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| 9  | Application for Major Development - Land adj to 31 Banbury Street, Butt Lane. Browns (Shopfitting and Construction) Ltd. 14/00027/FUL | (Pages 57 - 59)   |
| 10 | Application for Minor Development - Alwyn, Nantwich Road, Audley. Mr Birkin. 15/001146/FUL  | (Pages 61 - 67)   |
| 11 | Application for Minor Development - White House Farm, Deans Lane, Balterley. Mr G Walters. 16/00015/DOB                               | (Pages 69 - 73)   |
| 12 | Application for Other Development - 13A King Street, Newcastle. Mr Tomer Spitkowski. 15/01144/FUL                                     | (Pages 75 - 83)   |
| 13 | Application for Other Development - Lower Mill Cottage, Furnace Lane, Madeley. Mrs Torrens. 16/00009/FUL                              | (Pages 85 - 91)   |
| 14 | Application for Other Development - Land to the East of A34, Talke Road, Newcastle. Newcastle Borough Council. 16/00056/DEEM3         | (Pages 93 - 97)   |
| 15 | Open Enforcement Cases  | (Pages 99 - 100)  |
| 16 | Quarterly Report on Progress on Enforcement Cases Where Enforcement Action Has Been Authorised.                                       | (Pages 101 - 104) |
| 17 | Tree Preservation Order - Land at White Oaks, Bignall Hill, Bignall End. TPO173   | (Pages 105 - 110) |
| 18 | Stubbs Walk Conservation Area Appraisal and Management Plan   | (Pages 111 - 159) |
| 19 | Appeal Decision - 14 Dales Green Road, Dales Green. 15/00579/FUL  | (Pages 161 - 162) |
| 20 | Appeal Decision - Old GPO Telephone Exchange, Bloor Road, Hales. 15/00175/FUL   | (Pages 163 - 164) |
| 21 | Appeal Decision - Sulby. Den Lane, Wrinehill. 15/00504/FUL  | (Pages 165 - 166) |
| 22 | <b>URGENT BUSINESS</b>  |                   |

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

**Members:** Councillors Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Pickup, Reddish (Vice-Chair), Simpson, Snell (Chair), Welsh, Williams, Williams and Winfield

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorums :-** 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

**FIELD\_TITLE**

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

**PLANNING COMMITTEE**

Tuesday, 2nd February, 2016

**Present:-** Councillor Marion Reddish – in the Chair

Councillors Braithwaite, Cooper, Hambleton, Heesom, Mancey, Northcott, Owen, Simpson, Welsh, Williams, Williams and Winfield

Apologies Apologies were received from Councillor(s) Fear and Snell

**1. DECLARATIONS OF INTEREST**

Councillors Hambleton and Owen declared an interest in 15/01081/FUL.

**2. MINUTES OF PREVIOUS MEETING(S)**

**Resolved:** That the minutes of the meetings held on 5 and 13 January be agreed as correct records.

**3. APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND NORTH OF LINLEY ROAD, BUTT LANE. TAYLOR WIMPEY (NORTH MIDLANDS). 15/00441/DOAHR**

**Resolved:** That the application be deferred pending further advice on the exact number of plots to be 'Affordable'.

**4. APPLICATION FOR MAJOR DEVELOPMENT - STOKE CITY FOOTBALL CLUB'S ACADEMY, CLAYTON WOOD TRAINING GROUND, ROSE TREE AVENUE, CLAYTON. STOKE CITY FOOTBALL CLUB. 15/00958/FUL**

**Resolved:** (1) That the application be permitted subject to the undermentioned conditions:-

- (i) Time limit.
- (ii) Approved drawings.
- (iii) The construction management and mitigation measures identified in the submitted Transport Statement are fully adhered to.
- (iv) Introduction of temporary vehicle parking and waiting restrictions.
- (v) Details of the sports fencing prior to installation.
- (vi) Tree protection measures.
- (vii) Site landscaping.
- (viii) Ecological mitigation measures.
- (ix) Flood risk mitigation measures.
- (x) Japanese Knotweed removal/treatment.

(2) That Stoke on Trent City Council be advised that the Borough Council has no objections to the application submitted to Stoke on Trent City Council although it does ask

that the Borough Council be provided the opportunity to comment on any details submitted to all relevant conditions.

**5. APPLICATION FOR MAJOR DEVELOPMENT - LAND AT ASHFIELDS NEW ROAD, NEWCASTLE. JESSOP BROS.. 15/00699/FUL**

**Resolved:**

(1) That, subject to the applicant entering into a Section 106 obligation by 27<sup>th</sup> February 2016 requiring the review of the financial assessment of the scheme, if there is no substantial commencement within a year of the grant of planning permission, and a contribution then being made to public open space if the scheme is evaluated at that time to be able to support such a contribution, the application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development
- (ii) Approval of materials
- (iii) Implementation of landscaping scheme
- (iv) Trees on northern boundary to be retained and tree protection measures to be agreed and implemented.
- (v) Contaminated land
- (vi) Construction Method Statement, to address environmental and highway matters, including details of methods to prevent mud and debris on the highway and dust mitigation measures.
- (vii) Implementation of noise mitigation measures to achieve appropriate noise levels.
- (viii) Construction hours.
- (ix) Approval of waste storage and collection arrangements.
- (x) Submission, approval and implementation of a detailed surface water drainage scheme.
- (xi) Provision of access, parking and turning areas prior to occupation
- (xii) Provision of landscaping and bollards on highway land adjoining turning circle on Ashfields New Road.
- (xiii) Prior approval of a scheme for the provision of a scheme with the tenure indicated in the appraisal. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity prospective and successive occupiers of such units and the means by which such occupancy will be enforce.

(2) That, should the obligation referred to above not be secured by the 27<sup>th</sup> February 2016, the Head of Planning be given delegated authority to refuse the application on the grounds that without such on obligation there would not be an appropriate mechanism to allow for changed financial circumstances, and in such circumstances the potential provision of policy compliant contributions towards public open space; or, if he considers it appropriate, to extend the period of time within which such an obligation can be secured

**6. APPLICATION FOR MAJOR DEVELOPMENT - AUDLEY WORKING MEN'S CLUB. AUDLEY WORKING MEN'S CLUB. 15/00692/FUL**

**Resolved:** That the application be deferred pending further advice from the District Valuer.

7. **APPLICATION FOR MINOR DEVELOPMENT - FORMER SQUIRES COPPER, MOUNT ROAD, KIDSGROVE. HARDEGE DEVELOPMENTS LTD. 15/01116/FUL**

**Resolved:**

(1) That, subject to the applicant first entering into a section 106 obligation securing a contribution towards public open space, by way of access improvements to the Bellway Homes playground number 2 near Silvermine Close by the 12th March 2016, the application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development
- (ii) Approved plans
- (iii) Materials
- (iv) Boundary treatments
- (v) Landscaping proposals
- (vi) Provision of access, parking and turning areas prior to occupation
- (vii) Surface Water Drainage Interceptor
- (viii) Surfacing being of a bound material
- (ix) Garages to be retained for parking
- (x) Design measures to ensure noise levels
- (xi) Construction Hours
- (xii) Contaminated land
- (xiii) Tree Protection Measures
- (xiv) Submission of a scheme of remedial works for approval and the implementation of those remedial works as recommended by the Coal Authority.

(2) That, failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without the obligation being secured, the development would fail to secure an appropriate contribution for off-site public open space which would reflect the infrastructure needs of the development; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

8. **APPLICATION FOR MINOR DEVELOPMENT - FORMER BLUE BELL INN, NEW ROAD, ~WRINEHILL. J LITTLETON & CO LTD. 15/00759/FUL**

**Resolved:**

(1) That, subject to the applicant first entering into a section 106 obligation securing a commuted off-site affordable housing contribution of £45,000 by 14<sup>th</sup> March 2016, the application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development
- (ii) Approved plans
- (iii) Materials
- (iv) Protection and retention of existing trees and hedgerows
- (v) Compliance with Arboricultural Method Statement

- (vi) Specific and detailed landscaping scheme
- (vii) Provision of access, parking and turning areas prior to occupation
- (viii) Off-site highway works to include 1.8m wide footway and Checkley Lane junction improvements
- (ix) Submission and approval of Surfacing, drainage and visibility details
- (x) Garages to be retained for parking
- (xi) Gates to be in the position shown on the approved plans and to open away from Birks Drive.
- (xii) The existing Checkley Lane access permanently closed
- (xiii) Submission and approval of a Construction Method Statement
- (xiv) The erection of a 'Private Road' sign at the site entrance
- (xv) Unexpected land contamination
- (xvi) Noise mitigation measures
- (xvii) Construction hours

(2) That, should the matters referred to in (A) above not be secured within the above period, that the Head of Regeneration and Planning Services be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to ensure a commuted sum towards affordable housing or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

**9. APPLICATION FOR MINOR DEVELOPMENT - LAND NORTH EAST OF BRITAIN AVENUE, CHESTERTON. MISS ALICE NEWMAN. 15/01081/FUL**

**Resolved:**

That the application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development.
- (ii) Approved plans.
- (iii) Provision of access, parking and turning areas prior to the development being brought into use
- (iv) Prior to use or occupation approval of surfacing materials for the parking court, surface water Drainage details for the parking area and delineation of the proposed parking bays
- (v) Prior approval of a Construction Method Statement
- (vi) Prior approval of a Tree Protection Plan for the construction phase of the development
- (vii) Prior approval of a landscaping scheme including proposed boundary treatments
- (viii) Full suite of contaminated land conditions
- (ix) Retention of the existing hedge on the boundary with the school access road
- (x) Approval of samples of facing and roofing materials
- (xi) The submission and approval of a footpath and landscape maintenance and management plan, to include details of how litter will be dealt with.
- (xii) The submission and approval of waste storage arrangements for the dwellings

10. **APPLICATION FOR OTHER DEVELOPMENT - CORNER OF MINTON STREET & HIGH STREET, WOLSTANTON. NEWCASTLE BOROUGH COUNCIL. 15/00940/DEEM3**

**Resolved:** That the application be refused for the following reason:

The siting of the sign within an area of open space in a prominent location would introduce an inappropriate and visually intrusive feature that would unacceptably harm the amenity of the area.

11. **APPLICATION FOR OTHER DEVELOPMENT - LAND AT LYME VALLEY PARKWAY, LONDON ROAD, NEWCASTLE. NEWCASTLE BOROUGH COUNCIL. 15/00941/DEEM3**

**Resolved:** That the application be permitted with standard conditions.

12. **APPLICATION FOR OTHER DEVELOPMENT - LAND AT KING STREET, KIDSGROVE. NEWCASTLE BOROUGH COUNCIL. 15/00943/DEEM3**

**Resolved:** That the application be permitted subject to the undermentioned condition:

- (i) Approved plans.

13. **APPLICATION FOR OTHER DEVELOPMENT - LAND AT TALKE ROAD, PARKHOUSE, CHESTERTON. NEWCASTLE BOROUGH COUNCIL. 15/00944/DEEM3**

**Resolved:** That the application be refused for the following reason:

- (i) The siting of the sign would introduce an inappropriate and visually intrusive feature that would unacceptably harm the amenity of the area and result in the loss of trees.

14. **APPLICATION FOR OTHER DEVELOPMENT -CORNER OF CEMETERY LANE AND SILVERDALE ROAD, POOLFIELDS . NEWCASTLE BOROUGH COUNCIL. 15/00945/DEEM3**

**Resolved:** That the application be deferred to allow consultation to take place with Silverdale Parish Council.

15. **APPLICATION FOR OTHER DEVELOPMENT - WOODSHUTTS FARM, SECOND AVENUE, KIDSGROVE. JOE WOOD. 15/00947/FUL & 15/00948/LBC**

**Resolved:**

With respect to 15/00947/FUL – that the application be permitted, subject to the undermentioned conditions:

- (i) Approved plans  
(ii) Standard time limit

With respect to 15/00948/LBC – that the application be permitted, subject to the undermentioned conditions:

- (i) Approved plans
- (ii) Standard time limit
- (iii) Prior approval of samples of facing and roofing materials
- (iv) Prior approval of details of proposed joinery
- (v) Prior approval of full details of the proposed timber and glass link, including the finish and the timber profiling
- (vi) Prior approval of the finish of the timber frame internally

**16. APPLICATION FOR OTHER DEVELOPMENT - RYE HILLS BARN, RYE HILLS, AUDLEY. MR & MRS STANYER. 15/01047/FUL**

**Resolved:** That the application be permitted with no conditions.

**17. APPEAL DECISION - HUNGERFORD HOUSE, HUNGERFORD LANE, MADELEY. 15/00155/FUL**

**Resolved:** That the decision and officer comments be noted.

**18. APPEAL DECISION - SHETLAND RISE, TOP ROCK ROAD, ASHLEY. 15/00397/FUL**

**Resolved:** That the decision and officer comments be noted.

**19. APPEAL DECISION - LAND ADJ TO THE OLD FARM HOUSE, MAIN ROAD, WRINEHILL. 15/00079/OUT**

**Resolved:** That the decision and officer comments be noted.

**20. QUARTERLY REPORT ON EXTENSION TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO.**

**Resolved:** That the report be noted and the recommendation accepted that the Head of Planning continues to report on a quarterly basis.

**21. URGENT BUSINESS**

There was no Urgent Business.

**COUNCILLOR MARION REDDISH**  
**Chair**



**THE ZANZIBAR, MARSH PARADE, NEWCASTLE**  
**MR DAVID LEACH**

**15/01061/COU**

The application seeks full planning permission for change of use of the property from a nightclub to A1 retail and A3 café and restaurant uses at ground floor and basement levels. The change of use involves an internal floor area of approximately 1850 square metres (including floor area already permitted for A1 use).

The site is situated within the Urban Area of Newcastle as specified on the Local Development Framework Proposals Map. In addition it is within the Live-Work Office Quarter as defined in the Newcastle Town Centre Supplementary Planning Document.

**The 13 week period for the determination of this application expires on 29<sup>th</sup> February 2016.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to the following:-**

- 1. Time limit.**
- 2. Approved drawings.**
- 3. Refurbishment hours restricted to 7am and 6pm Monday to Friday and not at any time on Sundays Bank Holidays or after 1pm on any Saturday.**
- 4. Restriction of permitted waste collections and deliveries to between 7am and 6pm only on any day.**
- 5. Provision of ventilation system and odour control.**
- 6. Restriction of food types that may be cooked without adequate ventilation.**
- 7. Cessation of cooking in the event of ventilation problem.**
- 8. Prior approval of noise generating plant such as mechanical ventilation, refrigeration or air conditioning.**
- 9. Prevention of food and grease debris from entering the drainage system.**
- 10. Details of refuse storage and collection arrangements.**
- 11. Marking out the car park for loading/servicing and visitor/trader spaces.**
- 12. All loading/unloading takes place within a designated space within the car park.**

**Reason for Recommendation**

The proposed change the use of the building has to be considered in the context of policies which seek to protect and enhance the vitality of the town centre. The proposal entails 'main town centre uses' in an 'edge of town centre' location inside an existing building which has historically operated as a nightclub – also a 'main town centre use'. The Zanzibar building has remained vacant for approximately 12 years in a prominent main road position leading into the Town Centre in a state of disrepair. There are clear substantial regeneration benefits in allowing the reuse of the building relating to improvement of its general appearance through general maintenance and repair works as well as the important economic benefits attached to attracting footfall to the vicinity in an 'edge of centre' location where linked trips are very likely. There is no significant detriment with respect to amenity levels of neighbouring uses being eroded. There are no highway safety objections to the proposal –the location is well served by public transport, public car parks and the building benefits from its own car park. Overall the positive elements of the proposal are considered to outweigh any negative factors.

**Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

**Key Issues**

The application is for full planning permission to change the use of the property from a nightclub use (sui generis) to A1 retail and A3 (restaurant and café) uses at ground floor and basement levels. The property is three storeys in height. Planning consent was granted recently last year under application reference 15/00710/COU for change of use of the 1<sup>st</sup> and 2<sup>nd</sup> floor of the building covering 800 square metres to an antiques dealers centre with ancillary restaurant use.

It is anticipated by the applicant that 50 full time staff and 20 part time staff will be employed. The uses applied for are proposed to be operational between 9am to 5.30pm Monday to Saturday and 10am until 4pm on Sundays.

The applicants have indicated that the proposed retail use element now applied is likely to be for antiques and collectables to complement the use already permitted – with the overall aim of creating a niche retail experience attraction.

The applicant has confirmed A3 element applied for is anticipated as a guide to be around 33% of the internal floor area and submitted plans are kept deliberately approximate in order to allow flexibility should business needs change. It is also the case that repair works to the building—making internal spaces weather tight. No external alterations form part of the application proposal. The key issues to consider are:-

1. Is the broad principle of the change of use acceptable taking into account sequential test and retail impact considerations?
2. Is the impact on highway safety acceptable?
3. Would the development cause material harm to nearby uses?
4. An overall conclusion in relation to the positive and negative impacts of the proposal

1. Is the broad principle of the change of use acceptable taking into account sequential test and retail impact considerations?

#### Local Plan and National Planning Policy

Core Strategy Policy ASP4 (the Newcastle Town Centre Area Spatial Strategy) sets out a number of planning considerations which are designed to enhance the vitality and viability of the Town Centre. Amongst those considerations is the formulation of a spatial framework identifying distinct zones both within the primary shopping area and beyond, aimed at maintaining their distinctive characters and helping break through the perceived barrier of the ring road. It indicates that in the plan period proposals will provide for 25,000m<sup>2</sup> of additional gross comparison retail floor space to 2021 and a further 10,000m<sup>2</sup> to 2026; 60,000m<sup>2</sup> of additional gross office floor space within, or on the edge of the town centre.

The Council's Supplementary Planning Document (SPD) is the framework for the Newcastle Town Centre referred to by ASP4. The application site is within the Live Work Office Quarter as defined by the SPD. The SPD does not form part of the Development Plan but is an important material consideration.

Paragraph 23 of the National Planning Policy Framework (the Framework) sets out the broad aims to ensure the vitality of town centres. The aims include allocating appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available.

Paragraph 24 indicates that Planning Authorities should apply a sequential test to planning applications for 'main town centre uses' that are not in an existing centre and are not in accordance with an up to date Local Plan. They should require applications for 'main town centre uses' to be located in town centres, then in 'edge of centre' locations and only if suitable sites are not available should 'out of centre' sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and Local Planning Authorities are also required to demonstrate flexibility on issues such as format and scale.

'Edge of Centre' locations are defined for retail purposes, as a location that is well connected and up to 300 metres of the Primary Shopping Area. The 'Primary Shopping Area' in the Framework is defined as the area where retail development is concentrated – generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage.

The SPD defines the 'Primary Shopping Area' as the area within the inner ring road. This is the area where retail is the primary activity. It also adopts a similar but not identical definition of 'Edge of Centre' as set out in national policy in assessing retail uses beyond and immediately adjoining the inner ring road. It indicates that for retail purposes an edge of centre site is any site adjoining the Inner Ring Road or fronting the A34 within 250 metres of the inner ring road.

Paragraph 26 goes on to state that when assessing applications for retail, leisure and office development outside of town centres which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 square metres).

Paragraph 14 of the Framework states that decision taking means approving development proposals that accord with the development plan without delay; and where the development plan is silent or relevant policies are out of date, granting permission unless any impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific policies in the Framework indicate that development should be restricted.

It has previously been concluded that the site is 'Edge of Centre' in accordance with the provisions of the Framework which is the most up to date position when also acknowledging the provisions of the Councils Town Centre SPD. It is within a short walking distance from the full complement of services offered by the Town Centre Primary Shopping Area.

A sequential and retail impact assessment has been prepared by the applicant in support of the proposal.

### Sequential Test and Retail Impact

#### *i) Sequential Test*

Guidance on how to adopt a sequential approach is set out in Planning Practice Guidance (PPG). It advises that the sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centre foremost in both plan-making and decision-taking.

PPG provides a checklist of considerations that should be taken into account in determining whether the proposal complies with the sequential test:-

- with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
- is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- if there are no suitable sequentially preferable locations, the sequential test is passed.

It is for the applicant to demonstrate compliance with the sequential test. The submission includes reference to a 2012 Supreme Court decision *Tesco Store v Dundee City* which indicates that the question is whether the site is suitable for the development proposed by the applicant and not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site. The submission assesses the potentially sequentially preferable sites, that are identified within the Newcastle under Lyme Retail and Leisure Study (2011), in light of the findings of the Tesco case, as follows:-

- i. Ryecroft – the submission considers that this site is not suitable or available given that no planning application has yet been submitted and the redevelopment would be a much larger and wider ranging scheme than proposed. The Council has previously concluded that the site is not available for town centre uses and circumstances have not materially changed since that decision. It is therefore accepted that this is not a sequentially preferable site.
- ii. Police Station, Merrial Street – the submission concludes this is not suitable or available as it remains occupied by Staffordshire Police. Whilst the building is not in use, to our knowledge, there is still some use of the car park and as such this conclusion is accepted
- iii. Complex on corner of High Street and Merrial Street (York Place) – although there are a number of units vacant, the submission concludes that they are much too small to accommodate the proposals and as such the site is not suitable. This conclusion is accepted.
- iv. Jubilee Baths – as the site has planning permission for student accommodation and the development has commenced on site the submission considered that it is not suitable, available or viable for the proposed development. The submission also concludes that it is not a sequentially preferable site as it is out of the Primary Shopping Area. Whilst it is not accepted that this could not be a sequentially preferable site compared to the application site given its closer proximity to the Primary Shopping Area, it is accepted that the site is not available.
- v. St Giles and St George's School, Barracks Road – the submission indicates that given the nature and status of the existing building and that the site has been identified for a new Civic Hub the submission concludes that the site is not suitable, viable or available. This is accepted.
- vi. Nelson Place, Barracks Road – this site contains Exercise for Less and other retail units. On the basis the units remain occupied and provide a large format retail offer different to that proposed. They conclude that the site is not suitable or available and this is accepted.
- vii. Bus Station, Barracks Road – as this remains a functioning bus station the submission concludes that it is neither suitable or available, and this is accepted.
- viii. Land in between Lower Street, Friars Street and High Street – this site includes the Square Shopping Arcade and the multi-storey car park. The buildings are in use and as such it is accepted that the site is not available.
- ix. Blackfriars Site, Lower Street – this is the site is now occupied by an Aldi foodstore and as such it is no longer available.

The remaining site identified in the Retail and Leisure Study if the application site.

In the submitted assessment it is concluded that none of the sites listed above are sequentially preferable. In addition some 13 additional properties currently on the open market, in and around the town centre, have also been considered by the applicant ranging in floor space between from about 50 to 400 square metres in floor space.

No sequentially preferable locations to the application building have been identified by the applicant through assessment therefore

#### *ii) Retail Impact*

The proposal involves a gross internal floor area of around 1850 square metres for consideration. Taking into account approved planning application for 15/00710/COU which permitted around 800 square metres of retail floor space the total amount of retail floor area within the building would

exceed the national retail impact threshold of 2500 square metres. The applicant contends that a retail impact assessment is actually required considering the proposal applied for in isolation. Notwithstanding that issue they have submitted a study to meet any policy concerns which may arise.

Local Authorities are advised to apply the retail impact test in a proportionate and locally appropriate way. The purpose of the test is to ensure that the impact over time (up to five years (ten for major schemes)) of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. If the Local Plan is based on meeting the assessed need for town centre uses in accordance with the sequential approach, issues of adverse impact should not arise.

Where evidence shows that there would be no likely significant impact on a town centre from an edge of centre or out of centre proposal, the local planning authority must then consider all other material considerations in determining the application, as it would for any other development.

The site is accessible through a variety of means of transport, in particular there are a number of bus stops nearby which provide access to several different bus services and routes. The site is also within short walking distance of the primary shopping area and in addition has its own large private car parking area. The site itself currently accommodates a lawful town centre use and benefits from consent for retail use of part of the floor area. It's identification in the 2011 Retail Study as a site suitable for redevelopment for retail and leisure use identifies the site as a potential growth opportunity.

The submission indicates that none of the other sites identified in the Retail and Leisure Study have been redeveloped to incorporate comparison floorspace (the Aldi is a convenience goods store) and as such the application site is well placed to help deliver some comparison floorspace growth in line with the increased capacity identified. In addition the proposed floorspace forms less than one third of the comparison floorspace capacity identified in the Study. The submission concludes that the proposed development will not have an adverse impact on existing, committed or planning investment therefore.

The submission indicates that the application site is in a prominent and accessible edge-of-centre location, with good links to the Primary Shopping Area and has a lawful use which is also an acknowledged town centre use (nightclub). The submission goes on to say buildings current appearance, in a prominent, gateway location, has a significant negative impact on the vitality and viability of the surrounding area due to its absence of active use and poor contribution to the street. The applicant considers that the active re-use of the building can only result in a positive impact on the vitality and viability of the Town Centre. Your Officer is in agreement with that finding.

### *Summary*

It is considered that the proposal passes the sequential and impact tests and is acceptable in principle.

### 2. What is the impact on highway safety?

The most up to date planning advice on highway safety matters is contained within the Framework. The Framework advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The site has its own car parking area which can accommodate around 100 vehicles with access off Hassell Street. The building is also within a short walking distance of several town centre public parking areas and nearby bus stops. The Highway Authority has no objections subject to conditions relating to the clear marking out of the car park for visitors, traders and services. They also want to encourage loading and unloading on the car park rather than the highway. Such matters can be addressed through conditions

Overall it is considered that the proposal will not result in any material highway safety concerns.

### 3. Would the development cause material harm to nearby uses?

There are both commercial and residential uses in the vicinity. The Environmental Health Division has no objections subject to conditions. Subject to appropriately worded conditions the proposal is compatible with existing neighbouring uses and is unlikely to result in nuisance problems or other significant detriment to neighbouring amenity.

#### 4. Overall conclusion

There are no sequentially preferable sites for the development and that the impact on the town centre investment, its vitality and viability is not deemed to be harmful. The principle of reusing this large redundant building (which has previously operated as a nightclub –a main town centre use) is a positive change and one which carries significant weight. The fact that the proposal is a form of economic development which allowing would carry significant benefits in attracting more footfall to the immediate vicinity and also to the town centre through linked visits also carries significant weight. Overall there are no adverse impacts anticipated which would significantly or demonstrably outweigh the benefits of allowing the application.

