Dear Members

Planning Committee

A virtual meeting of the Planning Committee will be held using Zoom on Wednesday, 3 June 2020 at 3.00pm to deal with the business as set out on the agenda.

To watch the meeting, please follow the instructions below:

1. Log on to Zoom at https://zoom.us/join
2. Enter Meeting ID 870 8146 3031 when prompted
3. Enter Password 192547 when prompted

Or, to listen to the meeting, please call the following telephone number:-

0131 460 1196

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.

[Signature]

Head of Law and Administration
PLANNING COMMITTEE - 3 JUNE 2020

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

A G E N D A

1 Minutes
2 Apologies
3 Declaration of Member’s Interests/Lobbying
4 Delegated Applications
   Details of Delegated applications will be circulated separately to Members.

5 Planning Applications
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7 Enforcement Matters
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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)
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:-

<table>
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<th>Planning Application</th>
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<td>Water Tower, Common Lane, Meir Heath Stoke On Trent</td>
<td>4 - 12</td>
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</tbody>
</table>

This application was called in by Councillor M G Dodson

Officer Contact - Nicholas Lawrence, Deputy Development Manager - Telephone 01785 61732

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 M G Dodson (Ward Member for Fulford) for the following reason:-

"The visual impact of the additional equipment this application proposes will be unacceptable and dominating for the houses surrounding the water tower. This impact on the character of the Tower and its surrounding dwellings is contrary to Policy N1 of the Plan for Stafford Borough. A previous application in 2011 was refused for similar reasons"

Context

Application Site

The Application Site comprises an existing water tower, owned by Severn Trent Water, which has a height of some 13.60 metres with the central roof section being 15.37 metres in height. The site is a brick and concrete structure, with an octagonal base below a cylindrical upper section.

The water tower is situated on a small site which is totally surrounded by residential properties situated on Common Lane, Bracken Close, Heatherlands Close and properties situated off Sandon Road and is an established and notable feature in the surrounding area.

Basis of Application

This application is submitted under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. Whereby the proposal is permitted development subject to a determination by the
Council as local planning authority whether prior approval is required for the siting and appearance of the development.

The Government is committed to extending mobile geographical coverage further across the UK, and the enabling and planning for 5G implementation is central to achieving the Government’s objective to deliver prosperity at the local level and enable all places to share in the proceeds of growth.

The House of Lords Select Committee on the Rural Economy - *Time for a strategy for the rural economy* (HL Paper 330 – 27 April 2019) found that better mobile infrastructure has the potential to transform the rural economy by enabling small businesses to grow, recruit and retain staff and making it easier for people to work from home.

The Application is submitted to support the aims of the Government in extending mobile coverage and in particular 5G, as the proposed antenna and supporting equipment is required to create the power and capacity that the 5G frequency demands.

**The Proposal**

It is proposed to replace the existing 6 antenna with new antenna in the same location. The existing antenna to be removed have maximum heights of 3 x 15.8m and 3 x 16.2m.

It is proposed that they will be replaced with 3 x 3UK antennas and 3 x EE antennas measuring 2.2m x 0.55m in the same locations. New support poles are proposed in addition to the reuse of existing. The highest point of the proposed antennas would be 4 x 16.2m and 2 x 16.8m. The equipment will have a grey finish.

The submission also incorporates the internal upgrading of the existing ground level cabin and further cabling would be laid flat on the roof of the tower. In addition, 6 x RRU’s (remote radio units) and BOBs (break out boxes) are to be fixed to the central tower wall. It is not proposed to alter the existing equipment cabin at ground level.

An ICNIRP declaration letter has been submitted to demonstrate that the proposal meets the Government guidelines for public exposure to non-ionising radiation.

**Officer Assessment – Key Considerations**

**Decision-Taking Framework and Material Considerations**

This application is submitted under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, seeks prior approval for the proposed infrastructure works. The Order states that prior approvals for telecommunications equipment may only be considered in relation to the siting and appearance of the development.

