STAFFORDSHIRE MOORLANDS DISTRCIT COUNCIL

RESPONSE TO DEVELOPMENT CONTROL CONSULTATION

DEVELOPMENT AFFECTING A LISTED BUILDING

Application Ref: SMD/2016/0219, 0220	Listing Grade: II Additional Heritage Designations: Cheadle CA
Site: 67 Tape Street, Cheadle	
Proposal: Block paved drive and garden, partial demolition of boundary wall and associated landscaping	
Application's Supporting Information. Is any adverse impact on a Listed Building/Setting raised (Section 66 Duty)? No	

Comments:

1. Heritage Significance (including setting)

No heritage statement has been submitted.

Grade II Listed Building. The List description mentions that the property is included as a complete example of an early 19th century, three-storey town house. Historic OS maps show that the front boundary wall and yard/garden to the front is part of the historic layout. I note that at some stage the wall has lost its original coping (which is now brick on edge) and a railing has been added as well as a modern gate. The wall is part of the Listed Building.

2. Description of Proposal

To demolish the front wall and convert the front garden to hardstanding for parking of vehicles and bin storage.

3. Assessment of Impact on Significance

The Council has a duty to protect the historic significance of the property and the enclosed front garden is an integral part of its special interest.

Properties along this part of the street have largely maintained their front boundary walls (with the exception of properties to either side of this Listed Building) and the conversion of these front gardens has been harmful to the historic interest of the area due to the loss of enclosure and greenery in the front gardens, the loss of historic walling and introduction of vehicles parked close to the buildings. The loss of walling also opens up views of other domestic activity in front gardens such as bin storage.

The NPPF states that great weight should be given to the asset's conservation. The proposal represents substantial harm.

Alternative parking provision is available in the immediate area.

4. Mitigation

None

5. Conclusion

Proposal is harmful to the special interest of the Listed Building

See relevant policy guidance below.

Conservation Liaison Panel Observations: See minutes of meeting on 6th Sept

Recommendation: Refuse

Conditions:

Signed: Mrs G. Bayliss Senior Conservation Officer	Date: 12.09.2016

Relevant Act, Legislation, Policies & Guidance

Any decisions relating to Listed Buildings and their settings must address the statutory considerations of the 1990 Act (esp. Sections 16 & 66) as well as satisfying relevant policies in the NPPF and the Local Plan.

Planning (Listed Buildings and Conservation Areas Act) 1990:

- Section 66: In assessing planning applications the **LPA has a duty to 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.
- Section 16: In assessing LBC applications the **LPA 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.

NPPF (2012)

Sustainable Development

Protecting and enhancing the historic environment is one of the 3 dimensions of achieving sustainable development. These dimensions are mutually dependent. There is an overriding presumption in favour of achieving sustainable development. Failure to conserve the historic environment is therefore a failure to achieve a sustainable development.

Footnote 9: of Para.14 Policies related to designated heritage assets – harm to Listed Buildings, or their setting triggers the statutory presumption in favour of sustainable development.

Section 12: Conserving and Enhancing the Historic Environment

Outlines the planning policy context for assessing proposals that affect listed buildings and other heritage assets.