## APPENDIX

### Policies and proposals in the approved development plan relevant to this decision:-

#### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP2:	Spatial Principles of Economic Development
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16:	Development – General Parking Requirements
Policy T18	Development – Servicing Requirements

### Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)  
Planning Practice Guidance (PPG) (2014)

#### Supplementary Planning Guidance/Documents

Newcastle Town Centre Supplementary Planning Document (adopted 2009)

#### Newcastle-under-Lyme Retail & Leisure Study 2011

#### Relevant Planning History

There have been numerous applications over the years showing the development of this site, but only the most recent one has been implemented.

2015	15/00710/COU	Change of use to antiques dealers centre with ancillary restaurant use	Permitted
2010	05/00902/EXTN	Extension to the time limit to implement planning permission Ref 05/00902/OUT for residential flats, commercial accommodation, gym/fitness suite and on-site parking	Refused
2007	05/00902/OUT	Residential flats, commercial accommodation, gym/fitness suite and on-site parking	Permitted
2004	04/01309/OUT	101 residential flats with 137 on-site parking spaces	Refused.

### Views of Consultees

**Police Architectural Liaison Officer** has no objections and encourages the appropriate level of intruder prevention security is installed.

**Urban Design and Conservation Service** has no observations.

**Highway Authority** has no objections to the proposal subject to condition relating to:-

1. The parking area being clearly marked for visitors, traders and servicing in accordance with details first submitted to and approved in writing to the Planning Authority.
2. All loading/unloading and servicing of the development will take place from the designated area within the car park and not from the highway.

**Environmental Protection** has no objections subject to conditions relating to:-

1. Refurbishment hours restricted to 7am and 6pm Monday to Friday and not at any time on Sundays Bank Holidays or after 1pm on any Saturday.
2. Restriction of permitted waste collections and deliveries to between 7am and 6pm only on any day.
3. Provision of ventilation system and odour control.
4. Restriction of food types that may be cooked.
5. Cessation of cooking in the event of ventilation problem.
6. Prior approval of noise generating plant such as mechanical ventilation, refrigeration or air conditioning.
7. Prevention of food and grease debris from entering the drainage system.
8. Details of refuse storage and collection arrangements.

#### Representations

None received.

#### Applicant's/Agent's submission

Application forms and indicative plans have been submitted along with a Retail Statement covering a sequential assessment and impact. These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/01061/COU>

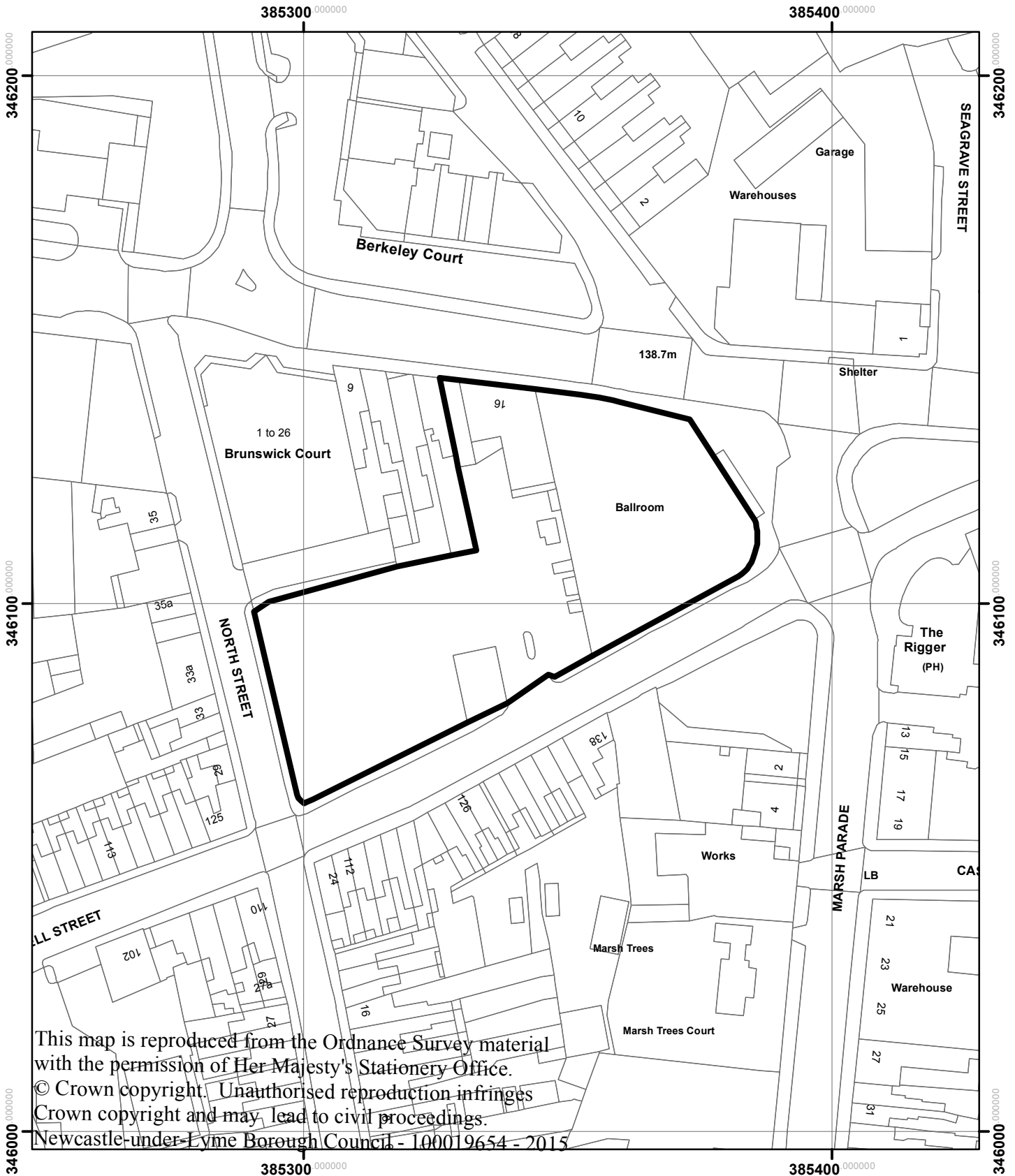
#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

16<sup>th</sup> February 2016





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Newcastle-under-Lyme Borough Council - 100019654 - 2015



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**HAMPTONS METAL MERCHANTS AND LAND ADJOINING KEELE ROAD, NEWCASTLE**  
**MR JM & NW HAMPTON**

**15/01085/OUT**

The application is for outline planning permission for residential development up to a maximum of 138 dwellings. Details of the point of vehicular access onto the site have been submitted for approval. Although the application form indicates that approval is being sought of landscaping details, such landscaping details have not been submitted even for the bund (the details provided are said to be illustrative), and it has been put to the applicant that the application should proceed on the basis that it is for outline planning permission, with all reserved matters with the exception of the means of vehicular access into the site (landscaping, appearance, layout, internal access arrangements and scale) reserved for subsequent approval. An indicative layout plan has been submitted for information, as has illustrative details of the bund along part of the north western boundary of the site (where adjacent to the Walley's Quarry landfill site). The submission of this application follows on the refusal in June 2015 of the same proposal, with that decision and the lodging of an appeal against that decision. The drawings submitted with the applications are the same.

The proposed access utilises the existing access to Hamptons Metal Merchants off the access road serving the adjoining existing residential development, known as Milliner's Green, off Keele Road.

The site measures 4.99 hectares and is located to the south-east of Walley's Quarry landfill site. The site is within the Newcastle Neighbourhood as designated on the Local Development Framework Proposals Map and is within the urban area. Trees within the site are protected by Tree Preservation Orders Nos. 2 and 85.

**The 13-week period for the determination of this application expires on 2<sup>nd</sup> March 2015.**

**RECOMMENDATION**

**(a) REFUSE for the following reason:-**

**Odour arising from the adjoining landfill site is highly likely to adversely affect the living conditions of the occupiers of the proposed development and it is not considered that this can be addressed through appropriate mitigation.**

**(b) That the Committee receive a supplementary report on the application (to be issued prior to the meeting) which, upon consideration of the independent appraisal of the viability of the proposed development undertaken by the District Valuer, provides further recommendations as to viability and whether additional reason/s for refusal are appropriate.**

**(c) That the Committee also resolve that the Council no longer intends to argue, at the appeal against the decision on application 14/00948/OUT, that the development would unduly restrict or constrain the activities permitted or allocated to be carried out at any waste management facility and the implementation of the Waste Strategy, contrary to local and national policy.**

**Reason for Recommendation**

It is considered that odours arising from the adjoining landfill site will have an unacceptable impact on the living conditions of the occupiers of the proposed development as odours could not be addressed through appropriate mitigation measures.

The development is acceptable with regard to noise, contamination and landfill gas issues can be suitably addressed through mitigation measures that could be the subject of conditions of a planning permission.

The development would result in additional pressure on limited primary school places of the schools whose catchment area it is located in, and would place additional demands on off-site public open

space unless the future maintenance and access to the open space on site is guaranteed. Both could be secured by means of planning obligations.

A planning obligation is also required to secure affordable housing within this development in accordance with policy and a Travel Plan monitoring fee. No obligations, in the form of a unilateral undertaking are “on the table” at the time of writing and indeed the applicant has submitted a viability assessment that indicates that the development would not be viable with such contributions. The viability information that has been provided is currently being reviewed by the District Valuer and any response received will be reported.

Overall it is considered that the adverse impacts arising from granting planning permission (i.e. the odours arising from the adjoining landfill site having an unacceptable impact on the occupiers of this development would outweigh the benefits of the provision of housing land; the benefits to the local economy; the relocation of the existing scrap yard within the site; and the social benefits of providing family and affordable houses (even assuming that the full 25% provision is made which may not be the case) and as such there is no presumption in favour of this development.

In the event of the Committee accepting recommendation (a) it would be appropriate for the Council to make it clear, that on the basis of the information submitted with this application it no longer intends to argue, at the appeal, that the development would unduly restrict or constrain the activities permitted or allocated to be carried out at any waste management facility and the implementation of the Waste Strategy, contrary to local and national policy (the second reason for refusal of the previous application).

#### **Proposed Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application**

The Local Planning Authority worked in a positive and proactive manner in dealing with this application and in considering the application, advising of issues of concern and the need to provide additional supporting information, within a reasonable period, however it is considered that the applicant has been unable to overcome the principal concern arising from the proposal.

#### **KEY ISSUES**

As indicated above the application is for outline planning permission for up to 138 dwellings. The details of the vehicular access into the site, which is the existing scrapyards access, are submitted for approval at this stage, but all other matters of detail are to be considered at a later date. An indicative layout plan has, however, been submitted in support of the application. This plan shows a circular internal access with a number of cul-de-sacs off that road. A central green/play area is shown and a landscaped bund is shown on the boundary of the site to the adjoining landfill site. A couple of sections through the landscaped bund are provided as part of the application.

This application is a resubmission following the refusal of the proposed development in 2015 for the reasons relating to the following:

1. Odour arising from the adjoining landfill site is highly likely to adversely affect the living conditions of the occupiers of the proposed development and it is not considered that this can be addressed through appropriate mitigation.
2. In the absence of any odour mitigation measures that would suitably address the concerns expressed at 1, the applicant has failed to demonstrate that the development would not unduly restrict or constrain the activities permitted to be carried out at the adjoining waste management facility and the implementation of the Waste Strategy, contrary to policy.
3. In the absence of a secured planning obligation and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards primary school provision.
4. In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market.

5. In the absence of a secured planning obligation the future maintenance and public access to the required public open space to meet the needs of the development has not been secured.

The development was considered to be acceptable in respect of visual impact; highway safety; contamination and landfill gas; and coal mining legacy issues and as planning circumstances have not materially changed it is not considered necessary that such issues be addressed at this time.

The Landscape Development Section has requested additional arboricultural information in response to the current application. In addition concern has been expressed that the landscaped bund is too steep to be able maintenance by mowing and about its visual impact in the surrounding landscape setting. Such concerns were not expressed in the response to the previous application and were not identified in the decision as issues of concern at this outline stage. As circumstances have not changed since the previous decision it would now be unreasonable to introduce them, particularly as they are matters that could be addressed at reserved matters stage.

The main issues for the Local Planning Authority to address are therefore as follows:-

- Principle of development
- Residential amenity
- Impact of the development on the adjoining landfill site.
- Landscape and trees
- Planning obligations necessary to make the development policy compliant
- An assessment overall of whether or not any adverse impacts of the development significantly and demonstrably outweigh its benefits, when assessed against the policies in the NPPF taken as a whole.

#### Principle of residential development on this site

The application lies within the urban area and as such policies within the adopted Development Plan support the principle of residential development on the brownfield (currently developed) element of the site. The site, however, is partially a greenfield site and as such the proposal does not fully comply with the Development Plan which seek to target residential development towards brownfield land.

When the previous application was determined the Local Planning Authority was unable to demonstrate a five-year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF). It remains the case that a five-year supply cannot be demonstrated and indeed the supply position, as reported to the 13<sup>th</sup> January 2016 Planning Committee, is now worse than it was at the time of the previous application. It is therefore accepted that paragraph 49 of the NPPF applies to this application as follows:

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

The application has therefore to be assessed against the NPPF including paragraph 14 which states:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*...For decision-taking this means (unless material considerations indicate otherwise):*

- *...where...relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.”*

Consideration will be given to whether there are any adverse impacts arising from granting planning permission that would outweigh the benefits of the provision of housing land under the headings below and a conclusion reached at the end of the report regarding the acceptability of the proposed development in principle.

## Residential Amenity

The application is supported by a number of Assessments relating to residential amenity particularly arising from the site's proximity to the adjacent landfill site and it has previously been concluded that issues relating to noise and pests associated with that site are not grounds for refusal. That remains the case. The proposal includes a 5 metre high bund along part of the north western boundary of the application site.

It is known that the landfill site has planning permission until 2042 and that the levels of the fill, as permitted, will exceed the existing land level prior to the final restoration of the site thereby giving rise to amenity issues for a considerable period of time. It is therefore necessary to consider the impact of the landfill site on residential amenity as it is at present and as it will change as ground levels within the landfill site increase as waste is deposited.

The Air Quality Assessment submitted (which was also submitted with the previous application) has concluded that there will be no air quality concerns arising as a consequence of the development. It does acknowledge, however, that when the filling of the adjoining waste site takes place at ground level the impacts are predicted to be potentially significant. It goes on to conclude that the existing tree belt and proposed planted bund indicated on the illustrative layout will partially mitigate the impact of the landfill on the living conditions of the occupants of the development. It highlights that the development does not represent sensitive development any closer than existing development where similar impacts are predicted. In addition there will be ongoing mitigation measures to address odour at the landfill site.

An Odour Survey Report has been submitted in addition to the Air Quality Assessment in support of the current application which provides new information over and above what was received in the previous application in respect of odour recording on four days in 2015.

The application submission indicates that there is a likelihood of periodic odour incidents affecting the application site and that the proposed planted earth bund will only serve to provide a partial form of mitigation. Within the additional Odour Survey Report it indicates that existing properties centred on Galingale View are likely to be at a substantially greater risk of adverse impact than would be future occupants of the application site, but that there is no certainty on the future phasing of tipping activities. It concludes that odours do persist in the areas downwind of the current tipping face, these have not to date been experienced at locations within the application site at levels that would be considered unacceptable or unreasonable given the location of the site. In addition odour conditions at the application site are likely to be considerably better than those currently experienced in the existing residential development to the east.

The applicants' submission as well as the odour modelling undertaken by a consultant employed by the Environmental Health Division (EHD) both forecast that the odour levels will be above the Environment Agency benchmark for unacceptable odour pollution. This indicates that the site is not appropriate for residential development from the perspective of odour due to the operation of the adjacent landfill site. The existence of residential properties (which are the adjoining residential development to the north east of the site referred to in the planning history section below) that will similarly or more affected by the landfill site as those proposed does not justify the introduction of up to a further 138 households that would also be adversely affected. Whilst it is acknowledged that the operators of the landfill site have been addressing, and will continue to address, the odours arising from the development as far as they can, that the EA indicate that it is highly likely that the residents will be affected by odour nuisance should be noted.

It is therefore considered that the applicant has not demonstrated that the residents of the proposed development will have acceptable living conditions and as such the application should be refused

### Impact of the development on the adjoining landfill waste site

Policy 2.5 of the recently adopted Waste Local Plan states that the Waste Planning Authority (the County Council) will not support proposals that would unduly restrict or constrain the activities

permitted or allocated to be carried out at any waste management facility, or restrict the future expansion and environmental improvement of existing operational waste management facilities.

Paragraph 120 of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Paragraph 8 of the National Planning Policy for Waste states that local planning authorities should ensure that the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities.

The proximity of the proposed development, for the reasons outlined above, raises issues of residential amenity and it was previously considered to be the case that unless the Authority is satisfied that the development can be made acceptable through amendment or mitigation, which is not the case, it must be concluded that the proposal will prejudice the implementation of the Waste Strategy contrary to local and national policy. However, in light of the comments received it seems that the levels of odours at the new proposed development site are likely to be similar to, or lower than, the levels of odours at the existing residential properties in the local area. As the levels at the proposed site are comparable to those at existing residential areas, it's not clear that the new development would result in additional constraints to the operation of the landfill site, over and above those which already result from the presence of existing residential properties. As such it cannot be demonstrated that the development will be contrary to such policy as the advice received is that the proposed development could prejudice the operation of the landfill site but does not conclude that it would in these circumstances.

#### Planning obligations to make the development policy-compliant

The development would result in additional pressure on limited primary school places of the school within whose catchment area it is located and in the absence of a financial contribution, that can only be secured by a planning obligation, such adverse impacts would not appear to be appropriately mitigated against. Such an obligation is also required to secure affordable housing.

The applicant has confirmed that it is the intention to provide public open space on the site to meet the needs of the occupiers of the development and as such a contribution to off-site public open space improvements and maintenance, as recommended by the Landscape Development Section, could not be justified. Nonetheless a planning obligation is also within this development and to secure the future maintenance and management of the areas of landscaping and open space within the site.

Additionally a Travel Plan monitoring fee has been sought by the Highway Authority.

It is considered that the contributions that are sought comply with the tests in the CIL Regulations and as such would be lawful.

The applicant has submitted a viability assessment that indicates that the development would not be viable with such contributions. The District Valuer's advice has been sought and it will be necessary to consider the response when received.

Such matters will be addressed in an advance supplementary report.

#### Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Odours arising from the adjoining landfill site have been identified as being likely to have an unacceptable impact on the occupiers of this development. It is acknowledged that the operators of the landfill site are addressing odours, and will continue to do so as part of their permit, this will not eliminate odours at all times over the considerable operational lifetime of the landfill site. This is a matter of considerable weight and outweigh the benefits of the provision of housing land; the benefits to the local economy; the relocation of the existing scrap yard from the site; and the social benefits of providing family and affordable houses (even assuming that the full 25% provision is made) when assessed against the policies in the NPPF taken as a whole. It is therefore concluded that the

adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.



## **APPENDIX**

### **Policies and Proposals in the approved development plan relevant to this decision:-**

#### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS)

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP5: Open Space/Sport/Recreation  
Policy CSP6: Affordable Housing  
Policy CSP10: Planning Obligations

#### Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential development: sustainable location and protection of the countryside  
Policy T16: Development – General Parking Requirements  
Policy C4: Open space in new housing areas.  
Policy N12: Development and the Protection of Trees  
Policy N17: Landscape Character – General Considerations  
Policy IM1: Provision of Essential supporting Infrastructure

#### Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026 (JWLP)

Policy 2.5 – The location of development in the vicinity of waste management facilities.

#### Staffordshire and Stoke-on-Trent Minerals Local Plan 1994-2006 (MLP)

Policy 6 – Mineral Safeguard Areas

### **Other material considerations include:**

#### Staffordshire Minerals Local Plan 2015-2030 (draft for consultation)

Policy 3 – Safeguarding Minerals of Local and National Importance and Important Infrastructure  
National Planning Policy and guidance

National Planning Policy Framework (March 2012)  
Planning Practice Guidance (March 2014)  
National Planning Policy for Waste (October 2014)  
DEFRA Odour Guidance for Local Authorities (2010)

#### Supplementary Planning Documents/Guidance

Developer Contributions SPD  
Affordable Housing SPD  
Space around dwellings SPG  
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

#### North Staffordshire Green Space Strategy (adopted 2009)

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2008/09

### **Relevant Planning History of the adjoining now developed site to the north-east**

99/00341/OUT Outline planning permission granted for residential development – 6 November 2000

02/01107/REM Details of the means of access to the housing development and scrapyards – refused but subsequently allowed on appeal in May 2003

03/00790/REM Details of 280 houses and apartments – appeal lodged against failure of the Local Planning Authority to determine the application within the appropriate period. Council resolution 21 September 2004 that had the appeal not been lodged it would have granted the application subject to various conditions. Appeal allowed 27 July 2005 and costs awarded against the Authority.

### **Relevant Planning History of the application site**

The County Council granted planning permission to relocate the scrap yard on part of the application site to Holditch House, Holditch Road in 2013 (County Council's reference N12/03/2018 W).

The current application is a resubmission of an application for outline planning permission for up to 138 dwellings which was refused in 2015. An appeal has been lodged against the refusal which is to be dealt with by Public Inquiry later this year,

### **Views of Consultees**

The **Environmental Health Division (EHD)** considers that issues of contamination can be addressed through appropriate mitigation that can be secured through conditions. In addition no objections are raised on noise and the impacts from construction grounds subject to conditions that impose controls over the construction activities; approval and implementation of design measures to ensure appropriate noise levels for the occupiers of the dwellings; and approval and implementation of waste collection and storage details.

On the issue of odour the EHD advises that an independent review of the odour information submitted by the applicant along with an odour impact assessment model of odour emissions from the adjoining landfill site has been commissioned. On the basis of the advice received it is apparent that the applicants' odour assessment demonstrates that there will be unacceptable odours on the development site levels which will have a significant adverse impact on amenity. Furthermore by undertaking an odour assessment utilising recognised robust data on odour emissions for typical landfill sites, it would appear that the development site experiences significantly higher concentration of odour than predicted by the applicants' own consultant, particularly when the adjacent landfill site is nearing completion and that odour levels could be between 10 and 20 times those considered acceptable by the Environment Agency. On that basis the EHD objects on odour grounds.

The **Highway Authority** has no objections subject to conditions including prior approval of full details of the access, submission of a Travel Plan and approval of a Construction Management Plan. In addition they advise that a Travel Plan monitoring fee of £6,300 should be secured by S106.

The **Landscape Development Section** indicate that before they can comment additional arboricultural information is required regarding protected trees on the site. In addition the proposed bund is too steep for maintenance by mowing and concerns are expressed about the visual impact on the surrounding area. Concern is also expressed regarding the impact of the mound upon the root protection area of protected trees. Notwithstanding this an appropriate developer contribution is requested for off-site public open space or that appropriate open space and play facilities are provided on site with approved provision for management of such areas. In addition full landscaping proposals are required.

The **County Education Authority** indicates that the development falls within the catchments of Friarswood Primary School/Hassell Community Primary School/St Giles and St George's CofE Academy and NCHS - The Science College. A development of this size could add 29 Primary School aged pupils, 21 High School aged pupils and 4 Sixth Form aged pupils. The Primary Schools are projected to be full for the foreseeable future (the other schools have capacity) as such they request a contribution towards Primary School provision only which amounts to £319,899 (29 x £11,031).

The **Environment Agency** has no objections to the proposed development. They comment that recent works at the adjoining landfill site has reduced odours at the site and has resulted in it being taken off the Site of High Public Interest register. Despite this there will always be a potential for the site

to cause nuisance to nearby developments during its active life. Even with suitable control measures the potential for nuisance will be greatly increased at certain points during the sites lifetime, such as when phases of the site are being filled and during the final restoration when the finished level will rise in view of the proposed development.

The County Council as the **Minerals and Waste Planning Authority** raise no objections to the proposed development subject to the Council being satisfied, having obtained confirmation from its own Environmental Health Officer and the Environment Agency that:

- There would be no unacceptable risks from pollution to any occupant of the proposed development as a result of the proximity to the neighbouring waste management facility; and
- The proposed development would not constrain the continued operation of the neighbouring waste management facility, or the timely restoration of the former quarry.

The **Coal Authority** considers that coal mining legacy potentially poses a risk to the proposed development and that site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues. They recommend a condition requiring approval and implementation of a scheme of investigations and the implementation of any identified mitigation measures.

The **Lead Local Flood Authority** has no objections subject to conditions to secure appropriate design to address surface water run-off.

The **Crime Prevention Design Advisor** has no objection to the construction of housing on the application site. The indicative layout appears to address crime prevention but concern is expressed about the inclusion of parking courts.

The County Council's **Historic Environment Record Officer** indicates that the Historic Environment Record has identified that there is likely to be only limited archaeological potential in this area and therefore no concerns are expressed.

The views of **Waste Management, Housing Strategy, Silverdale Parish Council**, and the **Newcastle South LAP** have been sought but they have not responded by the due date. As such it is assumed that they have no comments on the application.

### **Representations**

Objections have been received from the **Thistleberry Residents Association** (four) one of which is the representation submitted in respect of the previous application. The representations raise the following concerns:-

- The Transport Report incorrectly refers to the A575 and it is unclear how the journey details have been calculated.
- It is unclear whether the workings of the landfill site have been taken into consideration when they reach surface level.
- The use of a swale pond is concerning given issues with such a drainage feature on the adjoining residential development.
- The application should be supported by an Ecological Survey.
- The loss of the greenfield to the development is unacceptable, but residents wish the scrap yard to be removed.
- Comments of consultees suggest the site is less than safe to develop. The application should be refused if the Borough Council can't ensure the site is safe for development.

A letter in support of the application has been received to the development of the brownfield element of the development, but objects to the development on greenfield land to maintain the green barrier between the Borough and the University Science Park. As the application site includes the former Field House farm and buildings there should be provision for an archaeological watching brief.

A further letter has been received from a local resident who is in support of the principle of the development due to the removal of the scrapyard but objects to the current application for the following reasons:

- An Environmental Impact Assessment screening opinion is required due to the size of the site.
- A financial contribution to education should be secured.
- The development could give rise to odour complaints.
- The proposed attenuation pond could create a pathway for the migration of residual contaminants and its provision incompatible with the use of a cover system to deal with the issue of contamination
- Affordable housing should be secured in accordance with policy.
- The submitted Viability Assessment is not adequate and contains errors and does not demonstrate that the development would not be viable if the Council seek to secure appropriate financial contributions and affordable housing.
- The proposed path through to Keele Road would require the removal of a mature hawthorn hedge and it would be better to align this further to the north to provide a cycle link that avoids the narrow path to the west of the existing scrapyard.