In July 2018 the National Planning Policy Framework (the Framework) was strengthened to support the expansion of electronic communication networks within the scope of paragraph 112 by stating that planning decision should support the
expansion of electronic communications networks, including next generation mobile technology (e.g. 5G) and full fibre broadband connections. Paragraph 113 of the Framework states that the number of communication masts should be kept to a minimum consistent with the needs of consumers and that the use of existing masts, buildings and other structures for new electronic communications capability should be encouraged.

The Framework subsequently comments (paragraphs 114 and 116) that no area should be subject to a blanket restriction on telecommunication infrastructure and that Local Planning Authorities should not question the need for electronic communications systems or set health safeguards different from the International Commission guidelines (i.e. the ICNIRP guidelines).

On the question on materiality; reference has been made within the Call-in reason and representations made on the Application to the previous decision of the Council under application reference 11/14901/FUL refusing planning permission in April 2011 for 6 new antenna and a ground based equipment cabinet.

The previous decision can be distinguished from this proposal on the following grounds:

- Whereas the 2011 scheme sought permission for 6 additional antenna, the current proposal retains the same number and location of antenna as currently exists;
- The 2011 application sought full planning permission for the antenna and base station. In 2016 the planning regulations were amended by Government to extend the existing permitted development rights to enable, in part, building-based mobile telecommunications masts to be built without the need for a full planning application;
- In 2012 the Government replaced all previous national guidance considered in the previous planning application with the National Planning Policy Framework, which as noted above was updated in 2018 to support the expansion of electronic communications networks; and
- The Council adopted a new local plan in 2014, The Plan for Stafford Borough, replacing the previous policies upon which the 2011 planning application was considered against.

Siting and Appearance

There are no specific policies relating to telecommunications development in The Plan for Stafford Borough 2011-2031; however, policy T1 encourages the reduction of vehicle movements by use of information and communication technology. This can be achieved through improvement of local mobile phone coverage. The Plan, however does contain a series of overarching policies with policy E2 (Sustainable
Rural Development) under criteria ii supporting the provision of infrastructure needed to support a sustainable rural economy.

Aside from policies E2 and SP7, policy N8 requires that development must have regard to its context, which is carried over within policy N1 (g) that requires ‘high design standards that make efficient use of land’. Whilst this policy is aimed principally at larger scale development the use of mast sharing represents such an efficient use of land.

At the national level, the Framework under the heading of Supporting high quality communications in respect of new sites comments that equipment should be sympathetically designed and camouflaged where appropriate. Whilst the scheme is not associate with a new site, it is considered that the equipment should have regard to context is not inappropriate in this instance.

**Siting**

On the question of siting; the Framework at paragraph 113 cites that the use of existing masts, buildings and other structures for new electronic communications capability should be encouraged. As the Site currently accommodates a number of antenna it is considered that the water tower is an appropriate location to site telecommunications equipment.

**Appearance**

The water tower is an existing base station and is an established and notable feature in the immediate locality. The tower is situated within a residential area and the existing equipment can be viewed from close and medium distance public view points.

The tower currently hosts 6 antenna on support poles which are arranged around the cylindrical tower top with a maximum height of 15.8m (from ground level). The proposal seeks to replace these 6 existing antennas in similar positions with upgraded antennas reaching a maximum height of 16.8m. The difference in maximum height is therefore 1.0m. It is noted that the supporting information states that the proposed height of the antennas is required to ensure ICNIRP compliance and that a reduction in height could impact on the health and safety implications of this site.

The proposed equipment would be positioned in similar locations to the existing antenna which, are regularly spaced around the top of the tower so as to avoid an excessive concentration of equipment in one location. The maximum additional 1.0m in height is not considered significant given the overall height and form of the water tower.

Whilst the overall height and size of the proposed telecommunication equipment would be greater than that currently mounted on the water tower, and of a greater height, it is not considered that this would amount to significant or material visual harm particularly since the number of antenna would not increase.
The proposed RRUs and BOBs are to be fixed to the central tower wall. Whilst this equipment is additional to that which currently exists, the visual impact of these units is not considered to be significant given their size and position on the central wall.