- Para. 126: LPAs are required to develop a positive strategy for conservation of the historic environment that includes taking account of the desirability of sustaining and enhancing the significance of heritage assets by putting them to viable uses consistent with their conservation. **Heritage assets should be conserved in a manner appropriate to their significance**.
- Para.128: In determining applications LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. **The level of detail should be proportionate to the asset's significance**.
- Para.129: LPAs should use the assessment to consider the impact of a proposal and seek to minimise conflict. Case law has confirmed that **where there is an impact this must be assessed and given appropriate weight**. The Council has to demonstrate that the Section 66 Duty has been applied and discharged.**Section 66(1) creates a strong presumption in favour of the preservation of Listed Buildings and their setting and requires that considerable weight be given to the desirability of preservation** (Barmwell Manor Wind Energy Ltd v East Northants DC (2014).
  Furthermore:
  - The strong presumption must be applied where there would be any harm, not just substantial harm (Barmwell Manor) and this also applies in cases where the harm is slight (Ecotricity Ltd v DCLG)
  - A LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Listed Building, is conscious of the duty and has demonstrably applied it in assessing the proposal.
- Para.130: Evidence of deliberate neglect or damage should not be taken into account.
- Para.131: Sets out factors to be taken into account by an LPA in determining an application. These reflect the considerations outlined in paragraph 126 and underline the positive contribution that conservation of heritage assets can make to sustainable communities including economic vitality.
- Para.132: In considering the impact of proposed development on the significance of a heritage asset **great weight should be given to its conservation** with a greater weight being placed where the asset has greater importance. Significance can be harmed by alteration, destruction or development within its setting. **Harm requires clear and convincing justification**. Substantial harm of a Grade II LB or park and garden should be exceptional. Substantial harm of Grade II* & 1 LB, SMs & Grade 1 Registered Parks and Gardens is wholly exceptional.
- Para.133 & 134: Relate to assessing harm to an asset's significance and set out the circumstances in which harm, substantial or less than substantial, could be considered acceptable. These include situations where public benefits outweigh such harm.
- Para 133: Substantial harm - LPAs should refuse Consent unless public benefits outweigh the harm (or all of the following apply – it has no reasonable use, no viable use will enable its conservation, grant aid not available, harm is

outweighed by bringing site back into use).

- Para 134: Less than substantial harm - The harm should be weighed against the public benefits of the proposal.

Other Guidance

- Planning Practice Guidance: Conserving and Enhancing the Historic Environment (DCLG)
- Historic Landscape Characterisation – SCC (SMDC)
- Historic Environment Assessment (HEA) – 11 project areas based around the 3 towns (Cheadle, Leek & Alton) and 12 historic villages). Aims to establish potential of historic environment to absorb new development. Each project area has been divided into HECZs Historic Environment Character Zones. Followed Conservation Principles. (SMDC)
- Staffordshire Farmsteads Character Statement (and assessment framework) HE & SCC & Farmsteads in Staffordshire Moorlands HE & SCC
- Landscape and Settlement Character Assessment of the Moorlands: Wardell Armstrong for SMDC (SMDC)

Key Historic England Guidance

- Conservation Principles: policies and guidance (2008) – Framework for understanding and assessing significance of heritage assets
- Historic England Good Practice Advice in Planning No.2: Managing significance in decision taking in the historic environment (assessing significance, HERs, recording, neglect and unauthorised works, marketing, design and distinctiveness) (2015)
- Historic England Good Practice Advice in Planning No.3: Setting of Heritage Assets (2015)
- Enabling Development and the Conservation of Significant Places (2001)
- Traditional Windows (2015)
- Farmstead Assessment Framework – Informing sustainable development and conservation of traditional farmsteads (2015)

SMDC Core Strategy

SO8. To promote local distinctiveness by means of good design and the conservation, protection and enhancement of historic, environmental and cultural assets throughout the District.

DC2 - The Historic Environment

The Council will safeguard and, where possible, enhance the historic environment, areas of historic landscape character and interests of acknowledged importance, including in particular scheduled ancient monuments, significant buildings (both statutory listed and on a local register), the settings of designated assets, conservation areas, registered historic parks and gardens, registered battlefields and archaeological remains by:

1. **Resisting development which would harm or be detrimental to the special character and historic heritage of the District's towns and villages and those interests of acknowledged importance.**
2. **Promoting development which sustains, respects or enhances buildings and features which contribute to the character or heritage of an area and those interests of acknowledged importance through the use of conservation area appraisals, design statements, archaeological assessments, characterisation studies and Masterplanning.**
3. **Preventing the loss of buildings and features which make a positive contribution to the character or heritage of an area through appropriate reuse and sensitive development, including enabling development, unless their retention is not viable or there would be substantial planning benefits to outweigh the loss.**

NOTE: The above references to The Act, policies and guidance are a summary and do not attempt to be a comprehensive assessment.