### **Applicant/agent's submission**

The application is supported by the following;

- Planning, Design and Access Statement
- Ground Investigation Report
- Noise Impact Assessment
- Odour Survey Report
- Expert Report: Pest and Nuisance potential of proposed residential site.
- Arboricultural Report and Arboricultural Implications Report
- Transport Assessment
- Landscape and Visual Appraisal
- Flood Risk Assessment
- Ecological Scoping Survey
- Statement of Community Engagement
- Viability Assessment

These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/01085/OUT>

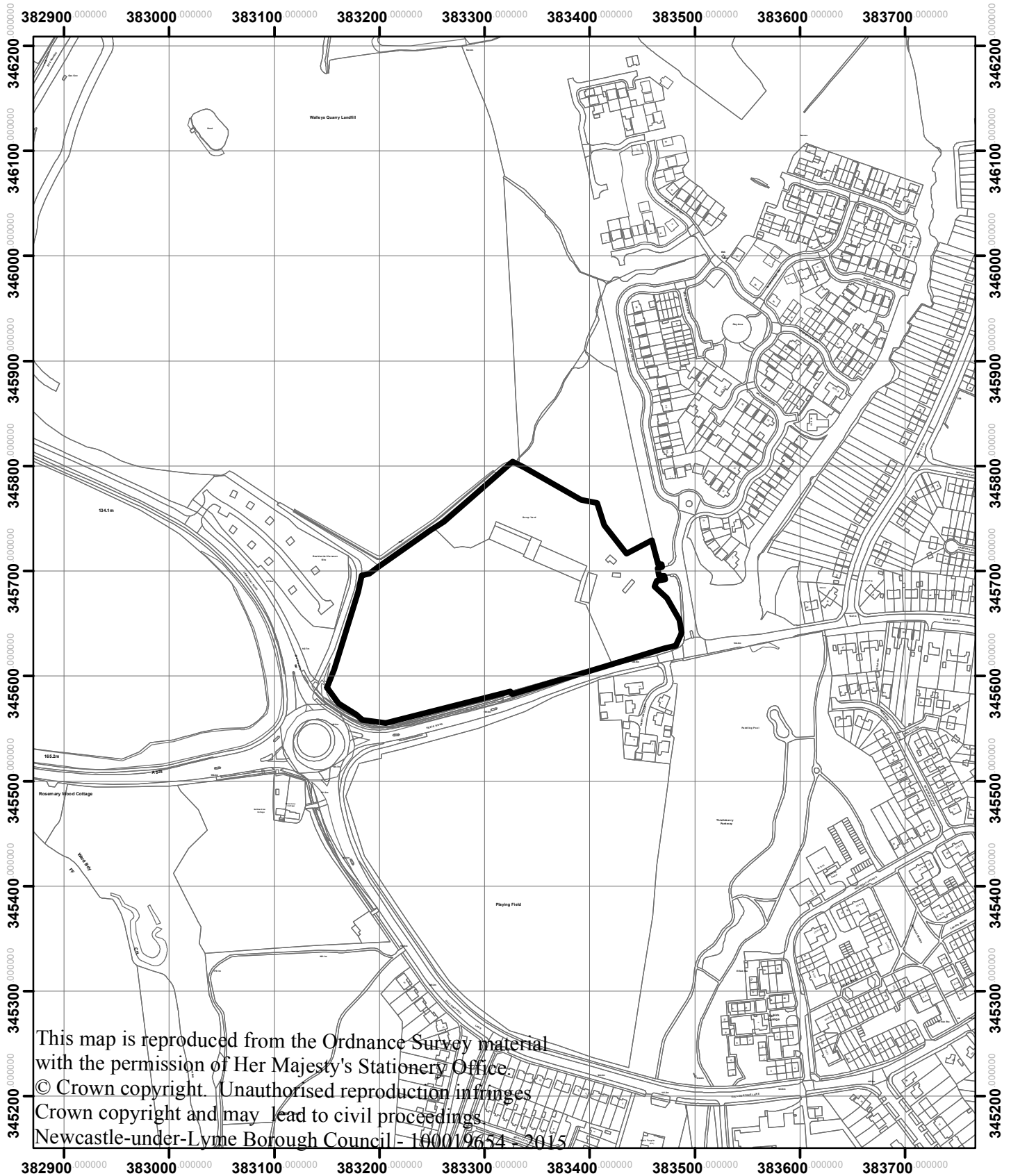
### **Background Papers**

Planning Policy documents referred to  
Planning files referred to

### **Date report prepared**

18<sup>th</sup> February 2016

Hamptons and land adjacent to Hamptons,  
off Keele Road, Thistleberry -  
15/01085/OUT



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**FORMER ST GILES' & ST GEORGE'S PRIMARY SCHOOL, BARRACKS ROAD**  
**STAFFORDSHIRE COUNTY COUNCIL**

**16/00008/FUL**

The Application is for full planning permission for the erection of a four storey building providing 4,914 square metres of floor space. The building is to accommodate the following:

- Office space for Newcastle Borough Council, the Police and Staffordshire County Council (including some of its commissioned services).
- Public reception, waiting area, customer services desks, self-service payment, interview rooms, open access PCs and multi-function rooms (usable for a variety of purposes including Council Chamber).
- Police facilities including private offices and secure interview rooms.
- Library space.
- Registrar space including a ceremony room.
- Other democratic space.

Vehicle and cycle access is proposed from Barracks Road. The proposed 30 space car park would accommodate police response vehicles and parking for disabled visitors and staff. 20 long stay cycle spaces are proposed within the building, with additional visitor spaces at entrances. The primary pedestrian access will be through the Queens Gardens.

The application site includes the Queens Gardens which will continue to function in its own right with some limited amendments, such as the widening of footpaths.

The site lies within the Newcastle Town Centre Conservation Area, the Urban area of Newcastle and the Primary Shopping Area as designated on the Local Development Framework Proposals Map. In addition it is within the Town Centre Historic Core as defined in the Newcastle Town Centre Supplementary Planning Document.

**The 13 week period for this application expires on 25<sup>th</sup> April 2016.**

## **RECOMMENDATION**

**PERMIT** subject to conditions relating to the following:

1. Time limit
2. Approved plans
3. Approval of external facing materials and implementation of approved details.
4. Approval of the full and precise details of the vertical 'breaks' on the Queen's Gardens elevation and implementation of approved details.
5. Approval of full and precise details of the appearance of the windows and implementation of approved details.
6. Approval of details to widen the pavement on Barracks Road through the removal of the layby and implementation of the approved details
7. Approval of the hard and soft landscaping details, to include details of replacement trees, surfacing, seating and other street furniture and implementation of approved details.
8. Approval of details of hostile vehicle mitigation measures, means to restrict access to the parking area and other appropriate security measures and implementation of approved details.
9. Approval of details of any barrier to the car park and implementation of the approved details.
10. Approval and implementation of a Green Travel Plan
11. Contaminated land conditions.
12. Approval of a detailed surface water drainage scheme
13. Limitation on the hours of construction.
14. Construction management plan, including protection of roads from mud and debris, and dust mitigation.
15. Piling
16. Implementation of the recommendations outlined in the submitted Noise Assessment.
17. Waste storage and collection arrangements.
18. Archaeological watching brief

## **Reason for Recommendation**

The site is located within the urban area of Newcastle with the town centre and is a sustainable location for office development. The benefits of the scheme include the economic benefits of retaining office floorspace and staff within the town centre and of bringing in jobs from existing premises in outlying areas. Both will contribute to and enhance the vitality and viability of the town centre. The development will also unlock the redevelopment of the wider Ryecroft site (which includes the Civic Offices and the site of the former Sainsbury's supermarket) which, as recently announced, would involve a significant element of retail floorspace and student accommodation. The economic benefits of that overall development would be significant to the town centre's economic vitality and viability.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 emphasises the need to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The development, although of a significant size and scale, would preserve the character and appearance of the Conservation Area and also the setting of nearby Listed Buildings including the Queen Victoria statue. Although the views of the Highway Authority are still awaited on the amended Transport Statement and they will need to be considered when received, it is not considered that the highway safety consequences arising from any additional on-street parking demands will be severe provided appropriate controls are in place and accordingly, as stated within the National Planning Policy Framework, the development should not be prevented or refused on transport grounds.

Subject to the imposition of suitable conditions it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.



## **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

Officers have worked with the applicant to address all issues and the application is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

### **Key Issues**

Full planning permission is sought for the construction of a four storey public sector hub. The building will primarily provide offices for Newcastle Borough Council (NBC) and Staffordshire County Council (SCC) (including some of its commissioned services). A library and Registration Office for SCC will be included. Also to be included are facilities for Staffordshire Police including offices and secure interview rooms. Additionally, civic accommodation for NBC will be provided. A 30 space car park is to be provided with access from Barracks Road.

The County and Borough Council have property portfolios which are dispersed and do not fully support service priority outcomes. Some of the property such as the Seabridge Centre on Ash Way is some way outside of the town centre and therefore add little to its prosperity. Whilst other offices such as those of the Registrar, the former Orme Centre on Pool Dam and the former Connexions office on Hassell Street lie close to the periphery of the town centre. The co-location of partner organisations provides a continuation of Newcastle as a seat of local government and public service delivery which is important in terms of the town's status as a functional service centre (Newcastle being recognised in the Core Spatial Strategy as one of the two strategic centres in the conurbation) The proposals would enable the public to access public services in one central location rather than the current situation where there are five different access points all in different locations.

The development forms part of wider proposals to regenerate Newcastle Town Centre which has been under increasing economic pressure in recent years and which is likely to further decline unless significant corrective action is taken. A large site has been assembled at Ryecroft which is the site of the former Sainsbury's store and the site presently occupied by the Civic Offices. In order to release the existing Civic Offices site the Borough and County Council have reviewed their estate within the town centre with a view to bringing several functions together in one new building. Several sites were investigated in and around the town centre, and three town centre sites were explored in some detail before the site of the former St Giles' and George's school was identified as the preferred site.

The application site is within the urban area of Newcastle, as indicated on the Local Development Framework Proposals Map.

The proposal will result in the loss of the former St Giles's and St George's School building, the function of which was relocated to new purpose-built premises in 2005 (since which time this building has remained vacant). However as planning permission has already been given for its demolition (under reference 15/01077/FUL) it is not intended to consider this aspect of the proposal further within this report.

The main issues in the consideration of the application are:

- Is the principle of the proposed development on the site acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the Conservation Area and nearby Listed Buildings?
- Is the impact of the development on highway safety and on and off street parking availability acceptable?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Is the principle of the proposed development on the site acceptable?

As indicated above the proposal is for a new public sector hub consisting primarily of front-line public service functions and supporting back-office space. Local and national planning policy seeks to direct office development, a main town centre use, to town centre locations.

Policy ASP4 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan – seeks to provide 60,000 square metres of additional gross office floorspace either within or on the edge of Newcastle town centre in order to accommodate new employment which is in keeping with the role of the town centre, thus reinforcing its role as a strategic centre where there is a relatively strong professional sector. It also seeks to provide 25,000 square metres of additional gross comparison floor space by the year 2021 with a further 10,000 square metres by the year 2026 as well as provide opportunities to maximise the potential for town centre living through high quality mixed use developments.

Policy SP1 of the CSS identifies Newcastle Town Centre as one of two Strategic Centres (the other being the City Centre of Stoke on Trent). It goes on to state that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

The Newcastle Town Centre SPD places the application site within the Town Centre historic core which is described as the heart of the Town Centre and is rich with its heritage. The SPD indicates that any change must be of a positive benefit and create an asset for this core area of the Town Centre. It indicates that the whole of this zone lies within the Primary Shopping Area and thus retail activities must continue to predominate.

The site is located within Newcastle Town Centre and given the proposed use the relevant policies referred to above are supportive of the principle of this development. The proposed development would enable the existing Civic Offices to be demolished and as such will enable the redevelopment of the site known as Ryecroft which is planned to include retail floor space and student accommodation (a preferred developer has been identified and preliminary pre-application discussions have taken place in this regard).

It cannot be stated that the proposal will result in the provision of additional office floor space in the town centre. Indeed the expectation is that the Civic Hub will enable the partners to reduce their combined accommodation by 68% of current floorspace (albeit that a significant amount of it lies outside the town centre), and it is intended that the existing NBC Civic Offices will be demolished and it is not anticipated that the redevelopment of that site will include offices. The expectation is that the other facilities considered within the business case for the hub will in some cases almost certainly be redeveloped for other non-office purposes. However regardless of their location and the floorspace calculations the key point is that in terms of where staff are based and their numbers there is a centralisation of staff into the town centre. The concentration of staff and visitors within the town centre will increase footfall and therefore improve the conditions within which greater commercial activity can thrive. The development of the Ryecroft site, furthermore, would help to deliver CSS Strategic Aim 7, to help Newcastle Town Centre to continue to thrive as a strategic centre, and Strategic Aim 18, to promote mixed use development where it can support town centres. In addition the provision of retail floorspace within the Ryecroft site should improve customer choice and the diversity of the retail offer within the Town Centre which will accord with the National Planning Policy Framework (NPPF) at paragraph 23 that promotes competitive town centre environments.

Indeed, given the overriding need for the partners in the hub project to generate long term financial efficiencies from their respective property estate, were proposals for a Civic Hub not able to be progressed in all likelihood there would be a general drift of a significant amount of the office functions away from the town centre into cheaper premises with all the associated footfall and expenditure implications for the town centre.

The development overall would provide economic benefits through the retention and relocation of office staff within the town centre. In addition it is anticipated that the retail development on the Ryecroft would generate £29.1 million per year in turnover, with an additional £530,000 per year in town centre expenditure from the student accommodation. Additional economic benefits arise from the Ryecroft scheme from the 351 full time equivalent jobs that would be created, and the additional 204 construction jobs over a two year period. Whilst the proposals that are the subject of this application have to be considered on their own merits the latter potential economic benefits referred to are a significant material consideration.

On the basis of all of the above, it is considered that the principle of the development in this location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

Is the proposal acceptable in terms of its impact on the form and character of the Conservation Area both in relation to the loss of the existing building, and the proposed development itself?

***Policy context in the assessment of the development's impact on the Conservation Area and setting of listed structures/buildings***

Policy CSP1 of the Core Spatial Strategy (CSS) indicates that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape, and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. Amongst other things new development should be based on an understanding and respect for Newcastle and Stoke-on-Trent's built, natural and social heritage and contribute positively to an area's identity and heritage.

Policy CSP2 of the CSS indicates that the Councils will seek to preserve and enhance the character and appearance of the historic heritage of the City and the Borough including buildings, monuments, sites and areas of special archaeological, architectural and historic interest.

Saved policy B5 of the Newcastle Local Plan (NLP) indicates that the Council will resist development proposals that would adversely affect the setting of a Listed Building. Saved NLP policy B10 indicates that planning permission will be granted only if the development will preserve or enhance the character or appearance of a Conservation Area.

Saved NLP policy B15 indicates that trees and landscape features which contribute to character and appearance and are part of the setting of a Conservation Area will be retained.

The National Planning Policy Framework (NPPF) at paragraph 131 states that in determining planning applications, the local planning authority should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

At paragraph 132 the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a Conservation Area or Listed Building), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. 'Significance' can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

In paragraph 133 it is indicated that where a proposed development would lead to 'substantial harm' or total loss of significance of a designated heritage, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:-

- The nature of the heritage asset prevents all reasonable uses of the site
- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

Paragraph 134 of the NPPF states that where a development proposal will 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.

The LPA has to have regard to the provisions of the development plan (as far as material to the application), local finance considerations (as far as material to the application) and any other material considerations (Section 70). Where regard is to be had to the provisions of the development plan, the determination should be made in accordance with the provisions of the development plan *unless* material considerations indicate otherwise (Section 54a). The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications. Paragraph 215 of the NPPF states that due weight should now be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them).

With respect to the development plan policies referred to above the development proposals are considered to be broadly consistent with the Framework.

***Other material consideration in the assessment of the development's impact on the Conservation Area and setting of listed structures/buildings***

The Newcastle Town Centre Conservation Area Character Appraisal identifies seven Character Areas. The site falls within Character Area 4, 19<sup>th</sup> century expansion – Barracks Road and Well Street, and is directly adjacent to the Queen's Gardens which fall within Character Area 1, Town Centre – Ironmarket and High Street. Both Character Areas are assessed as being positive character areas. The School which is currently located within the site is listed as a key negative feature as it is vacant and its setting needs improving. It goes on to set out the most important issues based on the key negatives identified, one of which is that the future of the former School should be ensured. It highlights that the medieval burgage plots are still apparent on Ironmarket.

The Newcastle Town Centre Supplementary Planning Document (TCSPD) indicates that any development opportunities in the Historic Core would be likely to be infilling and intensification, with special attention to conservation. Any change must be of a positive benefit and create an asset for this core area of the Town Centre.

The TCSPD goes on to identify elements of good design in the town centre. It indicates the development should be designed to respect and where possible enhance its surroundings and contribute positively to the character of the Town Centre helping to improve its image and identity, having particular regard to the prevailing layout, urban grain, landscape, density and mix of uses, scale and height, massing, appearance and materials. New development should follow one of 3 design approaches; reflecting the best of the historical; contrasting with the traditional; or interpreting the traditional in terms of a contemporary design. Whichever approach is selected the key factor is the creation of well-mannered buildings that enhance their setting and that are well resolved in terms of their own architecture.

The TCSPD advises that innovation, and creativity may generate new buildings that look very different to those that have been developed within the Town Centre over its history but can still be supported, particularly where the design is driven by improved environmental performance and where such development will act as an exemplar of good architecture and design. But it is essential that the development respects its setting. Development must incorporate materials that are relevant and/or complementary to the surrounding area, are durable and appropriate for their purpose. Traditionally based brick, render and stone are recommended, with the addition of terracotta, tile and glazing used sensitively and in context.

The TCSPD indicates that it is important to create or maintain active frontages and that doors, and even windows, add to the interest of the streetscape. The TCSPD further advises that the historic core is sensitive and runs the risk of being undermined by buildings that are too high or too low. On the inner ring road, which includes Barracks Road, it is important to prevent the creation of a "canyon" effect by developing at maximum heights on both sides over any significant length.

The Urban Design Supplementary Planning Document (UDSPD) has a section that addresses Newcastle town centre. It identifies that the town centre has a distinctive pattern of relatively narrow plots throughout the historic streets. Buildings generally date from the Georgian period and more recent development, which follow a characteristic pattern of simple, regular and formal facades and

vertically proportioned openings. It refers to Queen's Gardens as a successful public space, which acts as a gateway space allowing views into the historic streets from the ring road approach.

The UDSPD sets out design guidance for the town centre which includes the need to diversify town centre activity by creating a network of streets and blocks of development similar in scale to the existing town centre and integrate the scale of car parking into the settlement form. The scale of development should be generally in the range of 3-4 storeys, to create an urban scale, with up to six storeys to address the ring road in landmark or gateway locations. It identifies the need to retain and enhance its distinctive character by using contemporary design to respond to the ordering principles of the historic townscape (e.g. of rhythm, symmetry, etc.,) rather than copying historic buildings.

In considering the historic environment more generally policy HE3 of the UDSPD indicates that new development in or adjoining Conservation Areas should demonstrate how it will contribute to the character or appearance with reference to the Conservation Area Appraisal and Management Plan for each area.

Policy PR7 of the UDSPD states that new development must contribute to the quality and success of streets, public space and green space.

### ***Assessment of the development's impact on the Conservation Area and on the setting of listed structures/buildings***

As indicated above the application site lies within Newcastle Conservation Area. It is directly adjacent to Queen's Gardens which is an important public open green space for the town centre created in the 1920's. The Grade II Listed statue of Queen Victoria is sited within Queen's Garden and faces Ironmarket. Facing Queen's Gardens is No 31 Ironmarket, a Grade II Listed Building.

To the east of the site are the former Post Office, now Wetherspoons, and Ironmarket beyond which contains relatively tall buildings (typically three storeys) on relatively narrow plots. To south of the site, off Barracks Road, is the service yard to shops within Castle Walks.

West of the site is Barracks Road and the site of the former Jubilee baths which has been demolished and is to be redeveloped as a six storey (20-22m high) block of student accommodation. Cophall House, a 4/5 storey building faces the Nelson Place roundabout looking towards the site, as does the Georgian Listed terrace between King Street and Brampton Road. Directly opposite the site is the Exercise for Less building which is a lower two storey building.

The site therefore lies within the historic core of the Conservation Area but given its proximity to Barracks Road any building constructed will also have a relationship with the buildings adjoining the town centre beyond the ring road.

Consideration has been given, within the submitted Design and Access Statement, to the concerns expressed by Urban Vision to the scale and massing. Two options were assessed involving a three storey wing facing Queen's Gardens and either five storeys or three storeys with a tower arrangement on the corner on the Barracks Road wing. Both were discounted by the applicant due to concerns that it would result in a 'canyon' effect adjacent to the development on the former Jubilee Baths site.

The proposed scheme as submitted involves an 'L' shaped building that has a scale and massing that seeks to address the transition between the scale of the historic core of Ironmarket, Wetherspoons and the larger scale development beyond. Whilst four storeys (16.5m in height) over its total footprint the upper floor of the building is set back for the majority of its length where it fronts Queen's Gardens and will be fully glazed with clear and obscured 'look-a-like panels'. As such it will appear (when viewed from ground level from within the Queen's Gardens) as a substantially three storey building which when viewed from Ironmarket will be at a height which is comparable to many buildings on Ironmarket, although it will be taller than Wetherspoons. The glazed projecting 'pod' over the main entrance on the Queen's Gardens at first and second floor level will reduce the perception of the scale of this full four storey element whilst drawing attention to this section as the primary point of pedestrian access.

The Queen's Gardens elevation is shown to have vertical breaks which, if the projection is sufficient, will create shadows on the building to break up the elevation along the lines of the burgage plots on Ironmarket which together with the vertically proportioned windows would create greater vertical emphasis, provided a significant reveal or recess is secured by condition. It is considered that this respects the urban grain character of this part of the Conservation Area whilst acknowledging the integrity of the substantive building design.

A two storey glazed feature is proposed on the Barracks Road frontage which enables views into the building (particularly important to enable views of the public activity in this part of the building) and improves views into Queens Gardens through the removal of the boundary fence. This projects forward of the four storey building on the eastern side of the building and will also reduce the perception of scale of the proposed building when viewed from the ring road.

The approach that has been taken is a building which contrasts with the traditional and which provides active frontages to both these key elevations.

Currently the existing former school on the site doesn't address Barracks Road to the east and the site, as existing, has a boundary treatment directly abutting the narrow footpath approach to Queen's Gardens comprising a close boarded fence and sporadic trees. The proposed building will address Barracks Road as it has a wing along this boundary which is angled so that it moves further from the highway as it gets closer to Queen's Gardens. Notwithstanding that there will remain a pinch point at the point where the buildings is closest to the highway, the development will create a much improved pedestrian route along Barracks Road than currently exists for the majority of its length. In addition the applicant is seeking to address the pinch point and widen the pavement by extending the pavement into an existing layby which is understood to be no longer required for highway purposes. The widening of the pavement at this point will much improve the setting of the building and will also improve accessibility to the site from the bus station; a route that it is anticipated will be used more than at present.

The materials that have been selected are buff sandstone which is in contrast to the predominant materials of Ironmarket but has been chosen by the applicant to provide a sense of civic dignity and importance of this public service building. The remaining elevations will be clad in a more neutral masonry effect cladding.

The scheme presented to Urban Vision involved a contrasting cladding at ground floor of the Queen's Gardens elevation of the proposed building. The contrasting cladding has now been removed to simplify the material palette on this elevation and as such responds to that concern expressed by Urban Vision. The proposed material types are considered to be appropriate in this location, however it is important that the materials are approved through condition to ensure that they are of sufficiently high quality and will be durable for the life of the building. In addition it is considered, as has been suggested by the Conservation Officer and the Conservation Advisory Working Party, that sandstone with a redder hue would be more appropriate than the proposed buff. This can be secured through a planning condition.

Queen's Gardens lie within the application site however the siting of the proposed building will not extend into the Gardens although it will be closer than the existing former school building as its front elevation will be on the boundary line rather than the current building line which is 5m further back. This necessitates the removal of a line of Lime trees. The loss of the trees is considered acceptable in principle; however it is important that they are replaced in a suitable position.

The proximity and height of the building and its south eastern position relative to the Gardens will result in considerably more shade within them for much of the day particularly during the winter months.

The submission doesn't provide a detailed landscape scheme and as such the position of the replacement trees and the details as to how the public realm around the building will be treated to ensure that it is not harmful to Gardens is not fully resolved. This could be addressed through the imposition of a condition, however.

The impact of the proposed development will be confined to its immediate vicinity with the vast majority of the Conservation Area unaffected. There is no doubt, however, that there will be significant change in Queen's Gardens and the lower end of Ironmarket as a result of the replacement of the relatively visually discreet school building with a building of a much greater scale and overshadowing effect. Notwithstanding this, and contrary to the opinions expressed, it is considered that the development will, as indicated in the comments of the Conservation Officer, create a dynamic and lively piece of townscape that presents itself to the Queen's Gardens and will increase activity within it. Queen's Gardens, subject to careful handling of the hard and soft landscaping scheme, will continue to be an important, vibrant public space which is a significant asset to the town centre but needs to respond to the challenge of the new building's setting. It should be possible to retain its Victorian character and symmetry.

Taking all of the above into consideration your Officer agrees with the assessment set out in the submitted Heritage Statement that there will be no erosion of the heritage significance of the Conservation Area, and as such the impact is neutral and not harmful.

Similarly the proposed development will bring about change within the setting of the Grade II Listed statue of Queen Victoria, however Queen's Gardens itself will not fundamentally change in form and the introduction of a large building as a backdrop to the statue will not erode its significance and will not therefore be harmful.

Whilst 31 Ironmarket can be seen from the proposed building and vice versa, it is not considered that the proposed building lies within the setting of this listed building. As such the development will not harm its setting. Even if it is considered to be within the setting it is considered the setting will be preserved.

Overall it is considered that this is a development that complies with policy and guidance set out in the relevant Supplementary Planning Documents and as it is considered that there is no harm to heritage assets arising from this development and as such it is not necessary to undertake the planning balance as set out in the NPPF in paragraphs 132-134.

Is the impact of the development on highway safety and on and off street parking availability acceptable?

The access to the site would be via Barracks Road using the existing access to the School. The access arrangements are left in/left out. The supporting Transport Statement indicates that the development will generate 46 two way vehicle trips in the AM and PM peaks calculated on the basis of the parking provision at the proposed development. In this location it is considered that the number of trips is relatively small and the level of use of the access would not result in highway safety concerns.