It is therefore considered allowing for the existing antenna array, the limited increase in height of the resultant development above the existing arrangement, together with the need to foster sustainable economic growth that the proposal accords with policies SP7, E2, N1, N8 and T1 of The Plan for Stafford Borough, together with guidance within the National Planning Policy Framework.

Policies and Guidance:-
National Planning Policy Framework – Section 10 – Supporting high quality communications infrastructure

The Plan for Stafford Borough 2011-2031 (Part 1)

SP7 Supporting the Location of New Development
E2 Sustainable Rural Development
N1 Design
N8 Landscape Character
T1 Transport

Other Issues Raised in Representations

Public Health

Government advice, as set out in paragraph 116 of the Framework, is that Local Planning Authorities should not oppose proposals for telecommunications development on health grounds if they meet International Commission guidelines for public exposure. In this case the applicants have declared that they will meet these guidelines by submitting an ICNIRP declaration. Consequently it is considered that an objection to the proposals on public health grounds could not be sustained.

Policies and Guidance:-

National Planning Policy Framework- Section 10 (Supporting high quality communications infrastructure)

Timing of the Application

The timing of the submission of any application to the Local Planning Authority for consideration is a matter for the Applicant and not the determining authority, and as such is not a material consideration in the decision-taking process.

Impact upon Property Values

That a development may increase, or decrease the value, of a property in the vicinity of a proposed development is not a material planning consideration.

The Planning Balance and Conclusion
The proposed equipment is required for 5G to extend mobile connectivity, which the Framework states that planning decisions should support such expansion of the electronic communications networks.

The planning balance must therefore consider the additional visual impact of the proposal against the proposed improvements to communications networks, having regard to National Policy. Taking account of the fact that the number of antenna is not increased and that the additional equipment would in a less visually prominent position fixed to the central tower wall, it is not considered that the proposal would warrant a refusal considering the existing visual impact and use of the tower. There is no issue having regard to public safety, the appropriate ICNIRP certificate has been submitted.

Many residents have raised issue with the timing of the application during the Covid-19 lockdown. It should be noted that the Local Planning Authority do not have any control over the timing of submitted applications. A timely decision must be made on this type of prior approval telecommunications application otherwise permission can be granted by default.

Consultations

Parish Council:

Although the Parish recognise the benefits from the wider roll out of 5G technology we have been approached by residents living in the immediate vicinity with concerns for their property being devalued by the upgrade of the equipment and also recently publicised health concerns in the press.

13 Neighbours consulted and a site notice posted – 9 letters of representation have been received objecting on the following grounds (summarised):

- Increase in the number of antenna
- Detrimental visual impact previous application for additional antenna was refused
- Safety & health hazards
- Impact on property values
- Proposal will look like a merry go round
- Increased noise from the equipment
- Existing noise prevents enjoyment of garden and prevent sleep at night
- No more masts should be erected following previous refusal
- Court case stating no more masts to be put up
- Access to the site is limited (damage has previously been caused by contractors working on the masts)
- Highways safety issues, access is poor.
- Damage had been done to neighbouring walls.
- Existing eyesore will be made worse
Concerns are also raised about the application has been submitted during Covid-19 /lockdown to disadvantage residents, inability to view plans or contact Council staff.

Timing of the application has disadvantaged residents when the Council offices are shut

Application should not be considered during lockdown

Website is difficult to navigate

Drawings are difficult to understand

Impact upon property prices

Quality of life of the residents should be considered

The height of the antennae and masts are out of proportion to the location and are totally out of character to the surrounding area.

Radiation from the antennae should be measured

Loss of amenity

Relevant Planning History

11/14901/FUL - The installation of 3 No. O2 and 3 No. Vodafone antennas, ancillary rooftop works and a ground based equipment cabinet – refused April 2011

06/6765/FUL – Erection of 2 no. 0.6m dishes to face south and west sited, 15m high for the purpose of the Staffs Fire & Rescue Emergency Services Radio Van Network – Approved September 2006.

