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE/00065/EN08</td>
<td>Spot Acre, Hilderstone Road, Spot Acre.</td>
<td>Use of land for traveller site.</td>
<td>04 March 2015</td>
<td>Planning Application received 19/31299/FUL to vary conditions on temporary permission. Refused 4/12/19.</td>
</tr>
<tr>
<td>COND2/00360/EN16</td>
<td>Church View Seighford</td>
<td>Drive</td>
<td>06 December 2017</td>
<td>Track removed from land as required in Enforcement notice. Awaiting transfer of open space as per S106 agreement.</td>
</tr>
<tr>
<td>WKS2/00380/EN16</td>
<td>The Old Stores, Newport Rd, Woodseaves</td>
<td>Drive, wall, gates and patio.</td>
<td>06 December 2017</td>
<td>Owners solicitor has replied requiring information on how to rectify breach, enforcement to respond.</td>
</tr>
<tr>
<td>COND/00277/EN16</td>
<td>The Stables Outwoods Bank Outwoods</td>
<td>Siting of a mobile home for use during stable conversion.</td>
<td>03 January 2018</td>
<td>Enforcement Appeal received, awaiting inspectors decision.</td>
</tr>
<tr>
<td>Reference</td>
<td>Location</td>
<td>Unauthorised Works/Use</td>
<td>Action Authorised</td>
<td>Progress</td>
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<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>WKS/00163/EN16</td>
<td>Hillside Milford Rd Stafford</td>
<td>Conservatory</td>
<td>28 March 2018</td>
<td>Enforcement Appeal received awaiting inspectors decision.</td>
</tr>
<tr>
<td>WKS3/00224/EN17</td>
<td>Eago, The Island, Stafford</td>
<td>Container</td>
<td>18 April 2018</td>
<td>Planning application approved. NFA.</td>
</tr>
<tr>
<td>COND/00083/EN18</td>
<td>Woodland View Cottage, Ranton</td>
<td>Menage</td>
<td>15 August 2018</td>
<td>Breach of Conditions Notice served. Enforcement ongoing site visits to check continued compliance.</td>
</tr>
<tr>
<td>WKS3/00259/EN18</td>
<td>Bird in Hand Car Park, Sharpley Heath</td>
<td>Barn</td>
<td>28 November 2018</td>
<td>Works commenced to construct in accordance with Planning Permission. Enforcement monitoring</td>
</tr>
<tr>
<td>WKS2/00142/EN18</td>
<td>Bird in Hand Car Park, Sharpley Heath</td>
<td>Car Port</td>
<td>28 November 2018</td>
<td>Appeal received awaiting Inspectors Decision.</td>
</tr>
<tr>
<td>WKS2/00086/EN18</td>
<td>64 Foregate Street Stafford</td>
<td>Cladding</td>
<td>30 January 2019</td>
<td>Planning Application received 19/31575/FUL awaiting determination. Target date 31/1/20.</td>
</tr>
<tr>
<td>ADV/00252/EN18</td>
<td>19 High Street Stone</td>
<td>Advert</td>
<td>20 February 2019</td>
<td>Signage and lighting removed. NFA</td>
</tr>
<tr>
<td>USE/00258/EN17</td>
<td>The Stables Wheatlow Brookes Road Garshall Green</td>
<td>Mobile Home &amp; Barn</td>
<td>13 March 2019</td>
<td>Enforcement Appeal received, awaiting start date.</td>
</tr>
<tr>
<td>COND2/00098/EN15</td>
<td>Stafford Castle Newport Rd Stafford.</td>
<td>Waste importation</td>
<td>Delegated</td>
<td>Work on site currently ceased. Developer has advised that no further waste importation will take place, some materials for green and tee boxes will be imported when work re-commences however these will not be waste products. Other Agencies currently investigating and SBC aiding those investigations.</td>
</tr>
<tr>
<td>Reference</td>
<td>Location</td>
<td>Unauthorised Works/Use</td>
<td>Action Authorised</td>
<td>Progress</td>
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</tr>
<tr>
<td>COND2/00098/EN15</td>
<td>Stafford Castle Newport Rd Stafford.</td>
<td>Tree Damage</td>
<td>Delegated</td>
<td>Tree protection in place. Passed to Tree officer re damage to trees.</td>
</tr>
<tr>
<td>WKS2/00035/EN19</td>
<td>Dalserf, Stone Rd, Meaford.</td>
<td>Use of land for Commercial vehicle parking.</td>
<td>18 December 2019</td>
<td>Passed to Legal.</td>
</tr>
<tr>
<td>COND2/00240/EN19</td>
<td>Land at Penfold Farm, Trentham Road, Blurton.</td>
<td>Steel Framed Structure in association with a new residential property.</td>
<td>18 December 2019</td>
<td>Passed to Legal.</td>
</tr>
</tbody>
</table>