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Policy T17 of the Local Plan, however, indicates that development in Newcastle town centre within the ring road will not be permitted to provide new private parking, but will be required, where appropriate, to contribute to appropriate improvements to travel to the development. Such improvements are listed in the policy and include the upgrading or expanding of existing public parking, traffic management on approaches to the town centre, facilities for public transport, walking and cycling, and mitigating the impact of any (associated) on street parking by appropriate parking controls including resident parking schemes.

The NPPF, at paragraph 32, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

Based on the maximum parking standards in the Local Plan relating to office and library floor space (1

space per 30m<sup>2</sup>), the development should not be permitted to provide more than 164 spaces; although only 30 spaces are proposed. It is considered, however, that this is a private car park and as such the provision of a car park of any size is contrary to policy T17 as referred to above.

Notwithstanding policy T17 it is considered that there is clear justification for the provision of 13 police rapid response vehicles on site. The provision of disabled parking spaces for visitors (8 in number) and staff (2) is also considered to be appropriate. The remaining non-disabled spaces are primarily for visitors with just 2 additional spaces for staff. Therefore whilst not strictly in accordance with policy T17 it is not considered that an objection on this basis would be sustainable.

Whilst the level of parking is considered to be acceptable by your Officer, it is noted that the Highway Authority require further information on how the service yard will operate. The applicant has been advised of this and any further information received will be reported.

The site is in a highly sustainable location where there is a choice of modes of transport to the building and as such not all staff or visitors will be travelling by car. Those that choose to travel by car can park in any of a number of public car parks in and around the town centre, and for visitors there are also on street short stay parking spaces in the vicinity. It would be appropriate to impose a condition securing an up to date Green Travel Plan.

Many of the existing staff within the current Civic Offices building park in existing public car parks in and around the town centre. A number of staff (113), however, park on the Civic Offices' car park. In addition staff that currently work outside the town centre will be working within the Civic Hub. A factor to be taken into account is that, at least for NBC and SCC employees, there will be 6 workstations for every 10 members of staff. So whilst the total number of staff employed by the main partner organisations, with this building as their primary office base, the introduction of agile working practices will mean that there is unlikely to be any significant increase in demand for parking. As already reported, the proposed development does not seek to accommodate vehicles that would be displaced from the current Civic Offices car park. There will, therefore, be a number of staff working within the new Civic Hub building who will start to park in public car parks that haven't previously done so. Whether this, when the ratio of workstations to staff is taken into account equates to an increased use of parking facilities is difficult at this point to predict.

The Highway Authority have advised that the car park survey data provided in the initial submission is not clear and appears to be based on an average occupancy rather than availability at peak times. Since then further information has been received, in the form of an amended Transport Statement with additional survey information that suggests that there is sufficient capacity within certain existing car parks to accommodate any additional parking associated with this development with further capacity remaining. The level of parking that would be available to 'shoppers' should therefore remain at an acceptable level. As such it could not be concluded that the development would discourage visits to the town centre. The further views of the Highway Authority on this aspect of the development are however still awaited. Consideration is being given to the suggestion of the Highway Authority that contributions of £50,000 towards traffic management; this is for surveying of the surrounding streets before and after development and if necessary the implementation of traffic management schemes such as resident parking. It is anticipated that a supplementary report will be provided on this matter.

The submission does not specify the number of cycle parking spaces for visitors to the building and indicates that 20 spaces will be provided within the building. In addition the plans identify cycle storage for 100 cycles at the west side of the building. The Highway Authority has questioned whether the space allocated for the 100 cycle spaces is sufficient to accommodate that number and whether the level that can be provided is sufficient. It is considered that the level and location of cycle parking spaces for staff and visitors can be dealt with by condition, however if any further information is provided it will be reported.

In consideration of the above there is no basis upon which to conclude that the development will create or result in any highway issues as a result of on-street parking and overall it is considered that the development is acceptable in this regard.



Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

In conclusion, subject to the imposition of suitable conditions and obligations, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

## APPENDIX

### **Policies and proposals in the approved development plan relevant to this decision:-**

#### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles of Economic Development  
Policy SP3: Spatial principles of Movement and Access  
Policy ASP4: Newcastle Town Centre Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment  
Policy CSP3: Sustainability and Climate Change Policy  
Policy CSP4: Natural Assets  
Policy CSP10: Planning Obligations

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements  
Policy T17: Parking in Town and District Centres  
Policy B3: Other Archaeological Sites  
Policy B5: Control of Development Affecting the Setting of a Listed Building  
Policy B9: Prevention of Harm to Conservation Areas  
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area  
Policy B13: Design and Development in Conservation Areas  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas  
Policy B15: Trees and Landscaping in Conservation Areas

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)  
Planning Practice Guidance (PPG) (2014)

#### Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)  
Newcastle Town Centre SPD (2009)  
Newcastle Town Centre Conservation Area Appraisal and Management Plan

#### Newcastle Extensive Urban Survey

#### Waste Management and Recycling Planning Practice Guidance Note (January 2011)

#### Relevant Planning History

15/01077/FUL. Demolition of former St Giles' and St George's School to facilitate the redevelopment of the site.- approved

#### Views of Consultees

The **Highway Authority (HA)** have no objection in principle to office in this location but require further information to enable them to provide a more informed response in support of the application.

The Travel Plan that has been submitted is only a draft of an out of date travel, a new updated draft travel plan is expected with relevant pieces of information that is applicable to this development.

There needs to be a robust car parking strategy based on surveyed data of the proposed staff car parks at peak times. The survey data that has been submitted is not clear and appears to be based on an average occupancy rather than availability at peak times, this is questioned as some of the

times used were outside of the times when demand is likely to be at its highest. This data can be collected during the planning application process but it must not be done during the school holidays. They reserve the right to amend their advice once this data has been collected. That said a quick look at surrounding car parks one Friday between 11am and 12 showed there to be spaces available. But the strategy should highlight where the staff car parking will be offered e.g. top floors of Midway rather than the car park as a whole.

The cycle parking is questioned as the plan appears to be labelled incorrectly and shows 100 spaces in a very small area. The Transport Statement states there will be 20 long stay spaces in the building, how will these be accessed and will there be any showering and changing facilities available? Ideally there should be 10% parking for the number of people in the offices. There also would be a need to consider visitor cycle parking; type and location to be agreed.

Information on how the barrier will work due to its location to the A34 is required as is further information on the service yard and how it will operate.

One other important issue is the securing of monies for traffic management around the site. Similar developments in the Town Centre with little or no car parking have been subject to S106 contributions of £50,000 towards traffic management; this is for surveying of the surrounding streets before and after development and if necessary the implementation of traffic management schemes such as resident parking. The County Council would need finance secured towards traffic management in line with other permissions.

The **Environmental Health Division** recommends the inclusion of conditions relating to the following:

- Contaminated land.
- Construction hours.
- Construction management plan, including protection of roads from mud and debris, and dust mitigation.
- Piling
- Implementation of the recommendations outlined in the submitted Noise Assessment.
- Waste storage and collection arrangements.

The **Environment Agency** has no comments.

The **Crime Prevention Design Advisor** wishes to register significant concerns with elements of the proposal and recommend that the development is not approved until identified issues have been adequately considered and measures incorporated to mitigate against perceived vulnerabilities within the current proposals. The concerns are expressed about the ability of vehicles to penetrate the building by accessing the building through Queen's Gardens. In addition access should be restricted to the rear to prevent unauthorised use of the car park. Other concerns raised relate to internal management/layout issues.

The **Landscape Development Section** has no objections in principle to the proposed development subject to the following:

- A comprehensive landscaping scheme is required.
- Replacement of the 'B' grade trees to be lost is required. An avenue of lime trees indicated in the design statement is supported provided they are not located within the bedding/grass areas.
- Cycling through Queens Gardens is not considered acceptable.
- The use of curved stone/timber seating is not acceptable.
- The bandstand should be retained and incorporated into the landscaping scheme, which needs to enhance the current character of the Gardens. Its proposed relocation adjacent to Barracks Road would not be considered as acceptable.

The Council's **Conservation Officer** advises that consideration has been given to the impact of the development on the Listed statue and the setting of the Conservation Area. Just because the Listed 31 Ironmarket can be seen in a distant view from the application site, does not mean that the site is part of that building's setting. The relationship is too distant and the development will not be harmful to the setting of that Listed Building.

Under Section 66 of the Planning Listed Buildings and Conservation Areas Act 1990, considerable weight should be given to preserving the setting of a Listed Building. Section 72 of the same Act applies so such weight should also be given to preserving the special character of the character of a Conservation Area.

The Conservation Area is established as a locally designated heritage asset and is considered to retain its special character and appearance, as set out in the appraisal and management plan (2008). The overall significance of the town centre is as a medieval town. The Civic Hub is proposed to sit at the back of Queen's Gardens, an important area of open space, on the site of the former school.

The Grade II Listed statue of Queen Victoria, now sits within the Gardens but has had 2 previous locations. Its public location is relevant and its relationship with the Gardens is a strong one and has great local significance (its history is set out in the Heritage Statement supporting the application). It is the Conservation Officer's opinion that the overall relationship of the monument and the Gardens will not be changed as a result of the development – it is not proposed to be moved or reoriented and the Gardens themselves are not proposed to be changed significantly (other than widening some of the paths). The hub will create an alternative backdrop but one must consider that the statue itself has had 3 different settings since it was erected in the early 20<sup>th</sup> century. Its current location is entirely appropriate but all locations have retained the listed status of the statue and therefore even though the setting changes as a result of the hub, it is not considered that there will be any harm to the statue caused.

This part of the Conservation Area will be altered and particularly views across the area which will change as one enters and leaves Ironmarket. Views will be more limited due to the height of the new proposal. It is not considered, however, that this will in itself be harmful to the character of the Conservation Area overall.

A new building on this site should create a dynamic and lively piece of townscape that should present itself to Queen's Gardens. The design of the new building is contemporary and this is entirely appropriate and the right approach. Pastiche would be the wrong approach as would keeping the façade of the old school. The new building could, if the quality is right, create an exciting space with active frontages out onto the Gardens and support this already popular public open space, creating a new relationship with the Gardens. The building is large but some attempt has been made to reduce the impact as it adjoins the buildings on Ironmarket. The modern glazing element intends to provide a transparent contemporary active building on the edge of the ring road and it is considered that again if executed well a new building would be created within the Conservation Area that would be a positive change.

In terms of materials, it has been suggested that Hollington stone in a buff colour may be used and this is proposed for the new building. The Conservation Officer's preference is not for buff and she has some concern over the impact of this given the scale of the building within a predominantly red brick town. The preference is for a Hollington mottled blend which has a redder hue and would provide more interest and adhere to the vernacular character of the town, in colour at least. The whole approach of this must be to strive for quality and not cut corners once the scheme marches forwards, materials must be high quality and well executed.

If it is considered that there is less than substantial harm (harm) to the listed buildings or their setting or to the setting of the Conservation Area, considerable weight and importance must be given to the desirability of preserving the character of such listed buildings, its setting or the setting of the Conservation Area in balancing the harm against other material considerations. This is in accordance with the legal implications of Sections 66 (1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The **Conservation Advisory Working Party (CAWP)** was divided on their views over the design. It was felt by some it was a missed opportunity for a better standard of design which would enhance the area. The detailing was poor and they wanted assurance that the quality would be a high priority by retention of the architects during the process. There was concern over whether the Queen's Gardens would be changed. All had concerns over the plant equipment being visible on the roof with no details of the size of parapet and a missed opportunity to provide a more interesting roof (garden?). The

Group want the bandstand to be retained. There was discussion over the tunnelling effect the building will create with the new student block opposite. Some members wanted the principal material to be brick, others favoured a redder Hollington stone, not buff as the design looked like there was a likelihood of poor weathering and staining of the building. The character of Queen's Gardens would change and loss of light and intimacy was unsympathetic to this part of the Conservation area. Some members fully supported the scheme as an exciting vibrant design which would be positive contribution to the town and to the Conservation Area.

The applicant has sought the views of the **Urban Vision Design Review Panel** on two occasions. They consider that the scheme is out of character of the Conservation Area. They remain concerned about the scale, massing and configuration of the building, and the proposed materials, as well as how the building sits within the landscape and the open spaces which it creates. The issues they raise are summarised as follows:

- Problems with pedestrian movement that exist around the site are not satisfactorily resolved in the scheme. These include the need to make the public realm more generous at the pinch point on Barracks Road and the lack of a surface pedestrian crossing over Barracks Road.
- Scale and massing of the building does not sit comfortably with the surrounding buildings. The effort to avoid a tall building on a constrained site has resulted in a bulky undistinguished building with a heavy massing that overpowers its surroundings. An alternative solution would be to introduce more variety in height with a maximum of 3 storeys over much of the footprint with a higher, elegantly proportioned tower or slab section nearer to the ring road.
- The palette of materials needs to be simplified. The glazed wing further complicates the design and may date rapidly.
- The proposed landscape master plan does not satisfactorily integrate the site with the formal layout of the Queen's Gardens.
- The sustainability of the building has not been addressed. The aim of achieving BREEAM Very Good standard is not sufficiently exemplary and would not lead other developers to aspire to high standards of sustainability and environmental performance. The Panel would like to see a commitment from the Council to sustainable modes of transport to the site through a green travel plan.
- There is a potential issue of conflicting uses with sensitive uses and general public use in the same building. In addition there could be situations where inter-visibility is not desirable such as where the Council Chamber and registrar's functions are on open view to the public from outside the building.

The Panel considered that the building to be occupied by April 2017 was too optimistic as this wasn't a sufficient time period to detail, construct, fit out, commission and occupy the development and in the circumstances more time should be allowed at the design and planning stage.

**Historic England** recommend refusal. They advise that they are extremely disappointed that the application for the demolition of the St Giles' and St George's Primary School has already been approved despite their recommendation. They acknowledge that considerable thought has been given to the design of the building, with care being taken to add interest and articulation to the elevations. However after some deliberation they are unconvinced that the proposal is appropriate in this particular location.

The scale of the proposed building is more characteristic of those properties on the opposite side of Barracks Road, rather than the more modest properties within the Conservation Area. Furthermore the proposed height, massing, materials and design combine to create a building which dominates this part of the Conservation Area, creating an uncomfortable juxtaposition with the adjacent Queen's Gardens. On this basis the scheme does not preserve or enhance the character or appearance of the Conservation Area.

It is acknowledged in the Conservation Area character appraisal and management proposals for the area for the area, and the supporting Heritage Statement accompanying the previous application, that the former school contributes positively to the special character of the conservation area. It is therefore reasonable that any replacement scheme similarly achieves such high standards.

Whilst aware that consent has been granted for the demolition of the school, the incorporation of the existing building into the proposal is still encouraged.

The **Waste Management Section** has no comments.

The **Lead Local Flood Risk Authority** advises that the submission demonstrates that an acceptable drainage design could be achieved within the proposed development. A condition requiring the submission and approval of a detailed surface water drainage scheme is recommended.

The **County Archaeologist** advises that pre-determination archaeological works would not be warranted in this instance and that the scheme can be satisfactorily mitigated through an archaeological watching brief during groundworks.

The views of the **Newcastle South Locality Action Partnership** and the **Victorian Society** have been consulted but as they have not responded by the due date it is assumed they have no comments.

### Representations

83 representations have been received, 2 from the **Thistleberry Residents Association** and 2 from the **Civic Society**, objecting to the application on the following grounds:

- Loss of another old building, on the local register, which is damaging to the heritage of the Town Centre and harmful to its character resulting in further loss of its identity.
- The existing building could be put to a use that would be beneficial to the town centre, such as providing units for self-employed craft people.
- It has not been demonstrated that alternative uses of the building cannot be found. There are many examples locally of historic buildings which have either been converted to new uses or part of their historic fabric incorporated into a new building.
- Investment will not be attracted into Newcastle if it becomes bland and soulless due to the loss of its heritage.
- The proposed building will be an eyesore and not in keeping with the character of the area. It is more aligned in height and architecture to development outside of the Town Centre.
- The use of cladding will result in another building that will look shabby in future. The building should be constructed of local brick.
- The proposed flat roof is inappropriate; all others in the vicinity are pitched.
- There are no details of the materials and as such this cannot be considered a full application.
- The height of the building will cast a shadow over the Queen's Gardens and create a canyon effect in Barracks Road.
- Urban Vision were involved too late in the process.
- The development will result in a reduction in size of the Queen's Gardens.
- The Queen's Gardens in its present form would be lost.
- The development will result in the loss of trees and the proposed replacement Lime trees are inappropriate as they are notorious for producing sticky sap that is unsightly and inconvenient.
- The bandstand should not be relocated
- It will not provide the facilities that are needed.
- It will result in a number of vacant buildings with uncertain futures.
- Parking is inadequate and the access unsafe. The level of journeys to and from the building appears to be underestimated and will result in chaos on the road.
- The police emergency response vehicles will not be able to get out of the site quickly enough.
- The lack of provision of employee parking will lead to additional pressures on spaces provided for shoppers and members of the public.
- The amount of cycle parking facilities is inadequate and inappropriately located.
- A more appropriate site for the development is the site of the Sainsbury's store, now demolished or the Lyme Valley.
- There has been inadequate pre-application consultation.
- It is uncertain whether the agencies that will be occupying the proposed building will be compatible. The desirability, feasibility and practicality of the proposal at this stage falls well

short of what might be expected, given the scale of the project, and the level of significance to the local government.

- The space for the proposed library is significantly smaller than the current one.
- The internal layout of the building does not facilitate the provision of important community facilities through the role of the Mayor.
- The building is not safe.
- There is no information given as to how CSS Strategic Aim 5 (to foster and diversify the employment base ... including new types of work and working lifestyles...) will be made to work efficiently.
- The proposal will result in a reduction in office space which is opposite to what the Council wishes.
- It should be possible to alter the existing Civic Offices building.
- The proposed retail floor space on the Ryecroft site will not result in the existing empty shops in the town centre filling up. The Council should concentrate on filling up the empty shops by reducing rents and parking charges.
- Footfall will be away from other important commercial areas.
- There has been inadequate public consultation and the proposal does not demonstrate a good use of public money.

A representation has also been received from **Mr Paul Farrelly MP**. Mr Farrelly considers that the application shouldn't be approved in its current form. The concerns expressed are summarised as follows:

- By virtue of its height, scale, massing, configuration and materials used it constitutes a design which is inappropriate and out of character for the Conservation Area.
- There has been insufficient public consultation and involvement for such an important project in order to proceed with the linked development at Ryecroft. The proposal should be considered on its own merits. Not to do so would be repeating noted failures of the past and would be materially harmful to the enduring character and appearance of the town centre.
- Following any demolition of the former school the Borough has a duty to redevelop the site with an enduring building, which will enhance the character of the Conservation Area. This development will not.
- To be effective Design Review should be commissioned at an early stage which did not happen in this case.
- The application has not addressed the fundamental concerns of the Design Review Panel. The observations and the conclusion of the Panel are supported. More time at design and planning stage to resolve the important issues are necessary to ensure that the building is right from the start. Not to do so would be to let Newcastle badly down.
- The minimum of publicity has been undertaken and the discretion within the Statement of Community Involvement to make the designs available at an advertised public exhibition has not been used which is disappointing.
- The pre-application consultation event was uninformative and disappointing, particularly due to the lack of any design perspectives, elevations or sections as to how the building would actually look, and in the surrounding context.
- Consideration of the application on 1<sup>st</sup> March is well ahead of the normal, statutory 13 weeks' for a major development and further limits the time for public involvement and comment.

An on-line petition titled 'Save St Giles' & St George's Historic School' has been submitted objecting to the application. At the time this report was prepared it had 1,097 signatures. This petition was reported to a recent meeting of the Council's Cabinet whereat it was resolved to reaffirm the previous decision to dispose of the building to enable the demolition of the former school building and the implementation of proposals for a new Public Sector hub.

It should be noted that the petition was started prior to the submission of this application, although the Civic Hub proposals were already at that stage in the public domain as a result of the applicants' pre-application consultation..

The petition states that St Giles' and St George's School is an integral part of the Queen's Gardens conservation area, the borough council want to demolish it and put a modern four storey building in its

place to create a 'hub' to contain council offices, face to face council services, library, registry office and police station. It is listed in the Council's own list of important historic buildings and the demolition has been strongly objected to by the national bodies Historic England and The Victorian Society, as well as the local Civic Society. The school provides an attractive backdrop to the Gardens and the listed Queen Victoria statue and is of local historic and aesthetic interest. The petitioners propose that the school is restored, or at least the Queen's Gardens facade and tower incorporated into a new building.

1 letter has been submitted in support indicating that there is no need to keep an old school that serves no purpose. There is a need for modern buildings with modern office space which leaves our architectural footprint of the 21st century in Newcastle for future generations to enjoy.

#### Applicant's/Agent's submission

The applicant has submitted the following

- Air quality assessment
- Coal mining risk assessment
- Phase 1 ground investigation
- Site waste management plan
- Heritage statement
- Archaeological assessment
- Design and access statement (incorporating Landscaping proposals)
- Landscape design statement
- Statement of community involvement
- Bat and bird survey
- Arboricultural impact assessment
- Flood risk assessment and drainage strategy
- Transport Statement
- Draft Green Travel Plan
- Urban Vision Design Review Panel response

These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00008/FUL>

#### Background papers

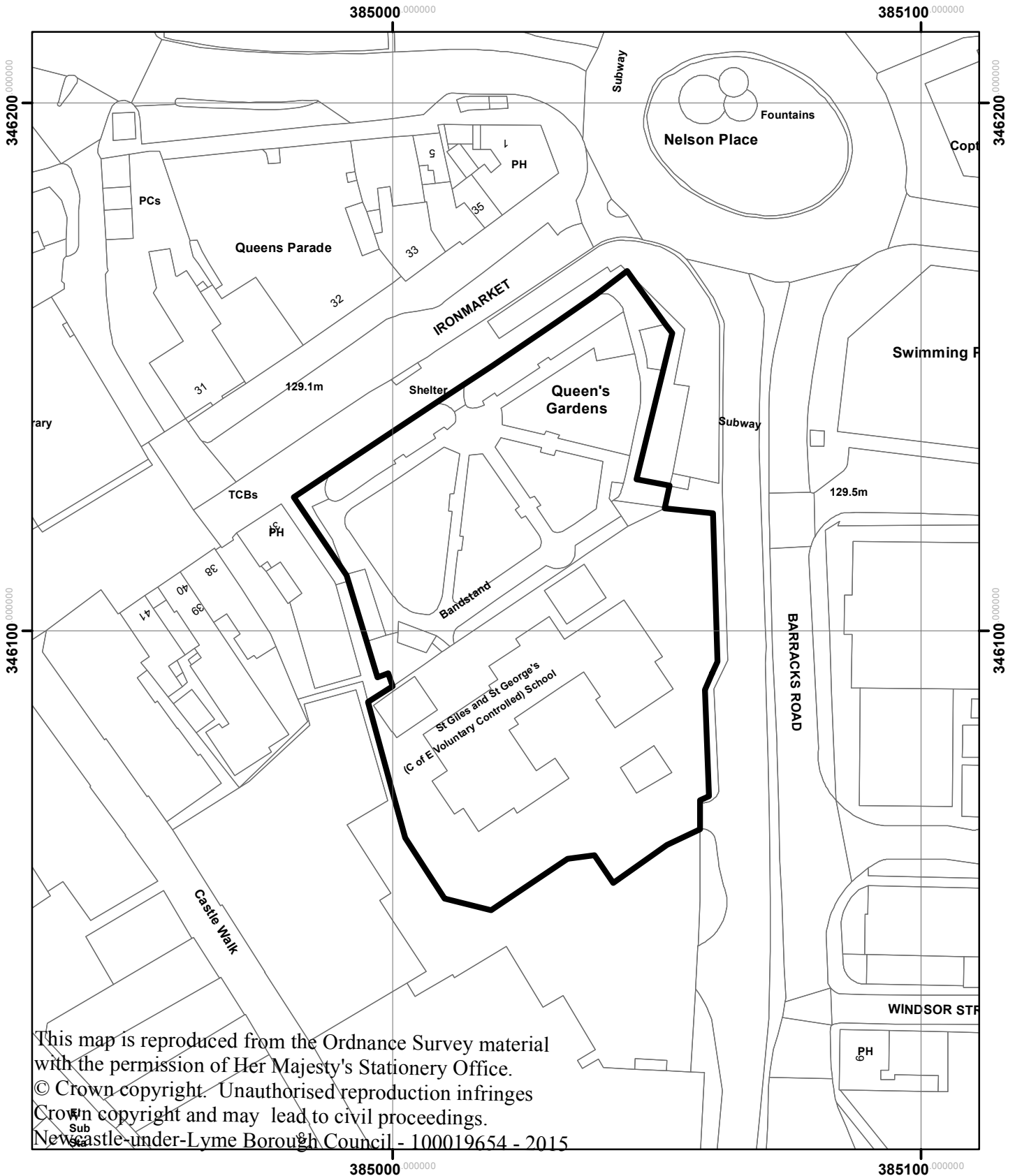
Planning files referred to

Planning Documents referred to

#### Date report prepared

18<sup>th</sup> February 2016





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Newcastle-under-Lyme Borough Council - 100019654 - 2015



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**ST GILES AND ST GEORGES CHURCH OF ENGLAND PRIMARY SCHOOL, ORME ROAD,  
NEWCASTLE**  
**THE CABINET, STAFFORDSHIRE COUNTY COUNCIL** **16/00039/CPO**

This is a consultation by the County Council on an application for the construction of a new teaching block accommodating 7 additional teaching rooms and a new extension to the hall of the school with the creation of a school club room and main entrance. A car park extension and new external store are also proposed. The County Council's reference is N.15/07.

The site is within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

**For any comments that the Borough Council may have on this proposal to be taken into account they have to be received by the County Council by no later than 2<sup>nd</sup> March 2016.**

## **RECOMMENDATION**

**That the County Council be advised that the Borough Council is supportive of the principle of extending the capacity of the school in the interests of the delivery of housing and that it raises NO OBJECTIONS to the application.**

## **Reason for Recommendation**

The proposal could significantly assist the delivery of housing development in the area, and is of a design that makes a positive contribution to the area and it does not adversely affect any interests of the Borough Council.

## **Key Issues**

Planning permission is being sought for the construction of a new teaching block accommodating 7 additional teaching rooms and a new extension to the hall with the creation of a school club room and main entrance. A car park extension and new external store are also proposed.

The Borough Council is being asked for its views on this proposal – the County Council being the determining Planning Authority in this instance. The Planning Committee, with respect to 'major developments', is the part of the Borough Council which decides what comments are to be put to the County Council. In deciding what representations to make the first consideration is whether the proposal has an impact upon any particular interests of the Borough Council (such as landholdings). It is understood that that the Borough has no land or property interests in the area.