01/40800/FUL – Installation of one 1200mm dish on support pole (D12) – Refused October 2001.

00/39434/FUL – Four additional transmission dishes – Refused November 2000.

00/38590/FUL – Radio receiving antennas to single storey building – Approved March 2000.


98/36882/PTEL – Prior approval for the erection of telecommunications equipment – Approved November 1998.

96/33366/PTEL – Aerials and equipment cabinet – Approved May 1996.


Recommendation

Grant Prior Approval for the siting and appearance of the development subject to the following conditions:
1. The development to which this prior approval relates shall be carried out within a period of five years from the date on which this approval was given.

2. This prior approval 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:
   - Master drawing no: 502860_STD011_93639_ST0296_M002 B
   - Drawing no: 002 Site Location Plan
   - Drawing no: 100 Existing Site Plan
   - Drawing no: 150 Existing Elevation A
   - Drawing no: 215H4 Configuration Site plan
   - Drawing no: 265 H4 Configuration Elevation

3. This prior approval permits the siting of the telecommunications equipment for as long as they are required in connection with the receiving and transmitting of radio communications signals and once that requirement ceases the equipment shall within six months be removed and the site reinstated to its condition immediately prior to the approval.

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

1. To comply with the provisions of Part 16, Section A.3 (10a) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

2. To comply with the provisions of Part 16, Section A.3 (8) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

3. To ensure reinstatement of land once activities associated with the development have ceased in the interests of visual amenity. (Policy N1 of the Plan for Stafford Borough).
20/32256/PTEL
Water Tower
Common Lane
Meir Heath
Stoke On Trent
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.

Decided Appeals

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<tr>
<th>Application Reference</th>
<th>Location</th>
<th>Proposal</th>
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<tr>
<td>19/31191/HOU Appeal Dismissed</td>
<td>Victoria House Bromstead Common Lane Bromstead Heath</td>
<td>Detached Garage/Workshop with storage above</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
Appeal Decision
Site visit made on 14 May 2020

by R Cooper BSc (Hons) MCD MRTPI
an Inspector appointed by the Secretary of State

Decision date: 18 May 2020

Appeal Ref: APP/Y3425/D/20/3246684
Victoria House, Bromstead Common Lane, Bromstead Heath, Newport
TF10 9DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Jenner against the decision of Stafford Borough Council.
- The application Ref 19/31191/HOU, dated 13 September 2019, was refused by notice dated 12 November 2019.
- The development proposed is a detached garage/workshop with storage above.

Decision
1. The appeal is dismissed.

Main Issue
2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons
3. The appeal property is a detached two storey dwelling and associated gardens, that are positioned on a corner of Bromstead Common Lane. The area is rural in character, and consists primarily of detached two storey houses, with large gardens set within the countryside. The host dwelling is a traditional brick built period house, partially rendered. It’s design, scale and materials are in keeping with neighbouring dwellings.

4. The proposed building would be sited in the garden of the property, adjacent to the boundary hedge and existing access. The garage would be positioned so that its gable would be in close proximity to the Lane. The building would be two storeys in height, and its width and length would result in a building similar in scale to the host dwelling, and surrounding houses. As such, the building would not be subordinate and would appear dominant within the appeal site and the surrounding area.

5. The proposed garage would have a mansard style roof, its elevations would be constructed predominantly in cedar, with brickwork to the lower level. The design would contrast significantly to the appearance of the host dwelling and would be out of kilter with the prevailing character and appearance of the area.

6. Whilst the appellant considers the windows are not overly domestic in appearance, this does not alter my opinion that the overall form of the building...
is not in keeping or subordinate to the host dwelling, and it would not respect the context of the site in that regard.

7. There are existing hedges and trees around the boundary of the site. However, given the proposed height of the building and the open views into the site from the access, they would not sufficiently screen the building to overcome the harm I have identified above. Whilst the appellant has referred to the provision of a new wall to partially screen the building, this does not form part of the proposed development, and no details of such a proposal have been provided in the evidence before me.

8. The appeal property is located at the end of the Lane, which has no through route for traffic. However, it would be visible to neighbouring occupiers and visitors utilising the road, and its proposed scale and appearance would draw the eye, and it would be an incongruous feature within the Lane.

9. From the evidence provided I understand that planning permission has previously been granted for a 3 car garage and two-storey workshop (Ref 10/13189/FUL). However, I have not been provided the full details of this. In any event I am required to determine the application on its own merits based on the evidence before me.

10. Consequently, the proposed garage/workshop would harm the character and appearance of the area. It does not accord with Policies N1 and N8 of The Plan for Stafford Borough 2011-2031 (2014). It would also be inconsistent with the Stratford Borough Council Design Supplementary Planning Document (2018) and the National Design Guide (2019) which amongst other things, collectively seek to ensure that new development respects the local context of the site and preserve and enhance the character of the area.

Other Matters

11. I have considered that the windows would afford greater practicality for use of the first floor storage area, and that a home offices and workspaces should be functional and comfortable. However, this does not outweigh the harm to the character and appearance I have identified above.

12. Whilst the proposal would not result in loss of privacy and overlooking, this does not alter my findings in respect of the effect of the proposed development on the character and appearance of the area.

Conclusion

13. For the reasons given above, the appeal is dismissed.

R Cooper
INSPECTOR
Ward Interest - St Michaels and Stonefield

Enforcement Matters

Report of Head of Development and Head of Law and Administration

Purpose of Report

To consider the following reports.

(a) Flat 61, The Moorings, Stafford Street Stone 17 - 25

Previous Consideration

Nil

Background Papers

File available in the Development Management Section

Officer Contact

John Holmes, Development Manager Tel 01785 619302
LISTBL/00089/EN20 - Flat 61, The Moorings, Stafford Street Stone

Unauthorised replacement of timber windows and French door with UPVC replacements in a listed building

Report of Head of Development and Head of Law and Administration.

Purpose of Report

1. To consider the issuing of a Listed Building Enforcement Notice in respect of the installation of brown UPVC windows and French doors at Flat 61, The Moorings, Stafford Street, Stone, a grade II listed building without the benefit of listed building consent.

Site

2. ‘The Moorings’ comprises a former warehouse building adjoining the Trent and Mersey Canal. The original building has been significantly extended by the additions of two large wings located on either side of the original building following the granting of planning permission and listed building consent for sheltered accommodation in 1987. The resulting development incorporated painted timber windows and doors throughout.

3. Flat 61 is at ground level and within the extension to the original building and is subject to the same protection as afforded to the original grade II listed building. The Site is also within the Stone Conservation Area.

Background and Detail

Background

4. In 2015 both listed building consent and planning permission was sought and subsequently refused for the replacement of all existing timber windows and French doors associated with the 1987 approvals with new UPVC replacements. The matter was subject to an appeal that was dismissed on 12 February 2016 and the Inspector in the Decision Letter concluded that the proposed replacement of the existing windows and doors with those of UPVC composition would harm the listed building contrary to planning policy and national guidance.

5. The Inspector also concluded that the…The visual impact of the works would not be unduly intrusive in long ranging views into the site, whether from
Stafford Street, or from the canal side, as so would not have a material impact on the Stone Conservation Area.

6. An application to regularise the replacement of the timber windows and French doors was submitted to the Council on 4 March 2020 (Application reference 20/31892/FUL) following advice from the Planning Service in January 2020. The Application noted that the replacement windows and French door were inserted in 2004/2005 by the previous owner and that the work was carried out without listed building consent. There is no reason to believe that this information is incorrect, however there is no time limit on taking listed building enforcement action.