Beyond that, Members may wish to consider whether any aspect of the development has a particular bearing upon the amenity of the residents of the Borough, and to comment upon whether the proposal appears to conflict with any policies within that part of the development plan for which the Borough has responsibility, and upon whether the proposal has any bearing upon the strategic aims of the Council (in the context of a decision on a planning application).

The Design and Access Statement states that the current school is a successful school in the community and that the current intake is greater than the designed capacity of the current school, putting pressure on the existing facilities. It is the aim of the County Council to address this current shortfall in accommodation as well as to expand the school to meet future increase in pupil places within the area. The school would become a 2 form entry school with a significant increase in its capacity from 210 (+ 26 nursery) to 450 pupils (+30 Nursery).

It needs to be remembered that the Borough Council is not the Planning Authority and it should not attempt to deal with the matter as if it were the relevant planning Authority. The County Council will have to determine the application, balancing a range of considerations including the visual, environmental and traffic implications of the development.

In this case it is considered that the main issues for the Borough Council are

- 1) The provision of additional primary education places within the town and the consequences for other objectives including the delivery of housing
- 2) The acceptability of the proposal in terms of design and impact on the character and appearance of the area.

Members may of course consider there to be other issues as well.

The Borough Council has a strong interest as both planning and strategic housing authority in the delivery of housing. The Borough Council also receives New Homes Bonus as a consequence of housing development. The provision of educational places is a vital element in the infrastructure required to support that delivery. The availability of spare capacity in catchment schools is the determinant of whether education contributions are sought with respect to proposed housing developments. As members will be aware it is not uncommon for developers to submit that residential schemes are financially unviable as a result of contributions that are sought from them. The provision of additional education places as here proposed could, in some cases, make a crucial difference to the deliverability of a housing development. That the catchment area includes both Newcastle Town Centre and an extensive area surrounding that centre is a further positive aspect in that the development can support regeneration projects involving housing within that area. This is a material consideration which the County Council as Local Planning Authority can and should take into account in the determination of this planning application.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access.

The new 2-storey teaching block would be sited to the west of the existing school within an area that is currently a soft landscaping and seating area. There would be no encroachment into the adjacent playing fields. The elevations would comprise a limited palette of materials, principally comprising timber cladding and glazing and the appearance would be simple and contemporary with clean lines. The front entrance extension would be single-storey and would have a glazed frontage.

The existing building is modern in design and it is considered that the proposed extensions would be sympathetic to the character and appearance of both the existing school and the surrounding area. Whilst the proposed extension to the west would be two-storey, it would have a flat roof, to minimise the mass of the building. There are existing trees along the boundary of the site with St. Paul's Road.

It is not considered that an objection could be sustained on the grounds of impact on the character and appearance of the area.

## **APPENDIX**

### **Policies and proposals in the approved development plan relevant to this decision:-**

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP5: Open Space/Sport/Recreation

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Documents (SPDs)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design (2010)

Relevant Planning History

03/01093/CPO 210 Place Primary School with 26 Place Nursery, access, Parking, Delivery and Play Areas. The Borough Council had no objections subject to a financial contribution (to provide suitable replacement open space) and conditions. The application was approved by the County in April 2014 (SCC reference N.03/30)

Views of Consultees

The **Environmental Health Division** have advised the County Council that they have no objections subject to contaminated land conditions. Other consultations will be being undertaken directly by the County Council

Representations

It is the responsibility of the County Council to publicise the application.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Flood Risk Assessment
- Ecological Impact Assessment
- Noise Assessment
- Transport Assessment
- Site Investigation Report
- Arboricultural Survey Report

These documents can be viewed on the County Council's website searching under reference N.15/07 at [www.staffordshire.gov.uk/planning](http://www.staffordshire.gov.uk/planning)

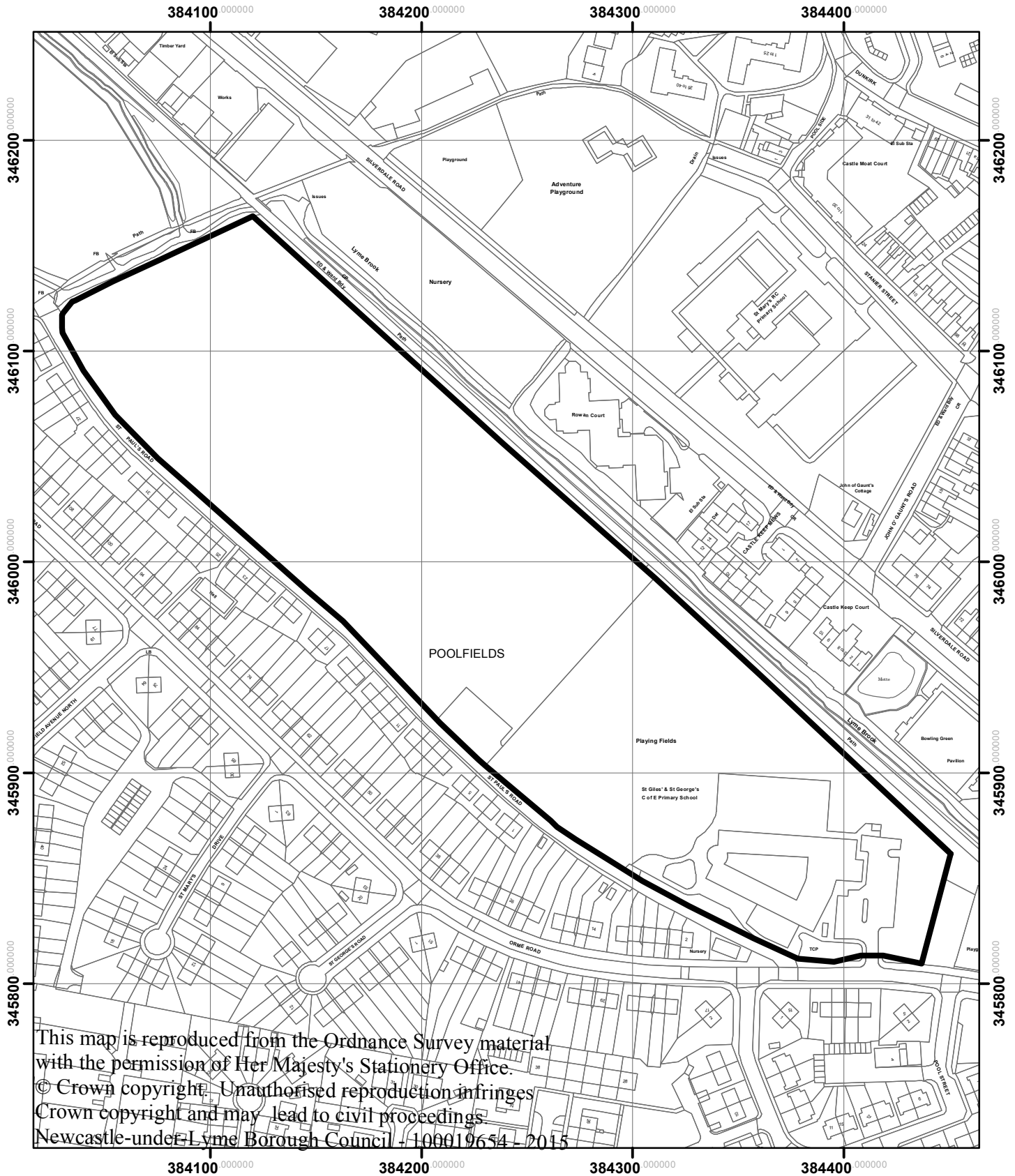
### **Background Papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

16<sup>th</sup> February 2016

# St Giles and St. Georges CoE Primary School, Orme Road, 16/00039/CPO



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**LAND ADJACENT 31 BANBURY STREET, BUTT LANE  
BROWNS (SHOPFITTING AND CONSTRUCTION) LTD**

**14/00027/FUL**

Planning Committee resolved, at the meeting of 11<sup>th</sup> March 2014, to grant full planning permission for the erection of 13 dwellings, access road, parking and landscaping subject to the applicant entering by the 14<sup>th</sup> April 2014, into Section 106 Obligations, to secure the following:

- I. A financial contribution of £38,259 for open space enhancement/ improvements and maintenance.
- II. A contribution of £8,000 towards the Newcastle (urban) Transport and Development Strategy (NTADS).
- III. A contribution of £33,093 towards primary school provision.

Subsequent to that resolution and the obtaining of a Viability appraisal from the District Valuer, the Committee resolved at its meeting on the 3<sup>rd</sup> March 2015 that instead of seeking such contributions, the applicant should be asked to enter into an agreement requiring a reappraisal of the financial viability of the scheme (and appropriate NTADS, open space and education contributions then being made if the scheme is evaluated at that time as able to support such contributions, or part of them), if the development has not substantially commenced within 14 months of the date of the planning permission.

**The Planning Committee at its meeting on the 2<sup>nd</sup> February 2016 in consideration of the report on the agreement of additional time to enter into Section 106 obligations, inter alia, agreed that should the agreement in this case not be completed by 2<sup>nd</sup> March, that the above 14 month period be reduced to 13 months, and if the agreement is not completed by the 2<sup>nd</sup> April that it is reduced further to 12 months.**

**Because of a slight delay in passing this information to the applicants agent the matter is being brought back to the Committee.**

**RECOMMENDATIONS**

**That the Committee agree that provided the agreement is completed by the 10<sup>th</sup> March that the 14 month period should remain within the draft of that agreement open to completion, but otherwise the position remains as per the resolution of the 2<sup>nd</sup> February 2016 meeting**

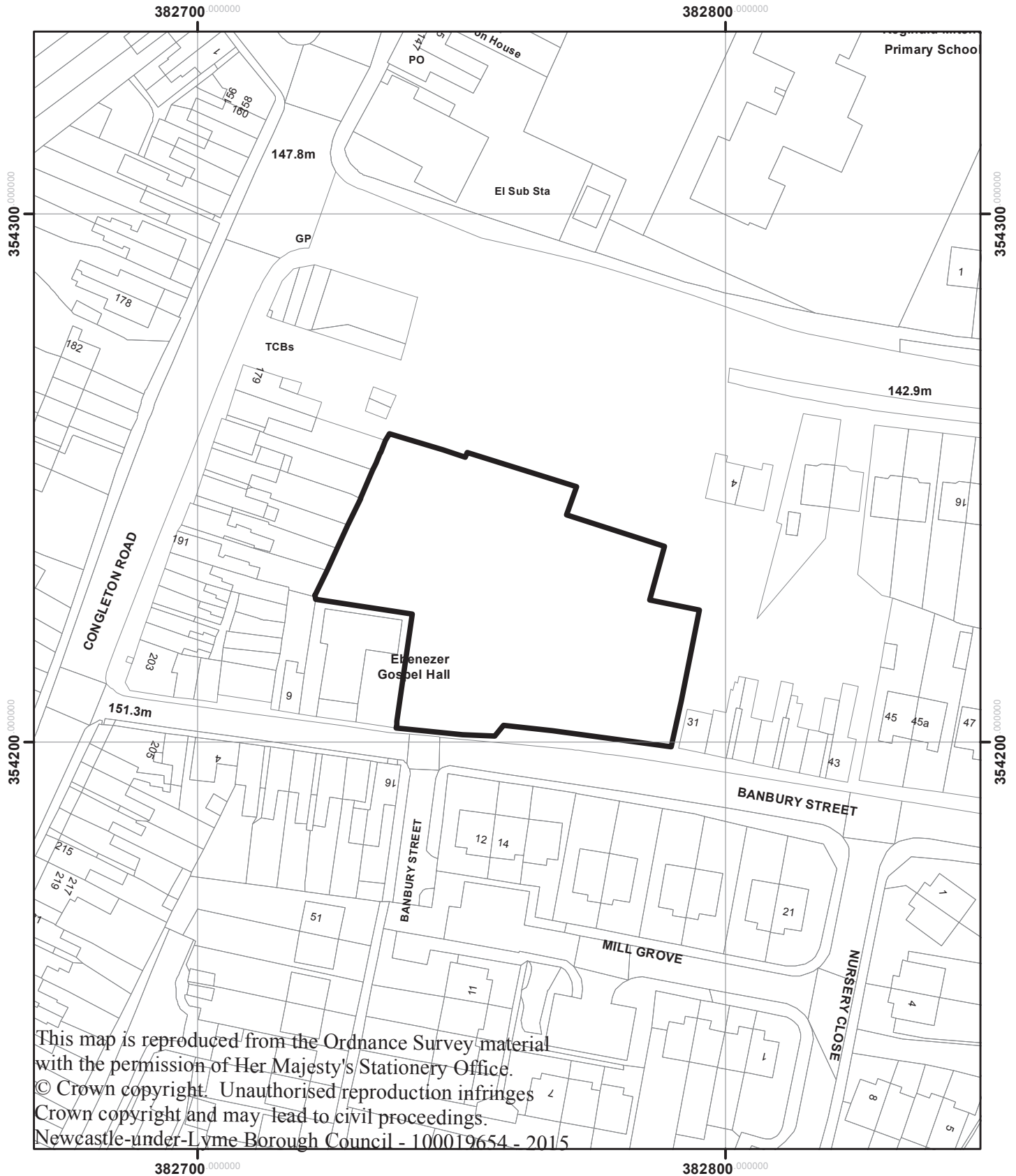
**Reason for Recommendation**

Following the meeting of the 2<sup>nd</sup> February 2016 there was a slight delay in informing the applicant's planning agent of the resolution of that meeting. Accordingly it is considered appropriate to allow a few more days for the agreement to be completed on the basis of the original 3<sup>rd</sup> March 2015 resolution.

**Date report prepared**

19th February 2016

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**ALWYN, NANTWICH ROAD, AUDLEY**  
**MR D BIRKIN**

**15/01146/FUL**

The application is for full planning permission for a replacement detached dwelling and detached double garage at Alwyn, Nantwich Road, Audley.

The application site lies in the Green Belt and within an area of Landscape Enhancement, as indicated on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expired on the 16<sup>th</sup> February 2016.**

## **RECOMMENDATION**

**Permit, subject to conditions relating to the following: -**

- 1. Standard Time limit for commencement of development.**
- 2. Approved plans.**
- 3. Removal of permitted development rights relating to extensions and alterations to the dwelling**
- 4. No top soil to be imported until it has been tested for contamination**
- 5. Reporting of unexpected contamination if found**
- 6. Completion of access prior to use of development**
- 7. Closure of the redundant access prior to the development being brought into use**
- 8. Surfacing of driveway in a bound and porous material for a minimum distance of 6 metres back from the site boundary, prior to the development being brought into use**

## **Reason for Recommendation**

The proposed replacement dwelling would be materially larger than the building it replaces and therefore constitutes inappropriate development in the Green Belt. However, the applicant could carry out extensions to the original property that would have a similar volume and would not be classed as disproportionate additions. The proposal would have no greater harm on the openness of the Green Belt than extensions to the existing dwelling. In addition there is an extant permission for a replacement dwelling. The proposed garage is also inappropriate development however as an outbuilding could be erected should the application be refused of almost the same dimensions as that proposed. There is therefore a genuine fall-back position and such matters are considered to constitute very special circumstances that outweigh the harm caused by the inappropriate development, therefore the overall proposal is considered acceptable in this Green Belt location.

The development would not harm the character or appearance of the surrounding street scene. There would be no adverse impact on the landscape and the proposal would be acceptable in highway safety terms. The proposal accords with Policies ASP6 and CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies S3, H1 and N20 of the Newcastle under Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework (2012) and the Newcastle under Lyme and Stoke on Trent Urban Design Guidance Supplementary Planning Document (2010).

## **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

During consideration of the application the Council sought amendments to the proposed garage given it represented inappropriate development. Amended plans and a case outlining very special circumstances were provided by the applicant to justify why this inappropriate form of development should be permitted within the Green Belt. It is provisions of paragraphs 186-187 of the National Planning Policy Framework have been met and, taking into consideration all other aspects of the proposal, it will be a sustainable form of development.

## **Key Issues**

This is an application for full planning permission for the erection of a replacement detached dwelling and detached double garage at Alwyn, Nantwich Road, Audley, which is located outside of the village envelope of Audley, and within the Green Belt and an Area of Landscape Enhancement as indicated by the Local Development Framework Proposals Map.

The site is on the end of a built up frontage/ linear development along Nantwich Road. The original detached dwelling on the site was positioned close to the neighbouring dwelling, and modest in size, located close to the highway, with a large domestic curtilage to the side and rear.

The proposed dwelling would measure 10 metres in width by 10.3 metres in depth at its longest point. The style of the proposed dwelling would be traditional brick and tile construction, with timber framed windows and front and rear chimneys and a bay window to the front elevation at ground floor level.

This application follows approved application 12/00210/FUL, which secured planning approval for a replacement dwelling and detached garage. The reasons given for the resubmission is the need to reposition the dwelling due to a mains gas pipe running through the site, and also involved the increase in the size of the garage.

Amended plans have since been received to reduce the height of the proposed garage back to the height it was when permitted under 12/00210/FUL. The reduction in the size of the garage was made following a request from the case officer due to the increase in size taking the proposed garage further away from the permitted development fall-back position. The permitted development fall-back position is essential in this case as it forms the basis of the very special circumstances required to justify the garage, given it represents inappropriate development in the Green Belt.

The property is to be positioned 3m set back from the front boundary so that the building line remains the same as the adjacent properties. The property will be 6.2m from the north east boundary and 8.4m from the South Western boundary. The dwelling is being repositioned 1.3 metres further towards the south west.

Since the previous decision 12/00210/FUL was made by planning committee in January 2013, the Regional Spatial Strategy and the Staffordshire and Stoke-on-Trent Structure Plan have been cancelled.

The key issues in the determination of this application are:

- Whether the proposal constitutes appropriate or inappropriate development in the Green Belt and, if inappropriate, whether very special circumstances exist to justify approval
- The impact of the proposal upon the character of the area and on the Area of Landscape Enhancement
- Highway Safety and car parking
- Impact on neighbouring amenity
- Do the required very special circumstances exist to justify the inappropriate development (the garage)?

### Appropriate or inappropriate development within the Green Belt?

Paragraph 79 of the recently published NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The NPPF further states in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this are the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. Policy S3 of the Local Plan 2011 also states that replacement dwellings must not be materially larger than the dwellings they replace.

The original dwelling at Alwyn (that has now been demolished) measured 364 cubic metres, and the proposed dwelling measures 519 cubic metres, which represents a 154 cubic metre increase over the size of the original dwelling, and as a percentage this is 42% increase over the original size of the dwelling. The proposed dwelling would be materially larger than the dwelling it is proposed to replace. It therefore has to constitute inappropriate development within the Green Belt and should not be approved except in very special circumstances.

The proposed garage is not an extension or alteration of a building, nor would it replace an existing building on the site, and as such the garage also represents inappropriate development and very special circumstances are required to justify the inappropriateness, which by definition, is harmful to the Green Belt.

#### Impact on character and street scene

The existing dwelling sits on the end of a row of semi-detached two storey dwellings, which were historically miner's cottages. These cottages form a strong building line, close to the road side.

The new position of the dwelling would still line up with the frontages of the neighbouring dwellings, and an increase of 1.3 metres of the gap between the proposed dwelling and the neighbouring dwelling would not be harmful to the overall character of the street scene. The design of the dwelling has not altered since the previous approval, and therefore does not need to be re considered.

The proposed garage (as amended) is brick built and measures 6.5m by 6m, with a 35o pitched roof giving an overall height of 4.7m. Its design is in keeping with the appearance of the dwelling and as it is to be located at the rear it would not be visually prominent in the street scene nor would it result in the loss of any significant landscape features. Overall it is considered that the design and appearance of the garage is acceptable and would not be harmful to the landscape character of the area.

#### Highway Safety and car parking

The proposal, as does the extant permission, includes relocating the vehicular access in to the site on the front boundary towards the north east, closer to the neighbouring property. The Highway Authority consider this to be acceptable in terms of highway safety, subject to the inclusion of conditions on the approval relating to the completion of the access prior to occupation of the dwelling, the closing of the existing access prior to utilising the new access and provision of the car parking and turning areas prior to occupation of the dwelling.

The proposed car parking provision for the proposed three bedroom dwelling would be acceptable.

The proposed development is therefore acceptable in terms of highway safety and car parking.

#### Impact on neighbouring amenity

Given the dwelling has been repositioned within the site it is important to assess any changes to the impact on neighbouring residential amenity.

It is considered that the repositioned dwelling will not harm neighbouring amenity, and therefore the proposed re positioning of the dwelling is considered acceptable, and in compliance with the Space Around Dwellings Supplementary Planning Guidance.

#### Do the required very special circumstances exist to justify the inappropriate development (the garage)?

As mentioned previously in the report, the development would not fall within any of the appropriate forms of development listed in the NPPF, therefore the starting point for the consideration of this new building is that it would form inappropriate development in the Green Belt.

In terms of very special circumstances, the onus is on the applicant to provide a justification of why the development does not harm the openness of the Green Belt in the form of very special circumstances.

The applicant has made a submission for very special circumstances, summarised below:

- They consider that should this planning application be refused, they could build a detached double garage using their permitted development rights, with only a slight alteration, which would involve reducing the height of the garage from 4.8 metres to 4 metres.
- In order to qualify, the overall height of the proposed structure would need to be reduced by 700mm, by reducing the roof pitch by 10°. This would lead to the use of non-traditional roofing materials.
- Following this route would create a structure with a low roof pitch which would be out of character with the proposed property and other dwellings and building in the locality.
- The proposed outbuilding is situated at the rear of the site within a group of other outbuildings / structures and within the domestic curtilage which does not detract from the openness of the Green Belt
- The garage is a replacement for the existing attached garage which is to be demolished as part of the proposal.
- Secure outbuildings are essential in rural areas in order to protect garden equipment and tools required to maintain the property and land from theft, as highlighted in recent campaigns by Staffordshire Police.

Whilst not forming part of the applicant's case it is also noted that there is an extant planning permission for a replacement dwelling and a garage on this site. The proposed dwelling does not differ from that permitted and whilst larger than the original the volume increase is considered proportionate and would have been considered to be appropriate development if proposed as an extension.

Bearing in mind the above it is considered that a genuine 'fall back' position exists and that a development which is similar in its impact on the Green Belt could take place regardless of the outcome of this application. Such matters are the very special circumstances required to justify, inappropriate development in the Green Belt.

In conclusion, the submitted very special circumstances are considered to overcome the harm to the Green Belt of the inappropriate development and it is your officer's opinion that the application should be permitted with the recommended conditions attached.

#### Other matters

The Environmental Protection Division has requested conditions that were not included on the previous permission, relating to noise attenuation and control of external lighting. As the proposed development is only to consider an amended location of the dwelling and amended garage, it is considered unreasonable to introduce new planning conditions.



## **APPENDIX**

### **Policies and proposals in the approved development plan relevant to this decision:-**

#### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt  
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy N17: Landscape Character – General Considerations  
Policy N20: Areas of Landscape Enhancement  
Policy T16: Development – General Parking Requirements

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)  
Planning Practice Guidance (2014)

#### Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)  
Space around Dwellings Supplementary Planning Guidance (2004)

### **Relevant Planning History**

11/00170/FUL Permitted	22.6.2011	Two storey side extension, ground floor rear extension, formation of new vehicular access and turning area
12/00540/FUL Permitted	17.10.2012	Replacement of existing dwelling with detached dwelling
12/00210/FUL Permitted	10.1.2013	Proposed replacement of existing dwelling with detached dwelling and detached double garage

### **Views of Consultees**

**Audley Rural Parish Council** support the minor change to the proposal

The **Highway Authority** has no objections subject to conditions relating to provision of the access parking and turning areas prior to occupation, permanent closure of the existing access and reinstatement of the footway prior to occupation of the dwelling, and the garage indicated on the plans being retained for the parking of motor vehicles and cycles, and shall at no time be converted to living accommodation without prior express permission.

The **Environmental Protection Division** has no objections and requests conditions regarding noise attenuation and control of outdoor lighting, however as it is a resubmission of a previously permitted development with only slight alterations, it would be unreasonable to introduce new conditions.

### **Representations**

None received

### **Applicant's/Agent's submission**

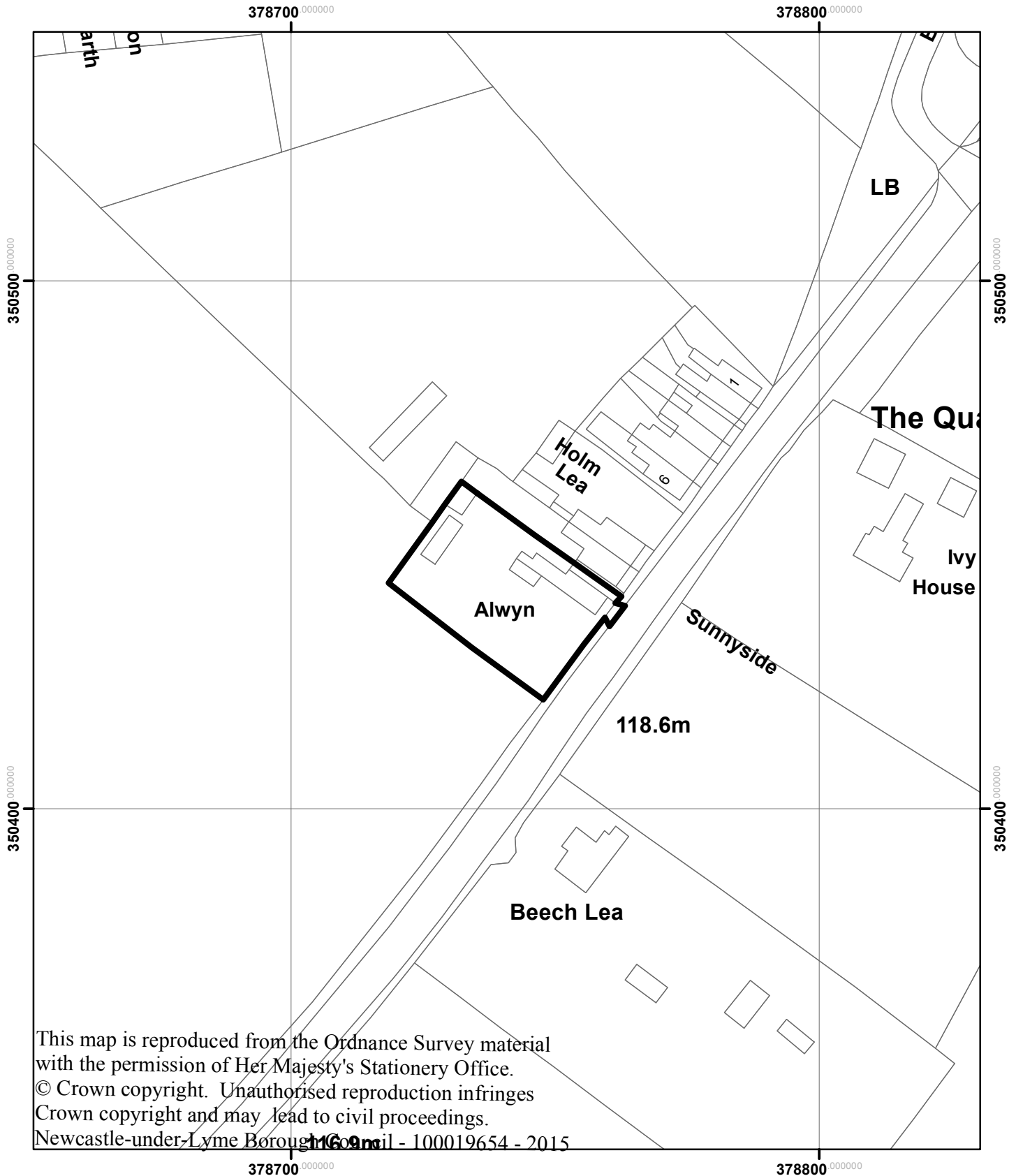
The application forms and plans have been submitted, along with a Design and Access Statement, case for very special circumstances to set out why the inappropriate sized garage should be permitted in the Green Belt, and brick and tile details. These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/01146/FUL>

**Background papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

11<sup>th</sup> February 2016



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**WHITE HOUSE FARM, DEANS LANE, BALTERLEY**  
**MR G WALTERS**

**16/00015/DOB**

The application is to discharge a planning obligation made under Section 106 relating to a previous planning permission 04/00189/COU which dealt with the conversion of a redundant farm building into self-catering holiday lets. The purpose of the obligation is to prevent the severance of the building from the remainder of the buildings and land within the agricultural holding.