7. The Application was determined under delegated powers on the 28 April 2020 refusing listed building consent for the following reason

The windows and French door, as detailed within the submitted Drawing, No. 19S66P01, by reason of their synthetic materials and profiles harms the special architectural and historic interest of the listed building contrary to the provisions of the National Planning Policy Framework (2019) and in turn conflicts with policies N9 and N1 (h) of The Plan for Stafford Borough 2011-2031.

8. A copy of the report for 20/31892/LBC is appended as Appendix 1.

The Alleged Breach of Planning Control

9. The breach of planning control is the replacement of timber windows and French door with UPVC replacements without the benefit of Listed Building Consent.

Planning Policy Framework and Material Considerations

The Plan for Stafford Borough 2011-2031 (Part 1)

- N1 Design
- N9 Historic Environment

National Planning Policy Framework (February 2019)

- Conserving and enhancing the historic environment
- Decision-making (Enforcement)

Planning Practice Guidance

- Historic environment
- Design: process and tools
- Enforcement and post-permission matters
National Design Guide (October 2019)

National Guidance

- National Planning Policy Framework
- Planning Practice Guidance

Conclusion

10. As set out in the reason for refusing application it is considered that the unauthorised insertion of replacement windows and French door into the listed building by reason of their synthetic materials and profiles harms the special architectural and historic interest of the listed building contrary to the provisions of the National Planning Policy Framework (2019) and in turn conflicts with policies N9 and N1 (h) of The Plan for Stafford Borough 2011-2031.

Recommendation

11. 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 unauthorised windows and French doors and their replacement with appropriately designed and fashioned windows and French doors.

Background Papers

Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Proposed Development</th>
<th>Date and Decision</th>
</tr>
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<tr>
<td>87/20180/FUL</td>
<td>Sheltered Housing for the elderly in new buildings &amp; The Wharf Building and part of Wharf Keepers Cottage to be retained</td>
<td>15.06.1987 Approved</td>
</tr>
<tr>
<td>87/20205/LBC</td>
<td>Sheltered Housing for the elderly in new buildings &amp; The Wharf Building and part of Wharf Keepers Cottage to be retained</td>
<td>15.06.1987 Approved</td>
</tr>
<tr>
<td>15/22308/FUL</td>
<td>Replacement of existing painted timber windows and french doors with UPVC windows and french doors</td>
<td>08.09.2015 Refused Appeal dismissed 12.02.2016</td>
</tr>
</tbody>
</table>
Contact Officer

Mr Nicholas Lawrence – Deputy Development Manager - Direct No 01785 619732
Appendix 1 – report 20/31892/LBC

Application   20/31892/LBC   Case Officer   Steve Owen

Address
Flat 61
The Moorings
Stafford Street
Stone
Staffordshire
ST15 8QZ

Proposal
Replacement of windows and a patio door

Applicant
Mrs K Edwards

Recommendation
Refuse

Context

‘The Moorings’ comprises a former warehouse building adjoining the Trent and Mersey Canal. The original building which in the list description is described as a late 18th canal warehouse was significantly extended the additions of two large wings located on either side of the original buildings and its conversion into sheltered accommodation following the granting of both planning permission and listed building consent (Application References 87/20205/LBC and 87/20180/FUL). The resulting development incorporated painted timber windows and doors throughout. Flat 61 (the Site) is within the new additions to the building.

In terms of designations; the Site forms part extension to the building after its listing and therefore is subject to the same protection regime as afforded the original grade II listed building. The Site is also within the Stone Conservation Area that was designated in 1969 and subsequently extended in 2008.

Proposal

Listed building consent is sought for the replacement of the original timber window and French door with a UPVC window and French door, which have already been installed.

Background and Developmental History

As noted above planning permission and listed building consent was granted in 1978 for the conversion and extension of the Moorings to provide sheltered
accommodation. All windows of the completed development were fashioned from painted timber.