Planning permission has been granted under application reference 15/00682/COU for the change of use of building from holiday lets to single dwelling.

**The 8 week period for the determination of the planning application expires on 1<sup>st</sup> May 2016.**

## **RECOMMENDATION**

**That the applicant be advised that the local planning authority are willing to discharge the section 106 obligation (application reference 16/00015/DOB) following the granting of planning permission under 15/00682/COU and subject to the necessary completed documentation to discharge the obligation being in place within 6 months of the date of the above approval.**

## **Reason for Recommendations**

Given that planning permission has been granted for the change of use of the building from holiday lets to single dwelling the existing planning obligation has been rendered obsolete, having no purpose in connection with the unrestricted residential use of the building and as such there is no reasons to not discharge the obligation.

## **Key Issues.**

Planning permission has been granted under application reference 15/00682/COU for the change of use of building from holiday lets to single dwelling. This application is therefore to discharge a planning obligation made under Section 106 relating to a previous planning permission 04/00189/COU which dealt with the conversion of a redundant farm building into self-catering holiday lets. The purpose of the obligation is to prevent the severance of the building from the remainder of the buildings and land.

The main issues to be considered with this proposal are:

- Whether the section 106 should be discharged?

## **The removal of the Section 106 obligation**

Prior the granting of planning permission in November 2004 for the change of use of the detached building to holiday lets the then owner/applicant entered into a section 106 planning obligation relating to the development to prevent the severance of the building from the other buildings and land of the application site in the ownership of the applicant.

As indicated above the application for the change of use of the building from holiday lets to single dwelling was permitted in November 2015 by virtue of the development being acceptable in planning terms and as such this would make the Section 106 obligation obsolete therefore the application to remove the obligation should be agreed.

It is considered that the legal documentation should be in place within 6 months of the date of the planning approval, this will give the applicant a sufficient period to enable this to happen whilst giving the opportunity to implement the permission without any unnecessary delay. If after this 6 month period the obligation is still in place the Local Planning Authority would have to assess, at that stage, whether it would be expedient to pursue enforcement action on the matter, however it is in the applicants best interests to resolve this matter as soon as possible, given the section 106 obligation would be revealed on local land charge searches and this may affect any future sale of the property.

## **APPENDIX**

### **Policies and proposals in the approved development plan relevant to this decision:-**

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Nil

Newcastle-under-Lyme Local Plan (NLP) 2011

Nil

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)  
National Planning Practice Guidance (2014)

### **Relevant Planning History**

The property in question was granted approval under planning permission 04/00189/COU on the 23rd November 2004.

The applicant has detailed within their submission that the holiday let use has not been implemented.

Further applications at the property are as follows;

05/00210/COU Change of use of farm building to ancillary accommodation to the main dwelling and extension to form double garage Permitted

07/00585/FUL Two bay storage building for domestic use Permitted

15/00682/COU Change of use of building from 2 holiday lets to single dwelling Permitted

### **Views of Consultees**

**Audley Parish Council** has been consulted on the application but as no comments have been received by the due date of 06.02.2016 it has to be assumed that they have no objections to the application.

### **Applicant's/Agent's submission**

The application documents are available for inspection at the Guildhall and under the application reference number 16/00015/DOB on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00015/DOB>

### **Background papers**

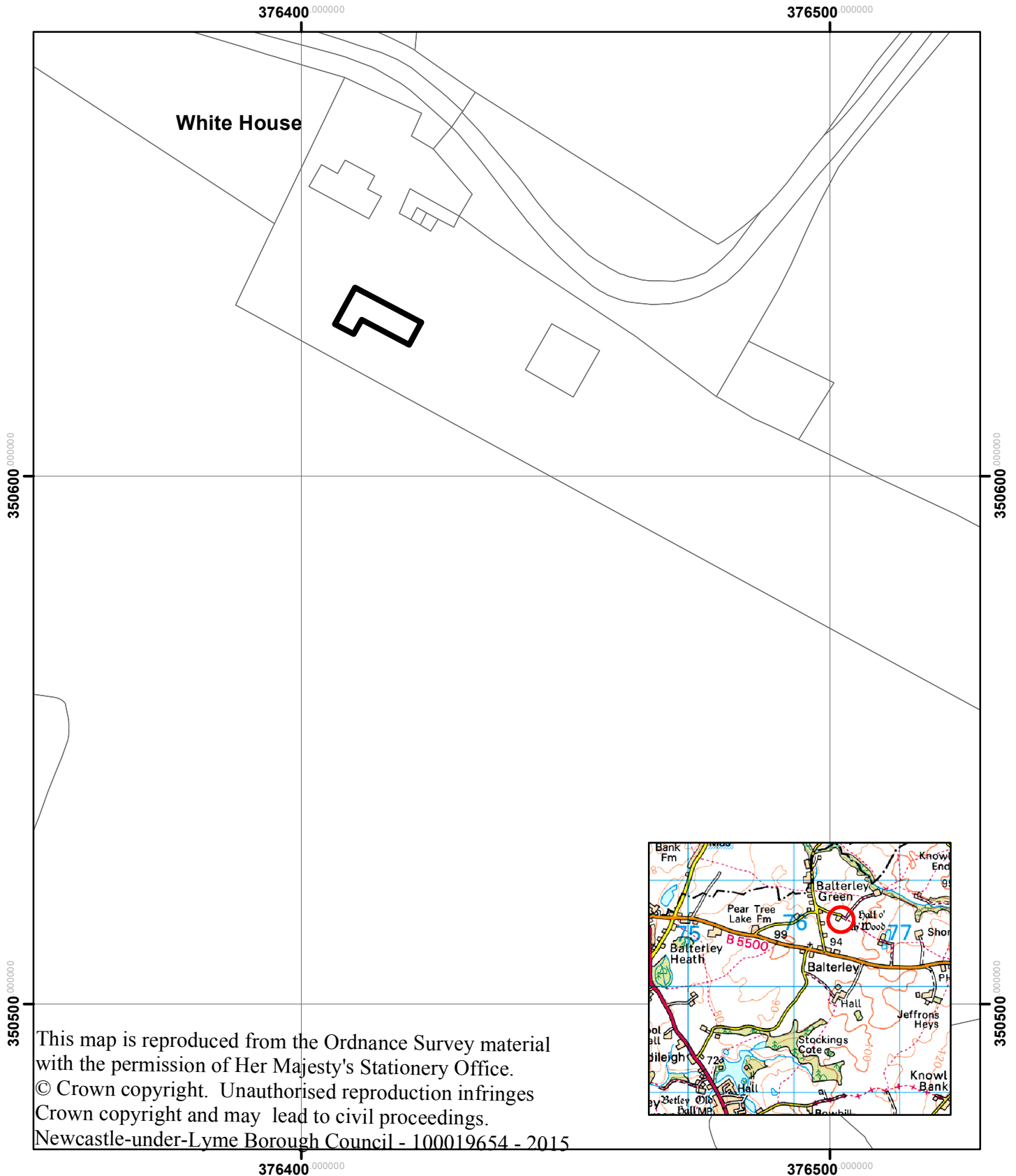
Planning files referred to  
Planning Documents referred to

### **Date report prepared**

15 February 2016

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Newcastle-under-Lyme Borough Council - 100019654 - 2015



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**13A KING STREET NEWCASTLE**  
**MR TOMER SPITKOWSKI**

**15/01144/FUL**

The application is for full planning permission for the change of use from office accommodation to a House in Multiple Occupation (HMO) comprising of 10 bedrooms each with ensuite facilities. A shared kitchen proposed on the first floor and a kitchen and utility room on the ground floor.

Some modest external alterations are also proposed. These relate to a new door and window on the front elevation using existing openings and a revised door position on the side elevation of the property which removes a set of steps currently used for access.

The application site lies within a Conservation Area and the Urban Neighbourhood Area of Newcastle as specified on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to concerns about over development within the Conservation Area, highway and parking issues, and lack of space for recycling and refuse storage.

**The 8 week period for the determination of this application expired on 15<sup>th</sup> February 2016.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to:**

- **Standard time limit;**
- **Approved plans;**
- **Window and door design details;**
- **Bin storage to be provided in accordance with the submitted details;**
- **Details of cycle storage;**
- **Noise assessment and any mitigation measures deemed to be appropriate;**
- **During conversion works no machinery is operated or process carried out on the site between the hours of 18.00pm and 07.00am Monday to Friday and not at any time on Sundays or after 13.00om on any Saturday.**

**Reason for Recommendation**

The site is within a sustainable location very close to Town Centre services and facilities. Due regard must be paid to requirements to protect the special character and appearance of Conservation Areas as well as listed buildings in the vicinity. Subject to appropriately worded conditions to secure acceptable door and window detailing the appearance of the building would not be harmed. Adequate bin storage arrangements can also be secured which if otherwise left on the front elevation would lead to a poor visual appearance in a busy main road location. There would be no material detriment to highway safety or to neighbouring amenity. Overall there are no negative factors which outweigh the benefits of the development scheme applied for.

**Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application**

The proposal is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

## **Key Issues**

The application is for full planning permission to change the use of office accommodation to a House in Multiple Occupation (HMO) consisting of 10 bedrooms each with ensuite facilities. There is a kitchen proposed on the first floor and a kitchen and utility room on the ground floor. Some external alterations are also proposed.

The main issues for consideration in the determination of this application are:

1. Is the principle of the proposed use in this location acceptable?
2. Is the impact upon the special character and appearance of the Conservation Area, acceptable?
3. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?
4. Is the impact on highway safety acceptable?
5. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

### 1. Is this an appropriate location for the proposed use?

As indicated above the proposal is for a HMO. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

The Newcastle Town Centre SPD places the application site within the Live Work Quarter of the Town Centre where the main focus is offices, with any housing development likely to be marketed for those who wish to live in a bustling business community.

This is a previously developed site in a sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle Town Centre with regular bus services to destinations around the borough and beyond. It is considered that the site provides a sustainable location for additional residential development that would accord with the Town Centre SPD.

The residential accommodation proposed will make a limited contribution to the supply of housing land, which can be taken into account when calculating the 5 year supply of deliverable housing sites within the Borough. However, it is still relevant to the consideration of the application that the Council is currently unable to demonstrate such a supply, as concluded in a report elsewhere on this agenda. In light of this, as set out in paragraphs 49 and 14 of the NPPF, the starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a highly sustainable location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

On the basis of all of the above, it is considered that the principle of residential development in this location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

2. Is the design of the proposal, with particular regard to the impact upon the special character and appearance of the Conservation Area, acceptable?

In terms of the Development Plan, Core Strategy Policy CSP1 – Design Quality lists the broad criteria of how new development will be assessed which includes amongst other things the need to promote the image and distinctive identity of Newcastle through the enhancement of strategic and local gateway locations and key transport corridors. It also requires a positive contribution to an area's identity and heritage through the use of appropriate vernacular materials. The Urban Design Supplementary Planning Document gives additional detailed design advice to be read in conjunction with the broad requirements of Policy CSP1.

Core Strategy Policy CSP2 – Historic Environment states that the Council will seek to preserve and enhance the character and appearance of the historic heritage of the Borough.

Saved Local Plan policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B13 also requires applicants applying for planning permission to demonstrate how they have taken into account the need to preserve and enhance character or appearance of Conservation Areas.

Paragraph 17 of the Framework sets out various Core Planning Principles for Local Authorities to adhere to which includes the need to secure high quality design. Heritage protection policies defined in the Framework are consistent with that of the Development Plan.

The introduction of a residential use in a mixed use area that includes a number of residential properties would not in itself be harmful.

The existing unsympathetic extensions to the front and side elevations of the property are to be retained with only modest changes to be made to the door and window on the front elevation. Whilst the proposal therefore does not take the opportunity presented to improve the appearance of the building, as encouraged by the Conservation Officer and the Conservation Advisory Working Party, the amendments proposed will not be harmful to the character and appearance of the Conservation Area and as such accords with local and national policy.

3. Is the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development acceptable?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook.

Local residents have raised concerns in relation to the potential for antisocial behaviour to arise from future occupants of the development who may be students living together as a single household. Whilst issues of unneighbourly behaviour can arise in any residential there is no basis upon which to conclude that such issues will arise in this case. It is considered that refusal of planning permission due to concerns about anti-social behaviour are therefore unjustified in a location where the broad principal of residential use is acceptable.

Concerns about the visual impact of recycling material and waste bin storage have been addressed by the applicant with an amended layout which incorporates an enclosed readily accessible storage area.

There is the potential for traffic noise to affect the living conditions of the occupiers of this development; however it is considered that suitable design measures can be utilised to address such concerns and these can be secured by condition.

There is no outdoor amenity space provided on site for the occupiers of the property. Given the proximity of the site to public open space on Station Walk and the Brampton it is not

considered that the lack of amenity space on site would result in unacceptable living conditions for the occupiers of the development.

4. Is the use of the access and parking provision proposed acceptable in highway safety terms?

The most up to date planning policy (contained within the Framework) indicates that development should only be prevented or refused on transport grounds where the impact of development is severe. Last year the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

The proposal does not provide any onsite parking. There are car parking restrictions along King Street and the scope for on street car parking in nearby residential roads is limited. The Highway Authority has assessed the car parking situation in the locality and have determined that they have no objections from a public safety perspective. In their assessment they have given significant weight to the fact that the building is very close to the town centre and within easy reach of all public transport – with bus stops next to the development. There is a public car park on the opposite.

In addition to the above it should be noted that the parking requirements for the previous use of the building, as an office, would be 10 spaces based upon the maximum car parking standards as set out in Appendix 3 of the Local Plan. There are no car parking standards in the Local Plan for HMOs, but it would be unreasonable to expect more than one space per bedroom and as such the maximum requirement would also be 10 spaces. Parking for the proposed use would therefore be similar to the existing lawful use.

Overall there are no adverse impacts which warrant a decision to refuse planning permission for the proposal.

Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

In conclusion, subject to the imposition of suitable conditions, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

## **APPENDIX**

### **Policies and Proposals in the Approved Development Plan relevant to this decision:-**

#### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 -2026 (adopted 2009) (CSS)

Policy SP1	Spatial principles of Targeted Regeneration
Policy SP3	Spatial principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation

#### Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential development: sustainable location and protection of the countryside
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements
Policy B9	Prevention of Harm to Conservation Areas
Policy B10	The Requirement to Preserve or Enhance the Character or Appearance of Conservation Areas
Policy B13	Design and development in Conservation Areas
Policy B14	Development in or adjoining the boundary of Conservation Areas
Policy C4	Open Space in New Housing Areas

### **Other Material Considerations**

#### National Planning Policy Framework (March 2012)

#### Planning Practice Guidance (March 2014)

#### Supplementary Planning Documents/Guidance

#### Space Around Dwellings SPG (SAD) (July 2004)

#### Newcastle Town Centre SPD (2009)

#### Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

#### Waste Management and Recycling Planning Practice Guidance Note (January 2011)

### **Relevant Planning History**

15/00350/COUNOT	Prior notification of a proposed change of use of existing office building (Use Class B1) to dwellinghouse	Permitted	2015
00/00820/FUL	Internal and external alterations	Permitted	2001
N1374	Office extensions	Permitted	1975
N579	Extensions to office	Permitted	1974

### **Views of Consultees**

The **Highway Authority** has no objections indicating that the development is within the town centre and within easy reach of public transport, with bus stops next to the development. The parking standards for the previous use of the building, an office, are similar to that for a House in Multiple Occupation. There is a public car park opposite the development.

The **Conservation Advisory Working Party (CAWP)** thinks that the return to domestic use for this building needs to be reflected in the design of the revised doors and windows. They should be redesigned to leave a greater distance between them and in a more appropriate material.

The **Councils Urban Design and Conservation Service** comments that:-

- The property lies within the Brampton Conservation Area which is characterised by large villas and terraces. The property in question fronts onto King Street and was originally a well-proportioned large red brick villa but has been modified considerably with an ill-thought flat roof extension on the front elevation and an even less successful flat roofed side and rear extension. The proposal to change the use of the building offers an opportunity to sweep away these unsympathetic extensions and make a better development, putting some character back into the building, if the side extension was removed, the house would then have some amenity and storage space. The side elevation is highly visible given Station Walks, an important route of green space within the Town Centre Conservation Area. There are some timber sashes remaining and ideally these could be overhauled and repaired and others reintroduced even if it is with a double glazed unit.
- The number of units is large and whilst the internal accommodation and layout appears to support this many units there is concern about the number of waste receptacles that will be required and the fact that there is no room to do that. There is no room to put them on the frontage with the ramp. The management of such issues need to be carefully controlled or the general ambience and character of the Conservation Area can be compromised.

The **Environmental Health Division** has no objections subject to conditions:-

1. No machinery is operated or process carried out on the site between the hours of 18.00pm and 07.00am Monday to Friday and not at any time on Sundays or after 13.00om on any Saturday.
2. A noise assessment be undertaken to take into account any road traffic and any mitigation measures necessary to achieve adequate noise levels be fully implemented prior to occupation of the building.

**Waste Management** has no objection and comments that from a purely operational point it would be easier if bins were presented for collection on the frontage of the property. However the section understands that this would not be acceptable visually, and therefore internal bin-store is a preferable option. Due to the size of the proposed internal store, having a bin for each flat is not practical, and therefore we would propose using an 1100 litre Euro container for the none recyclable waste, and five 240litre wheeled bins for recycling. These can be accommodated in the proposed store, as indicated on the applicant's plans. The only other concern is access to the bin store, in terms of any steps, and the condition of the surface of the access pathway, which could cause manual handling difficulties for operatives moving the Euro bin.

If planning permission is granted, a condition is required, that full and precise details for storage and collection arrangements for recycling and refuse is agreed prior to development taking place.

Taking into account further details from the developer of 13A King Street, which show the floor of the proposed internal bin store has been lowered, therefore removing any steps, and the surface of the access pathway is being improved to an acceptable standard.

### **Representations**

9 letters of representation have been received objecting to the proposal on the following grounds:-



- The proposal does not preserve or enhance the character or appearance of the Conservation Area in relation to the changes to elevations proposed there is no suggestion of introducing windows that are in character with the area.
- The proposal will exacerbate existing car parking problems.
- There are already a number of multiple occupancy buildings in the vicinity and additional provision of such accommodation will result in over intensification.
- The proposal could be let to students which could lead to noise and disruption problems or other forms of antisocial behaviour lowering amenity levels.
- Bin and cycle storage would generate a cluttered and visually harmful appearance.
- Cycle storage facilities would not be used in the way intended and is likely to create access problems for future occupants.
- Temporary lets would create a transient community which would be at odds with policies which encourage safer and stronger communities.
- The owner of the building is an absent landlord with no interest in improving the area which the proposal reflects.

The impact to rental and property values in the area has also been raised but that is not a material planning consideration.

A further representation has been received stating that initial objections to the proposal (which related to the unsightly appearance of waste and recycling receptacles) have been addressed through the submission of plans

#### **Applicant/agent's submission**

Application forms and indicative plans have been submitted along with a Design and Access Statement and Tree Report. The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/Plan/15/01144/FUL>

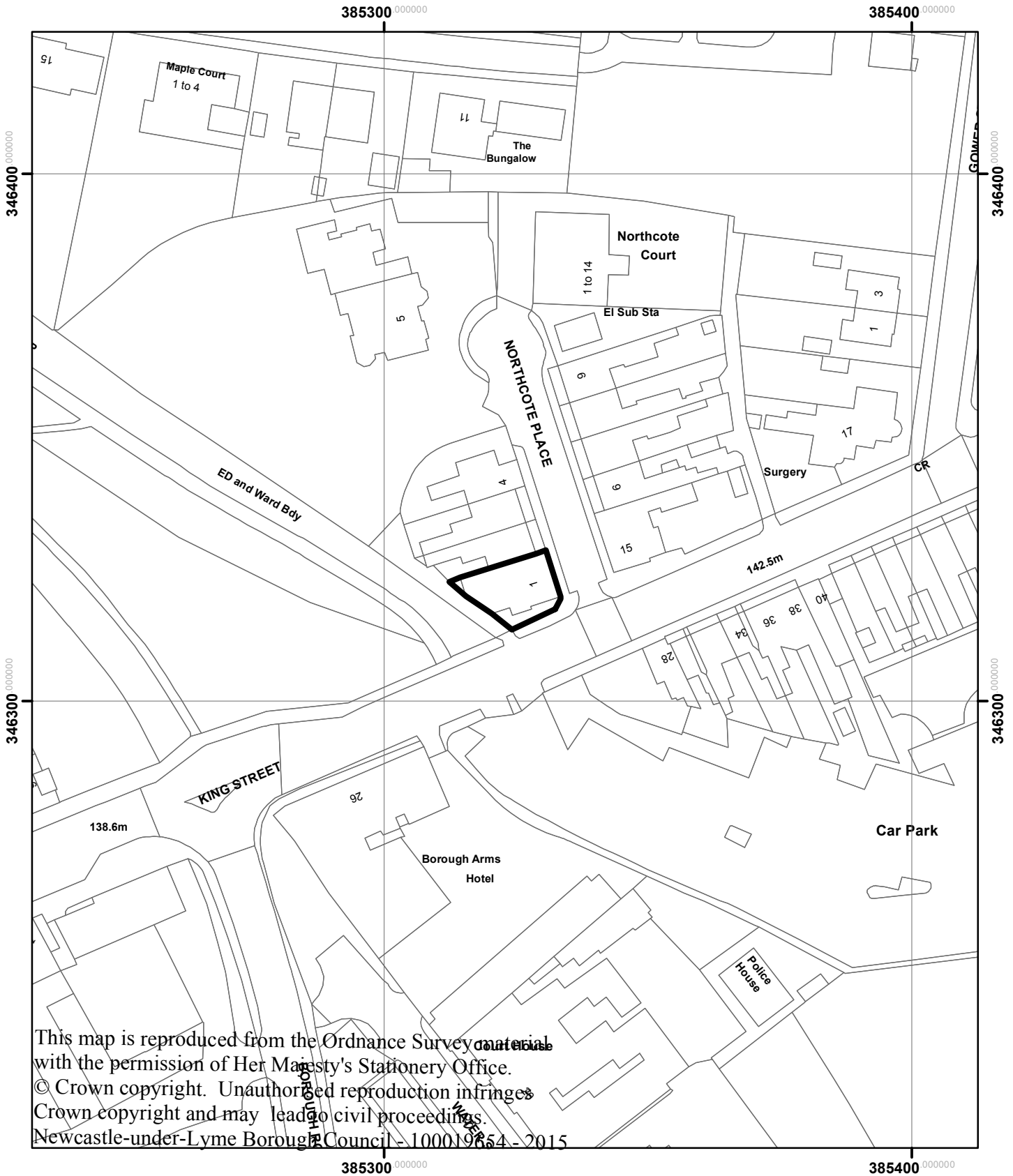
#### **Background Papers**

Planning File  
Planning Documents referred to

#### **Date Report Prepared**

10<sup>th</sup> February 2015.

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**LOWER MILL COTTAGE, FURNACE LANE, MADELEY**  
**MRS S. TORRENS**

**16/00009/FUL**

The application is for full planning permission for the erection of a single storey side extension, replacement garden store, relocation of septic tank and LPG tank.

The application site lies in the Green Belt and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors who consider that very special circumstances exist in accordance with paragraph 87 of the NPPF. This is the need for the property to be modified to allow the applicant to continue living in the property safely.

**The 8 week period for the determination of this application expires on 1<sup>st</sup> March 2016.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to:**

- i) Standard time limit**
- ii) Approved plans**
- iii) Materials as per approved plans and application form**
- iv) Removal of permitted development rights for extensions, external alterations and outbuildings**

**Reason for Recommendation**

The proposed replacement garden store, relocation of septic tank and LPG tank are considered to represent appropriate development within the Green Belt that would not harm the openness of the Green Belt or the character of the landscape. The cumulative volume of the proposed extension, along with existing extensions would represent disproportionate extensions to the original dwelling which constitutes inappropriate development within the Green Belt. However, it is considered that the applicant has provided an extensive case to demonstrate that the existing property cannot be adapted to meet the needs of the applicant, who has ongoing and permanent disabilities following an accident, and that the proposed extension is the minimum size necessary to do so. This amounts to very special circumstances that would outweigh the harm to the openness of the Green Belt in this instance which would justify approval of planning permission subject to the removal of permitted development rights.

**Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

Further supporting information has been provided since the previous refusal and discussions with the applicant have been ongoing during the application. This is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

**Key Issues.**

The application is a resubmission following a previous refusal by the Local Planning Authority dated the 12<sup>th</sup> August 2015. The previous application was refused for the following reason;

*“The proposed extension, by virtue of its size in addition to the size of previous extensions to the property, would constitute a disproportionate addition to the dwelling, and would therefore constitute inappropriate development in the Green Belt, which would be, by definition, harmful to the character and openness of the Green Belt. The applicant has failed to demonstrate that the very special circumstances exist which clearly outweigh this harm and accordingly the development is contrary to the guidance and requirements of the National Planning Policy Framework (2012) and Policy S3 of the adopted Newcastle-under-Lyme Local Plan 2011.”*

The application now submitted seeks to address the reasons for refusal. The proposed replacement garden store has been reduced in size slightly and supporting information has been submitted in an attempt to demonstrate that very special circumstances exist to justify granting planning permission for inappropriate development in the Green Belt.

A public footpath (Madeley 27) runs in close proximity to the property and the proposals but no significant harm would be caused to users of the footpath. The key issues in the determination of this planning application are therefore considered to be:

- Is the development appropriate development in the Green Belt?
- The design of the proposals and the impact upon the Area of Landscape Enhancement, and
- If inappropriate development, do the very special circumstances exist to overcome the harm to the Green Belt?

#### Appropriate or inappropriate development within the Green Belt?

Paragraph 79 of the recently published NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The NPPF further details in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building provided that it remains in the same use and is not materially larger than the building it replaces.

The replacement shed with a volume of 96 cubic metres was considered during the previous application to be appropriate development because it would not be materially larger than the building it replaces. The applicant details that this building has now been reduced in size slightly and as such the conclusions reached in the determination of the previous application are valid for this aspect of the current application.

The septic tank and fuel tank seem to be of a similar size to the existing and so no issues are raised with these.

The side extension proposed in this application has not been reduced in size from that proposed in the refused application and would still have an approximate cubic volume of 113 cubic metres. The property has been extended previously (1970's) which resulted in an approximate cubic volume of 149 cubic metres. The original dwelling has an approximate volume of 298 cubic metres. Therefore the previous and proposed extensions would result in an 88% increase over and above the size of the original dwelling. As such this element of the proposal, along with previous extensions, still represents disproportionate additions over and above the size of the original building. It remains that the extension would be inappropriate development within the Green Belt and should not be approved except in very special circumstances.

#### The design of the proposals and the impact upon the Area of Landscape Enhancement

Paragraph 56 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.

Policy H18 refers to the design of residential extensions, where subject to planning control. The policy states:

“Proposals to extend dwellings will be favourably considered, subject to other policies in the Plan, so long as the following requirements are satisfied:

- i) The form, size and location of each extension should be subordinate to the design of the original dwellings.

- ii) The materials and design of each extension should fit in with those of the dwelling to be extended.
- iii) The extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or setting.”

The proposed single storey side extension is of a modest size that has an acceptable appearance.

The site lies within an area of Landscape Enhancement as indicated by the Local Development Framework Proposals Map. The proposals would enhance the character and quality of the landscape by virtue of the design, use of materials and the location, with minimal views from the wider area.

The design of the proposals are therefore considered acceptable and in accordance with policies of the local plan and the requirements of the NPPF.

Do the required very special circumstances exist (to justify inappropriate development)?

The NPPF details that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

No very special circumstances were put forward by the applicant in support of the previous application but reference was made within the application to personal circumstances of the applicant. These were not accepted because personal circumstances will seldom outweigh more general planning considerations, particularly where development would be permanent. This was confirmed by a planning inspector in a case that this LPA dealt with recently (at Butterton Nurseries) whereby it was concluded that, for the reason that they could be repeated so often in Green Belt situations across the country, such personal circumstances are not on their own capable of amounting to very special circumstances in the terms of national planning policy.

The applicant has now submitted an extensive case for consideration as very special circumstances. Included in this case are the applicant's medical information and supporting documents – medical reports, notes and occupational therapy notes/ accommodation reports. An appeal decision from 2010 is also attached.

The medical and accommodation reports indicate that in order for the applicant to remain in her home of forty years the existing accommodation would need to be adapted. The reports conclude that the proposed extension would help the applicant and the proposed extensions are the minimum possible to help with her medical conditions. In essence the requirements are as follows;

- Level-access downstairs shower;
- Adaptations to the kitchen, including the requirement for storage and food preparation areas to be at waist height to minimise bending and reaching;
- A designated hobby area;
- Downstairs bedroom and
- Improved access at the front door.

As well as physical disabilities the applicant suffers from significant psychological trauma and clinical depression. It is feared that if the application is refused and the applicant loses her house then this will have a further significant impact on her health.

The submission also suggests that the proposed extension is a high quality design forms part of the case for very special circumstances.

The applicant considers that personal circumstances are a material planning consideration and do outweigh any limited harm to the openness and character of the Green Belt. As discussed personal circumstances will seldom outweigh more general planning considerations and in this instance it is the harm of the extensions by virtue of it being an 88% increase over and above the size of the original dwelling.

Your officers accept that the ground floor of the existing property requires adaptation for personal circumstances. The existing ground floor has a large living/ dining room, library, sitting room, kitchen and utility room. The proposed extension would allow the sitting room to become a bedroom with the extension serving a shower room and a hobby room/ kitchen. The applicant indicates that the existing property cannot be adapted to provide the needs of the applicant to provide the kitchen as required and hobby room and that the extension is the minimum size required to meet the applicant's need.

Whilst the case advanced relates to the personal circumstances of the applicant, it is considered that the applicant has demonstrated that the existing property is not capable of adaptation to meet her needs and the extension is the only option. In consideration of the extensive case submitted by the applicant it is now accepted that the applicant has demonstrated, in this case, the very special circumstances required to outweigh the harm to the Green Belt. Permitted development rights should be removed for all extensions, external alterations and outbuildings to avoid any further harm to the Green Belt, however.



## **APPENDIX**

### **Policies and proposals in the approved development plan relevant to this decision:-**

#### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt  
Policy N17: Landscape Character - General Considerations  
Policy N21: Area of Landscape Restoration

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)  
Planning Practice Guidance (2014)

#### Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)  
Space around Dwellings Supplementary Planning Guidance (2004)

### **Relevant Planning History**

NNR2736 (1962) Demolition of Existing Cottage and erection of detached dwelling Permit  
NNR2736/D1 (1963) Demolition of Existing Cottage and erection of detached dwelling Permit  
N7713 (1979) Extension to form new kitchen, additional sittingroom and 2 bedrooms Permit  
15/00438/FUL Erection of a single storey side extension, replacement garden store, relocation of septic tank and LPG tank Refused

### **Views of Consultees**

**Madeley Parish Council** supports the granting of this application in the greenbelt area on the grounds that there are exceptional individual circumstances that could permit the development. There is nothing in planning legislation, including the NPPF and NPPG and development policy that prevents personal circumstances being taken into account in the overall planning balance. A similar appeal to the Planning Inspector was upheld in 2010. Public planning guidance available from "Planning Aid" when looking at Non Material Planning Consideration states, "applicant's personal circumstances (unless exceptionally and clearly relevant eg provision of facilities for someone with a physical disability."

Having due regard to the medical evidence that is available and the fact that the proposed extension would be a proportionate development, Madeley Parish Council believe that special circumstances exist and the application should be granted.

**The County Rights of Way Officer** raises no objections as it appears that there will not be any amendments or impact on the public footpaths as a result of this application.

### **Representations**

Six letters of representation have been received which all support the application on the grounds that the applicant should be allowed to stay in Madeley and the extensions represent an acceptable

design that would allow this. The replacement of the existing shed would be an enhancement. The proposals would also not be visible within the wider area.

**Applicant's/Agent's submission**

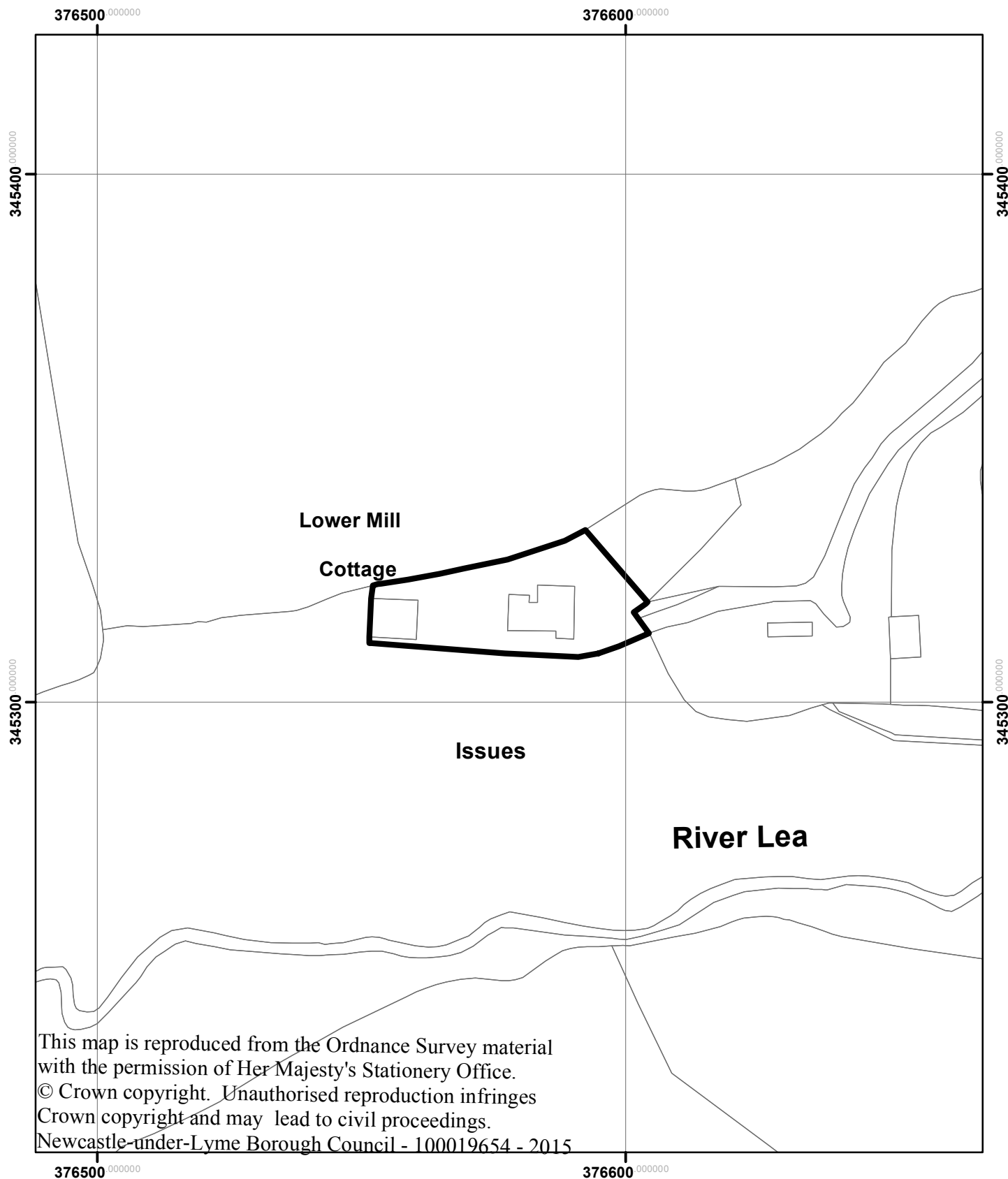
The application is supported by the requisite floor plans and elevations along with an extensive supporting statement which includes medical reports, accommodation report and rehabilitation report. These documents can be viewed by following this link to the application file on the Councils website; <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00009/FUL>

**Background papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

12<sup>th</sup> February 2016



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**LAND AT TALKE ROAD PARKHOUSE**  
**NEWCASTLE BOROUGH COUNCIL**

**15/00944/DEEM3**

The application is for advertisement consent for the erection of a 48 sheet poster hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m.

The application site is within the Newcastle Urban Neighbourhood as specified on the Local Development Framework Proposals Map. The site lies adjacent to the east side of the A34 (Talke Road).

**The 8 week period for the determination of this application expires on the 15<sup>th</sup> March 2016.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to:**

- 1. Approved plans.**
- 2. Tree protection measures.**
- 3. Highway method statement to address installation and maintenance of the sign.**

**Reason for Recommendation**

There will be no harm to the amenity of the area or to public safety and as such the proposal is therefore acceptable.

**Key Issues**

The application is for advertisement consent for the erection of a 48 sheet unilluminated advertisement hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m. The sign is to be located within a small landscaped area adjoining the southbound A34, Talke Road, south of the Parkhouse roundabout.

The application is supported by statement setting out details of the income project out the income that has been generated by replacement advertisement hoardings already approved and the income that could be generated if the number of hoardings is increased. As the only matters that are material to the determination of applications for advertisement consent are amenity and public safety, such information must not be taken into consideration in the determination of this application.

**Amenity**

The NPPF at paragraph 67, states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

National Planning Practice Guidance (PPG) indicates that in assessing amenity, the local planning authority should consider the local characteristics of the neighbourhood. The example given is if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. It goes on to say that this might mean that a large poster hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

The PPG therefore identifies the 'extremes' where hoardings are and aren't acceptable. In many cases poster hoardings are not proposed in locations where the decision is as clear cut as highlighted in the Government guidance. Generally, within the Borough and in other areas, the approach often adopted in the consideration of poster hoardings is that they are favourably considered if they are part of the temporary screening of a development site or where the general environment is so poor the hoarding would perform a positive function. In other circumstances more careful consideration of the visual impact of the hoarding is required.

The poster hoarding proposed in this location will be seen against a backdrop of industrial buildings. Given the close proximity of adjoining buildings and boundary treatments to the highway and its small size, the landscaped area the hoarding is proposed to be sited within is not as visually important to the area as the landscaped verge that the recently refused poster hoarding was proposed to be sited within adjoining the northbound carriageway of the A34 (on its western side). In the location proposed the hoarding would be seen with industrial buildings forming the backdrop, in close proximity.

The applicant considers that in this industrial context the hoarding could be accommodated without detriment to the visual amenity of the area. Taking into account the context of the site as set out above the views of the applicant are accepted.

In conclusion the proposed poster hoarding is not considered harmful to amenity.

#### Public safety

The Highway Authority have recommended a condition that would require the submission and approval of information relating to the installation and maintenance of the proposed advertisement

The poster hoarding is not considered harmful to public safety by virtue of its scale or location. There are no significant public safety concerns to address.

## **APPENDIX**

### **Policies and Proposals in the Approved Development Plan relevant to this decision:-**

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 -2026 (adopted 2009) (CSS)

Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy N17: Landscape Character – General Considerations

### **Other Material Considerations**

National Planning Policy Framework (NPPF) (March 2012)

Planning Practice Guidance (PPG) (March 2014)

### **Relevant Planning History**

None relevant.

### **Views of Consultees**

The **Environmental Health Division** makes no comments on land contamination aspects.

The **Landscape Development Section** raises no objection to this proposal which would avoid adjacent trees. Tree protection measures are recommended during the construction of the hoarding. The removal of adjacent trees in order to increase views of the hoarding would not be supported, and suggests that any pruning required should be completed in accordance with BS3998.

The **Highway Authority** has no objections subject to a condition seeking approval of information about the location of the parking of vehicles during installation and maintenance and the type of equipment used for the installation.

### **Representations**

None received.

### **Applicant/agent's submission**

The application form, plans, planning statement and other supporting information (details of the Newcastle-under-Lyme Borough Council Income Project) can be inspected at the Guildhall and on the website that can be access by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/Plan/16/00056/DEEM3>

### **Background Papers**

Planning File  
Planning Documents referred to

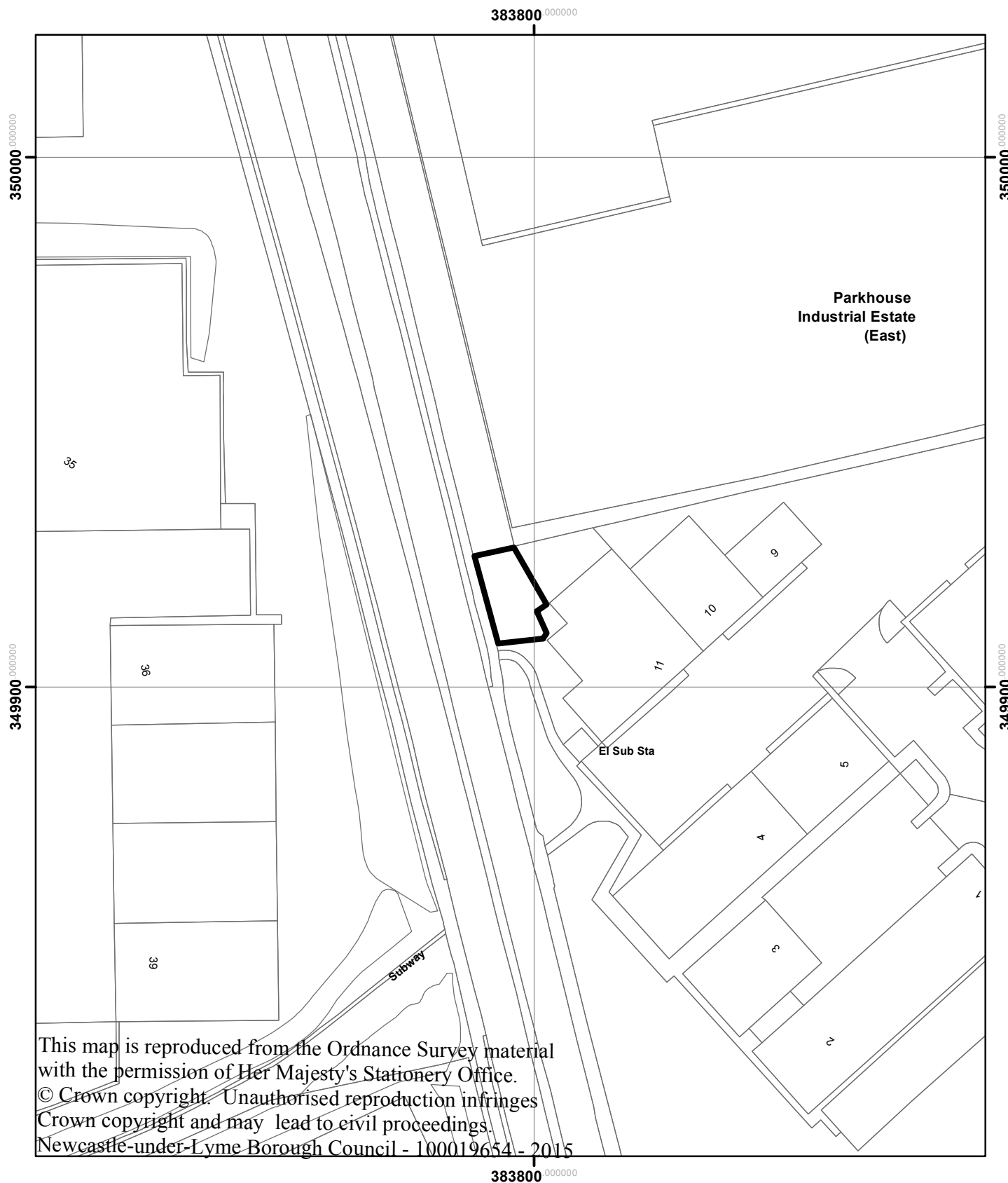
### **Date Report Prepared**

12<sup>th</sup> February 2016.

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Land to East of the A34, Talke Road, Newcastle  
16/00056/DEEM3



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## Report on Open Enforcement Cases

### Purpose of the Report

To inform members of the current situation regarding the enforcement caseload.

### Recommendations

- That the report be received
- That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

### **Background**

In accordance with previous Committee decisions, the format of this report shows existing and previous enforcement cases. The Table included in this report shows the total number of outstanding cases in one format (shown below).

In the last quarter a further 78 new cases have been reported, higher than the previous quarter (62). The current number of open cases is 253 (10 more than at the end of the last quarter). The number of open cases this quarter has therefore increased although it is noted by not as many as the increase in new cases for the quarter.

The issue of resources within enforcement has been identified as part of the Planning Peer Review's recommendations and it has been a new Senior Planning Enforcement Officer post has been agreed to address the current backlog which is too high. It is anticipated that progress will be made on the recruitment of this post in the near future.

Officers are seeking to continue to make progress in tackling the backlog. A number of the cases indicate in the Table below have associated pending planning applications awaiting determination (8 as at 2<sup>nd</sup> February 2016).

### **Conclusions**

It remains inevitable that some cases in the 'backlog' will remain open for some time because of their complexity.

Progress continues to be made in tackling older cases and there is still a significant body of work being undertaken behind the scenes, which has lead to progress in several complex cases. Officers' enforcement workload is regularly reviewed to ensure continuity and case progression, and will continue to be undertaken.

### **Current Outstanding Enforcement Cases**

The Table below shows the current statistics in comparison to the previous Quarter.

#### ***Current Enforcement Status***

<b>Year</b>	<b>Total</b>	<b>Open</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>BOC</b>	<b>L</b>	<b>M</b>	<b>H</b>
2016	13	13	-	9	3	1	-	-	-
2015	176	69	1	48	16	4	-	-	-
2014	212	53	0	40	13	-	-	-	-
2013	219	30	5	21	4	-	-	-	-
2012	229	27	8	12	7	-	-	-	-
2011	204	11	2	7	2	-	-	-	-
2010	206	9	2	6	1	-	-	-	-

2009	233	10	-	6	1	1	-	1	1
2008	276	10	-	-	-	-	3	7	-
2007	353	6	-	-	-	-	1	4	1
2006	280	6	-	-	-	-	2	3	1
2005	227	3	-	-	-	-	-	1	2
2004	252	1	-	-	-	-	1	-	-
2003	244	1	-	-	-	-	-	1	-
2002	247	3	-	-	-	-	-	2	1
2001	204	1	-	-	-	-	-	1	-

*Open Cases*           **253**

*(inc Backlog)*

*Previous Quarter*

**243**

Note for Table – C1, C2 and C3 are the categories agreed by the Planning Committee at its meeting on 17<sup>th</sup> February 2009 when it approved the Council's Planning Enforcement Policy; BOC indicates that the case concerns a Breach of Condition, whilst L, M and H represent Low, Medium and High priorities respectively allocated to the pre-February 2009 cases

**Date report prepared**

2<sup>nd</sup> February 2016

Planning Committee 1<sup>st</sup> March 2015

QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED

The purpose of this report is to provide details of progress made on those cases where enforcement action has been authorised either by the Planning Committee or under delegated powers. Members should note that many breaches of planning control are resolved without recourse to the taking of formal enforcement action.

One new cases has been added since the previous report, provided to the Planning Committee at its meeting on the 13<sup>th</sup> October 2015, giving a total of 6 cases where enforcement action has been authorised. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

**RECOMMENDATION**

**That the information be received.**

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
15/00037/207C2	<p>Land at Doddlespool, Main Road, Betley</p> <p>Breaches of conditions imposed on planning permission reference 14/00610/FUL for the retention of a water reservoir, formation of hardstandings and repairs to the existing track.</p>	20.4.15	<p>A Stop Notice (SN) and Enforcement Notice (EN) were served on 24<sup>th</sup> April 2015. The SN took effect on 30<sup>th</sup> April 2015. The EN took effect on 27<sup>th</sup> May.</p> <p>The Council is not aware that there has been a breach of the SN. It is aware, however, that the portacabin and commercial trailer/cabin remains on site beyond the one month time period set out in the EN.</p> <p>Since the previous report the breach of the EN has been taken to Court for prosecution and a significant fine has been imposed. The owner was given, by officers, a further 4 weeks to remedy the breach. That period has lapsed.</p> <p>The used tyres that were imported and deposited on the site are been utilised in the construction of a fodder beat store and TB testing facility. Consideration is being given to whether this is permitted development and further information has been sought from the owner.</p>	<p>Monitor compliance with the Stop Notice. Visit site to ascertain whether breach of EN has been resolved and if not pursue further prosecution of the breach of the Enforcement Notice.</p> <p>Further investigation into the fodder beat store and TB testing facility will be undertaken.</p>
14/00049/207C2	<p>Land off Pepper Street, Hollywood Lane, Newcastle.</p> <p>Unauthorised siting of a caravan for residential use.</p>	5.8.15	<p>An EN was served which takes effect on 28<sup>th</sup> February 2016 unless an appeal is lodged.</p> <p>The EN requires the cessation of the use of the land residential purposes; the removal of the caravan and associated structures and paraphernalia: and the removal of any fencing erected on the perimeter of the land.</p> <p>The period for compliance as set out in the EN is six months after the notice takes effect.</p> <p>A letter has been received indicating that an appeal has been lodged.</p>	No target for this quarter unless an appeal is lodged.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00048/207C2	Dairy House forming part of Hungerford House Farm, Hungerford Lane, Madeley  Unauthorised subdivision into two dwellings	13.7.15	A retrospective planning application was received for the subdivision of Dairy House into two dwellings. The application was refused on the grounds that this is an unsustainable location for the creation of new residential dwellings and the subsequent appeal has now been dismissed.  An EN was served requiring that Dairy House is reinstated to its previous condition prior to the subdivision within six months of the notice taking effect.  The EN took effect on 21 <sup>st</sup> December 2015 as an appeal was not lodged.	No target for this quarter.
15/00518/FUL & 15/00131/207C2	7 Oldcott Crescent, Kidsgrove  Amateur radio antenna and 10 metre steel tilting/wind up antenna mast	20.4.15	Planning Committee at its meeting on 18 <sup>th</sup> August 2015 resolved to refuse planning permission for the retention of the amateur radio antenna and mast as they were considered to unacceptably reduce the living conditions of neighbouring properties due to their oppressive and overbearing effect. Committee also resolve authorised the issuing of enforcement and all other notices to secure the removal of the radio antenna and mast  An EN has been served and the antenna and mast have been removed in compliance with it.	CASE CLOSED
14/00036/207C3	5 Boggs Cottages, Keele Road, Keele  Unauthorised use of land for the siting of a mobile home	5.1.16	Planning Committee at its meeting on 5 <sup>th</sup> January 2016 resolved that the Head of Business Improvement, Central Services and Partnerships be authorised issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of the mobile home and associated paraphernalia from the site within six months. To date instructions have not been sent to Legal Services so that this resolution	Instruct Legal as a matter of urgency.
15/00094/207C3	70A Chatterley Drive, Kidsgrove  Unauthorised boundary fence	30.10.15	A retrospective planning application (15/00803/FUL) was refused under delegated powers due to concerns that its height and location would introduce an incongruous boundary treatment which is harmful to the street scene.  Instructions have been sent to Legal to take action to secure the removal of the fence or reduce it to a height of 1m	Issue EN.