In 1995 both listed building consent and planning permission was sought for the replacement of all existing timber windows and french doors at the Moorings with UPVC windows and French doors. The matter was subject to an appeal that was dismissed on 12 February 2016 (Planning Inspectorate Reference APP/Y3425/Y/15/3138753). The Inspector in the Decision Letter concluded in dismissing the appeals that the proposed replacement of the existing windows and doors with those of UPVC composition would harm the listed building contrary to planning policy and national guidance.

The Inspector also concluded that the... The visual impact of the works would not be unduly intrusive in long ranging views into the site, whether from Stafford Street, or from the canal side, as so would not have a material impact on the Stone Conservation Area.

Officer Assessment – Key Considerations

MAIN ISSUE

The main issue is the impact of the proposal upon the special architectural and historic interest of the listed building.

Impact upon the special architectural and historic interest of the listed building

Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require that special regard is had to the desirability of preserving a listed building or its setting or any features of special architectural interest which it posses.

There is no statutory requirement to have regard to the provisions of the Development Plan (the DP) for decisions on applications for listed building consent. Nevertheless, policy N9 and N1 (h) of The Plan for Stafford Borough 2011-2031 (the Plan), which for the purposes of this matter constitutes the DP, broadly reflect the statutory duties defined in the Act, as well as advice within the National Planning Policy Framework 2019 (the Framework) and the Planning Practice Guidance (the Guidance).

It is considered that the UPVC frames by reason of their material and profile of the replacement windows would contrast with that of the timber door and window frames of the existing flats (e.g. the flat above the Site). The replacement synthetic nature of the windows do not weather or bed down the same way as timber, and appear as an incongruous element within the face of the listed building. This effect is also evident in relation to the French doors. In addition, UPVC is not a material characteristic of this listed building, as witnessed by the adoption of timber windows and doors as set on the 1987 approvals, and lacks the texture of wood and can deteriorate to a dull appearance with weathering. Consequently the replacement windows and door harms the special character and architectural interest of the listed building.
The proposal would affect only part of the building and so the harm caused to its significance as a heritage asset would thus be less than substantial. The Framework at paragraph 193 directs that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation. Therefore significant weight should be attributed to this aspect of harm, mindful that the Framework at paragraph 196 also indicates that this harm should be weighed against the public benefits of the scheme.

The listed building, including the extensions, creates a building with a uniform structure (i.e. a shell) with a singularity of approach in terms of a character of the building as an industrial building (e.g. warehouse) as opposed to conjoined separate identifiable dwellings (e.g. a terrace).

It is noted that other properties have replacement windows that are unauthorised. In any case these are harmful to the character of the listed building and the further acceptance of such replacement windows would cumulatively harm the listed buildings character and singularity as described above.

The Applicant has not provided any information of any public benefits that outweigh the harm to the listed building by the replacement windows and doors.

**Other matters**

A neighbour representation has been received which supports the development claiming that the UPVC window frames replaced the ‘rotting wood ones’. No evidence that the original windows were rotting has been provided, which of itself is not a justification for the replacement windows and door.

**Recommendation**

That the application for Listed Building Consent be refused

**Concluding comments**

The replacement UPVC French door and windows harm the special architectural and historic interest of the listed building contrary to the provisions of the National Planning Policy Framework (2019) and in turn conflicts with policies N9 and N1 (h) of The Plan for Stafford Borough 2011-2031.

**Reason for refusal**

The windows and French door, as detailed within the submitted Drawing, No. 19S66P01, by reason of their synthetic materials and profiles harms the special architectural and historic interest of the listed building contrary to the provisions of the National Planning Policy Framework (2019) and in turn conflicts with policies N9 and N1 (h) of The Plan for Stafford Borough 2011-2031.
Consultations

Parish Council (PC): Objection
Conservation Officer Objection
Neighbours:
1 representation received - UPVC is an appropriate replacement for rotting timber frames
Site Notice:
Publication Notice expires 01/04/2020

Relevant Planning History

03/01085/LDC Removal of agricultural tie. Approved.
History for the LDC states that the original farmhouse and farm buildings were approved in October 1965 with an agricultural occupancy condition for the farmhouse (permission 4225)