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## **Confirmation of Tree Preservation Order**

### **LAND AT WHITE OAKS, BIGNALL HILL**

#### **Tree Preservation Order No.173 (2015)**

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

**The Order** protects trees situated on land at White Oaks and land on the boundary of White Oaks and the site of the former Diglake Quarry (trees within the Diglake Quarry site are already protected by a Tree Preservation Order), off Bignall Hill. The Order was made to safeguard the longer term visual amenity that the trees provide following tree felling at the property which led to concern that further tree felling could be imminent.

The Order was made using delegated powers on 20<sup>th</sup> October 2015. Approval is sought for the Order to be confirmed as modified.

**The 6 month period for this Order expires on 20<sup>th</sup> April 2016**

## **RECOMMENDATION**

That Tree Preservation Order No 173 (2015), land at White Oaks, Bignall Hill be confirmed as modified and that the owners and occupiers of the site (White Oaks) and the 'persons interested' (Staffordshire County Council and the owners and occupiers of the adjacent Former Diglake Quarry site) be informed accordingly.

## **Reasons for Recommendation**

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations.

The making of the Order will not prevent the owners from carrying out good management of the trees nor progressing plans should they wish to develop the site.

It will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage and wilful destruction.

The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

## **Representations**

No representations were received following the publicity period.

Following the serving of the Tree Preservation Order upon interested parties, contact was made by the owner of the adjacent land, and a meeting was held to discuss some minor tree removal for works to make some mining shafts safe. A Tree Work Application followed this, however insufficient detail was contained, and the council is awaiting additional

information before this application can be validated. It is anticipated that these works will have no impact upon trees at White Oaks.

### **Issues**

Following reports that were received of recent tree felling your officers inspected the site on 19<sup>th</sup> October 2015 and carried out a TPO assessment.

Upon inspection of the site it was clear that a substantial mature Oak tree on the frontage of the site had been felled, it was also clear that other less recent felling of major trees had taken place at White Oaks.

During the site inspection it was noted that the position of the boundary between White Oaks and Diglake quarry site was unclear, and that visually important trees that define the edge of the woodland lie within a garden fence at White Oaks, this lead to concern that these trees may be felled.

These woodland edge trees are clearly visible on the Skyline when viewed from Bignall Hill, and given the extensive tree felling that had occurred on woodland beyond, their value as a backdrop feature is increased, and they now provide an additional screening role. These trees are also visible as woodland edge trees from the Wedgewood monument on the hillside to the North-East.

A single visually prominent Cedar tree on the south east corner of White Oaks meets the criteria for protection. Other trees positioned within white Oaks along the Bignall Hill frontage would not meet the criteria for protection through a Tree Preservation Order.

The inclusion of boundary trees within White Oaks within the Tree Preservation Order that affects the Diglake Quarry site was not considered as 'expedient' at the time that order was made, as the trees were not considered as under threat.

Government guidelines advise to local authorities concerning the use of 'Area' orders which has been used in this case. 'Area' orders are intended for short-term protection in an emergency situation and may not be capable of providing long term protection. This is because the Order will only protect those trees standing at the time it was made, so it may over time become difficult to be certain which trees are protected. It advises the use of this category as a temporary measure until such time when the trees can be fully assessed and subsequently re-classified.

This full assessment of these trees took place on Friday 5<sup>th</sup> February 2016.

The outcome of the assessment was that trees in A1 have been reclassified as GI (Group 1) containing the following trees:

- Two Pine trees (P1 and P2)
- Six Oak trees (O1 to O6)
- Three Cypress trees (C1 to C3)
- Four Birch trees (B1 to B4)

Other trees within A1 did not meet the criteria for protection by a Tree Preservation Order.

T1: Cedar will remain as the only individual tree protected by the order.

The trees that have been protected in the modified order are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years.

Date report prepared

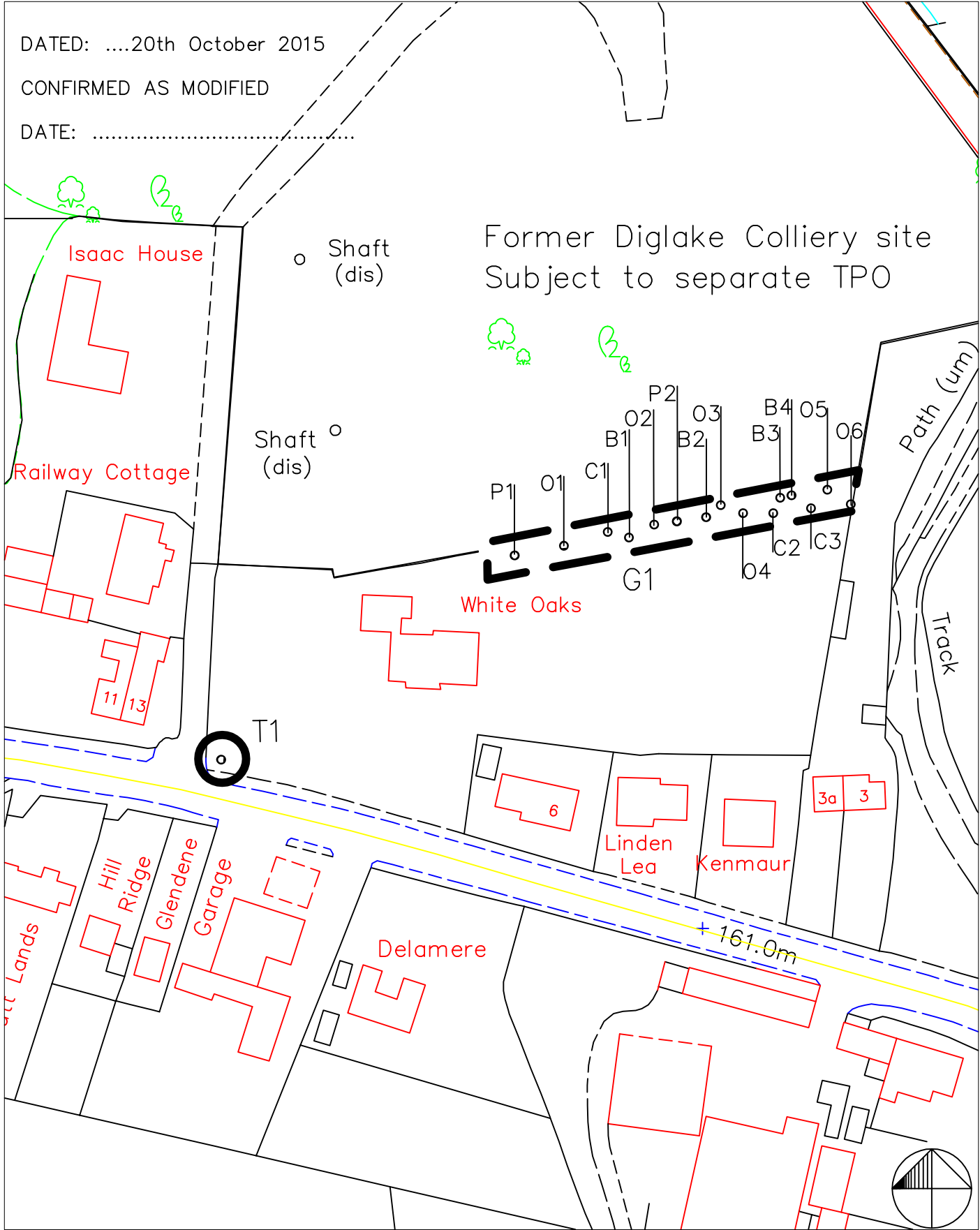
11<sup>th</sup> February 2016.

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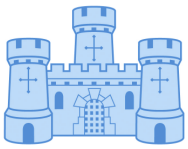
DATED: ....20th October 2015

CONFIRMED AS MODIFIED

DATE: .....



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**NEWCASTLE  
 UNDER LYME**  
 BOROUGH COUNCIL

TITLE:  
 LAND AT WHITE OAKS, BIGNALL HILL, NEWCASTLE UNDER  
 LYME

DESCRIPTION:  
 TREE PRESERVATION ORDER  
 NUMBER 173 (2015) as modified

SCALE:  
 1:1000

DATE:  
 OCT 2015  
 modified FEB 2016

DRAWN BY:  
 JH  
 DRAWING NO.  
 TPO 173

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## **Stubbs Walk Conservation Area Appraisal and Management Plan Supplementary Planning Document**

### **Report to Planning Committee 1<sup>st</sup> March 2016**

#### **Purpose of the Report**

To inform the Planning Committee of the results of the consultation process on the draft Stubbs Walk Conservation Area and Management Plan Supplementary Planning Document (SPD) and to consider the SPD prior to its adoption.

#### **Recommendations**

- 1) That the Planning Committee agree the draft Stubbs Walk Conservation Area Appraisal and Management Plan Supplementary Planning Document and to the publication of the attached Consultation Statement and the SPD for the required final period of representations; and**
- 2) That, subject to no representations being now received seeking changes to the Appraisal and Management Plan SPD, the Planning Committee commend the SPD to Cabinet for adoption**

#### **Reason**

The consultation period is now over and the responses have been analysed with recommendations as to how the document should be amended

### **1.0 Introduction**

- 1.1 The Planning Committee, on 3<sup>rd</sup> June last year, approved a draft Stubbs Walk Conservation Area and Management Plan Supplementary Planning Document (SPD) for consultation purposes. The purpose of this report is to inform members of the results of the consultation on the draft SPD, and to enable the Planning Committee to consider the final draft SPD before being considered for adoption by the Cabinet.

### **2.0 Background**

- 2.1 The SPD seeks to provide additional information to ensure that the Borough's Conservation Areas are safeguarded for the future to supplement the objectives and policies contained in the Joint Core Spatial Strategy. The SPD redefines the special interest of the Stubbs Walk Conservation Area and identifies issues which threaten these special qualities. The Management Plan provides a framework for future actions.

### **3.0 Consultation process and results**

- 3.1 The consultation on the draft SPD took place over a six week period from 21<sup>st</sup> December to 29<sup>th</sup> January 2015. The documents were on the Council's website and made available in Newcastle Library, the Guildhall and Civic Offices. This

draft is still available to view on the Council's website [www.newcastle-staffs.gov.uk/conservation](http://www.newcastle-staffs.gov.uk/conservation)

- 3.2 The steps taken included :-
- A news release was sent and published by the Sentinel.
  - An exhibition and consultation event attended by 4 council officers was held at the Margaret Powell Library, Newcastle-under-Lyme School in Stubbs Walk Conservation Area on 19<sup>th</sup> January for 2 hours in the evening. Posters about this event were displayed in the town and around the school buildings. The event was well attended .
  - A consultation response sheet was provided to encourage representations to be made.
- 3.3 In total, there have been 6 submitted responses to the consultation on the draft. A Consultation Statement has been prepared, in accordance with the Local Planning Regulations, with individual comments and the proposed response, including any recommended changes. A copy of this Statement is appended to this report as Appendix A. The representations have been retained on file and can be viewed on request.
- 3.4 Residents who attended the consultation event were pleased that the Stubbs Walks and park were being retained and they all saw this as an extremely valuable and attractive space.
- 3.5 There are no proposals to amend the boundary within Stubbs Walk Conservation Area and the consultation responses with one exception agree that the boundary is correct and does not need amending. The only suggestion which proposes a change to the document is that the Article 4 Direction covers commercial properties as well. It is therefore proposed that when drawing up the Direction, consideration is given to all properties in the Conservation Area, and the Management Plan has been amended to reflect this. The amended document is attached as Appendix B.
- 3.6 The Conservation Advisory Working Party proposed no amendments or raised any issues with the document at consultation stage. Their views on the Consultation Statement are being obtained and will be reported via a supplementary report.

#### **4.0 Next Steps**

- 4.1 Under the Local Planning Regulations, before the SPD can be adopted the Council has to make available both the SPD and the Consultation Statement and allow a further limited period, of not less than 4 weeks, for representations to be made. In the event of any further representations being received will the matter be brought back to the Planning Committee. Otherwise the next stage will be the consideration by Cabinet of the SPDs' adoption
- 4.2 Once adopted, the SPD together with an adoption statement will be posted on the Council's Planning Policy website page and will be made available at a



charge in hard copy if requested. Details of the adoption will be sent to all those who participated in the consultation process and provided their contact details.

## **5.0 Background Papers**

Consultation Draft SPD

Copies of representations made on the draft SPD

The SPD Consultation Statement

Date report prepared 17<sup>th</sup> February 2016

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**Stubbs Walk Conservation Area Appraisal and  
Management Plan**

DRAFT

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  3. Location and setting
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  7. Summary of issues - Opportunities and Constraints
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2. Implications of Conservation Area Designation
3. Management of the Historic Environment
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  - Register of locally important buildings and structures
  - Control and management of the natural environment
  - Demolition
4. The Conservation Area Boundary review
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## 1. Introduction

Stubbs Walk Conservation Area was designated in February 1993. The area is located south-east of Newcastle under Lyme Town Centre in Staffordshire.

Conservation Areas are defined as “areas of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance”. Local planning authorities are required to formulate and publish proposals for the preservation and enhancement of Conservation Areas and must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The purpose of this Appraisal is to provide a good basis for planning decisions and for development proposals in the area in the future. The appraisal will inform the production of a management plan for the area. Once agreed by the Planning Committee of the Borough Council, the Draft Appraisal and Management Plan will be discussed with the wider community.

### Planning Policy Context

These documents should be read in conjunction with the wider policy framework as set out in various policy documents. The Development Plan for the Borough currently consists of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy and saved Local and Structure Plan Policies. More information about the planning system can be found on the Borough Council’s website: [www.newcastle-staffs.gov.uk/planning](http://www.newcastle-staffs.gov.uk/planning)

These documents will therefore provide a firm basis on which applications for development within the Conservation Areas can be assessed. The governments online Planning Practice Guidance is a valuable and accessible resource <http://planningguidance.planningportal.gov.uk/blog/guidance/> and Historic England (formerly English Heritage) guidance sets out the importance of appraisals and management plans, [www.historicengland.org.uk](http://www.historicengland.org.uk). Additional historic and archaeological information can be obtained from the Historic Environment Record (HER) which is held at Staffordshire County Council. The Council has a Register of Locally Important Building and Structures. Information about the Register and the current list is available to view online at [www.newcastle-staffs.gov.uk/localregister](http://www.newcastle-staffs.gov.uk/localregister).

It is important to note that no appraisal can ever be completely comprehensive. If a building, feature or space is not mentioned this should not be taken to imply that it is of no interest.

## 2. Summary of Significance

Stubbs Walks Conservation Area is significant for the following reasons:

- It represents a well preserved street pattern of 19<sup>th</sup> Century development for the industrial expansion of the town.
- High quality environment marked by historic school buildings. Much of the land is now owned by Newcastle under Lyme School but the area still has the feel predominantly as a residential.
- Distinctive high quality Victorian Villas and late Georgian town houses, creatively embellished with many original features retained, such as tile patterning, decorative banding, clay tiles and boundary walls with piers
- Interesting history named after a former open field and archaeologically significant with the area's industrial heritage and one of the earliest canals.
- Attractive setting with historic public walks with mature natural landscaping open spaces and pathway networks.
- St Paul's Church, a Grade II Listed Building built from Hollington stone by R Scrivenor and Sons, Hanley

The Character Appraisal concludes that the key issues in the area are:

- Protection of the townscape and built features of the Conservation Area including the trees landscape and front boundary walls.
- Use of modern materials on historic buildings, such as upvc windows and doors and inappropriate changes to historic buildings.
- Consideration of additions to the Register of Locally Important Buildings and Structures.
- Insensitive signage on businesses

### **3. Location and Setting**

Stubbs Walk Conservation Area is located beyond the ring road of Newcastle-under-Lyme Town Centre to southeast, close to the Borough boundary with Stoke-on-Trent. The central area of the Conservation Area is dominated by buildings and land owned by Newcastle under Lyme School. It has two main sites, one on the lower side of Victoria Road and the main high school which links from Mount Pleasant to a back lane. The school grounds are far more extensive than the Conservation Area including playing fields to the south which incorporate cricket and rugby pitches.

Around the periphery of the area the Conservation Area are terraced streets built on a grid-iron plan and is occupied by both residential and businesses in what used to be predominantly a residential area. This area is occupied by retail offices and other business uses which have become established over the years especially to the north of the area and along Marsh Parade.

On Lancaster Road is a bowling club, nursing home, office and two children's nurseries

Stubbs Walk is relatively built up on the periphery around the junction of West Street and North Street, Marsh Parade and Mount Pleasant but opens out to provide green walks and school playing fields in the centre, as well as green areas on both school sites. The landscape value of the trees and plants within Stubbs Walk is particularly high and provides a setting for the Conservation Area. The character of the Conservation Area to the north beyond the boundary deteriorates quickly with the historic pattern of development has been lost and replaced by modern flats.

#### 4. Historic development

In the medieval period this area was marshland and strip fields. Stubbs Field along with Brampton field and four other fields were still surrounding the town under crop cultivation until the early 19<sup>th</sup> century. By the early 19<sup>th</sup> Century, with the decrease in reliance of agriculture and increasing populations, the land was enclosed.

The demand for housing grew and so did the expansion of the town with the earliest development in the area around Marsh Parade and Mount Pleasant where houses were built in high density on a grid iron pattern. So no longer common land, the fields were managed by trustees and part of their role was to support the making of public walks in Brampton and Stubbs. Two linear walks were created and they still exist today and are a key feature of the character of the respective Conservation Areas.

Silk throwing was a new industry and established itself in the area. The former silk mill built by Henshall and Lester on Marsh Parade brought important industry to the area. It was in use from 1822 until 1938/9 and is now converted to offices.

In the mid-19<sup>th</sup> Century, Lancaster Road was not yet laid out although there was a path network relating to plots and former fields. By the end of the 19<sup>th</sup> Century Lancaster Road and Lancaster Avenue had been planned and built on. The Church of St Paul built between 1905-8, is shown to be built on the site on a former church.

Spatially the wider history of the area is significant defined by former canals, roads that linked them to the southwest. The historic maps from the mid and late 19<sup>th</sup> Centuries show that the general spatial layout and character remains the same with the principal streets, two school sites and the central park and walks. The borough council erected a bandstand in the location of the current playground and to the south a Russian gun was also exhibited until about 1940.

Allotments were a key characteristic of the mid 19<sup>th</sup> Century with a large area designated for this use at the former Orme Girls School which is now used as the school playing field. Allotments were also to be found close to Stubbs Walks on either side of Palmer Way, again this is now occupied by school sports buildings.

Malabars map (1847) shows the walks running along the side of the former canal. The former canal was known as Junction Canal and plans were approved in 1797 and in 1798 the canal was cut. This was planned to join up with Sir Nigel Gresley's Canal (of Knypersley Hall) which was built to transport coal from their coalmines at Apedale to Newcastle.

The main secondary school was built on Mount Pleasant as a upper school for boys to 19 years old in 1872 and was said to follow the main grammar school curriculum but with an emphasis on experimental chemistry due to the proximity and influence of the trade manufacturers of the surrounding area. The former Orme Girl's School on Victoria Road was founded 1871 and a new school built shortly after. This also includes the former headmistresses' house. The two schools are now amalgamated are known as the Newcastle-under-Lyme School, an independent day school that owns a considerable amount of land and other buildings within the Conservation Area and beyond, including the former church Hall on Victoria Road.

The Extensive Urban Survey for Newcastle under Lyme states that overall there is a low potential for the survival of below ground archaeology in the area. However further research will always help with the understanding of any unknown heritage assets.



## **5. Spatial and Character analysis**

### **Topography**

The topography of the Conservation Area rises steeply to the east and is a distinctive feature, creating some attractive views of the town centre from certain vantage points especially across the playing fields westwards towards the town centre. The land rises from the town centre then it plateaus at Victoria Road across Stubbs Walks then rises up in an easterly direction again plateauing again at Lancaster Road and rising to the edge of the Borough boundary with Stoke on Trent.

### **Layout and street pattern**

The area is fairly cohesive with the school buildings and playing fields at the heart of the Conservation Area. The predominant street pattern is a series of roads in a linear pattern, straight roads running north/south. Still evident, to the north is terraced streets based on a grid iron pattern, more compact on West Street, North Street and Victoria Road. Mount Pleasant (north side) has terraces facing the school site, closely compact of different styles and sizes but again forming an unbroken frontage ascending up the street. The size of plots varies significantly and relates directly to the principle use and class level of the building. Workers housing was terraced with small private spaces and housing for the more affluent was larger with more space around the houses. Lancaster Road has villas on the east side of the road which are set in formal relatively generous plots are slightly set back behind small front gardens bounded by walls, they present feeling of spaciousness and openness.

Lancaster Road, Victoria Road and Mount Pleasant all have gentle curves which restrict long distance views. The terraced streets to the north have buildings on one side of the road which are set to the back of the pavement giving a feeling of higher density. The buildings on Lancaster Road.

A large part of the Conservation Area is occupied by the two school sites. The presence of the school and its amalgamation of the two school sites and other adjacent areas of land have helped to retain the character of the area. The school have expanded and extended parts of the school over the years and this is generally outside the Conservation Area with the junior school and there is an ambience of spaciousness around the main school grounds providing a collegiate atmosphere as students move by foot between the two main sites.

### **Open spaces, trees and landscape**

The natural environment in the Conservation Area is an integral part of its significance. Despite being a suburban landscape, there is a large amount of open space within the Conservation Area thanks to the school grounds with three main playing fields and Stubbs Walks, a public park.

There is a tranquil feeling about the area and in general terms the mature landscape and trees play an important part in the character of the area. The public park was designed and laid out to be an area that residents could enjoy and get exercise, including avenues of trees and planting and this is exactly what it is used for now. The Council manages the park and open space and there is also a children's playground in the centre.

The main school site and grounds are set back from the road behind metal railings with brick decorative piers flanking the main access point and entrances. There are a row of trees and planting with a grassed area in front of the railings providing an attractive mature setting.

There are Tree Preservation Orders on trees within Gladstone Villas on Victoria Road and one on a property in Lancaster Avenue which protects the trees by law. Other trees are afforded some protection by virtue of being in the Conservation Area.

### **Focal points, focal buildings, views and vistas**

Due to the topography and mature trees, the views are limited across the park but they provide vistas along the pathway networks. There are significant key buildings which are visible and make a positive contribution to the overall character of the area. Perhaps the most prominent building given its tall tower and spire is the Church of St Paul on Victoria Road. The Church is set within a relatively small plot with limited curtilage although its location adjacent to the edge of Stubbs Walk, the linear park provides it with an attractive setting. The spire is framed in a number of views including along Stubbs Walks between the trees, from Garden Street at the bottom of the school playing field, across the school grounds from Lancaster Road, including more long distance views.

Other key buildings are the large school buildings some elements of which are more prominent than others, depending on location. Buildings on corners, including the large villas which are designed to have presence and prominence and are in elevated positions, including decorative gables, embellished string courses with tiles which all contribute towards a high quality environment.

### **Boundary features**

There are a variety of boundaries in the Conservation Area, generally man-made except the back lane, leading to Palmers Way which is an informal lane with soft edges. Boundaries vary between streets. Lancaster Road in general has stone boundary walls and piers with a hedge set behind it. The main school is characterised by simple metal railings, painted black and brick stone piers with stone finials. The former Orme School also has simple railings, some set on a low brick wall along Vessey Terrace. There are generally no boundaries for the terraces along Marsh Parade which front directly onto the pavement. Victoria Road has brick boundary walls to the villas. The Church is set behind a low stone plinth with piers and simple metal railings.

### **Public Realm**

There are few examples of historic public realm in the Conservation Area. The principal features in the public realm are the gate piers and walls marking the entrance into the public walks and park area. There is also a cast-iron post which used to have an ornamental lamp bracket. There are modern benches within the park and a playground and modern lampposts.

There are fairly extensive original blue brick paviers on the pavements along much of Mount Pleasant outside the periphery of the Newcastle-under-Lyme school. These have both a distinctive crisscross pattern and smooth finish. Stone kerbs are also still present within the area.

The character of the area is determined by more than just the appearance of the buildings. Due to the nature of the area as a residential area, there is little highway signage in the Conservation Area which can often cause unnecessary street clutter.

## 6. Quality and Character of Buildings

The historic buildings and structures in the area contribute greatly to making the area aesthetically special, and this is complemented by the presence of some nationally designated buildings as well.

The Conservation Area contains 5 Listed Buildings and Structures, all listed Grade II. There are 4 entries on the Council's Local Register Locally Important Buildings and Structures.

- Church of St Paul, an Edwardian Church, built in 1905 by R Scrivener & Son. It is built from red sandstone which is rusticated.
- Stone piers at the entrance to Stubbs Walks – the 4 piers are linked by stone walls and railings at the entrance are dated around 1800 so they were in existence earlier than the laying out of the walks. The cast iron post with an ornamental lamp bracket is also part of this listed building entry but this is missing.
- Former silk mill, at 21 Marsh Parade was built by 1822 and used as such until 1839. It is brick, now painted with plain tile roof. It is three-storeys, sash windows although these were probably originally cast-iron and replaced in timber. It is now used as offices and a number of business occupy the building.
- No 23 and 25 and 27 Marsh Parade are early 19th Century houses but again are now in business uses. They are stuccoed, 3 storey, with fanlights sash windows to No 23 and cross casements to no. 25.

The school buildings vary, but the main school built in 1872 is built in red brick with stone banding and window surrounds and a decorative fish scale clay tile roof. Later extensions are built in the same materials. The former Orme Girls school on Victoria Road built around the same time in same materials but a little plainer. The school buildings have stone window surrounds, verges and quoins used to decorative effect. Other significant building include the Church and former Church hall.

There are a variety of building styles within the Conservation Area, but many are well-proportioned domestic villas. The majority of properties are Victorian or late Georgian, so there is a high survival of many historic buildings of a high quality which contributes to the interest of the area. They vary in terms of size and status from the most prestigious houses, like those on Lancaster Road grading down to mid-size terraces along Mount Pleasant and part of West Street (East of Victoria Road) which have bay windows and greater embellishments, to the smaller simpler terraces around the corner of Victoria Road and West Street. The villas have typical architectural detailing, such as steep gables, gable dormers, 3 storeys, well detailed chimney stacks, decorative timber barge boards and decorative banding which add to the special character of the area.

There is a unified palette of materials in the area which gives the area a great deal of character and the regular repetition of architectural detailing on some terraces that also contributes to the character. The predominant building materials are red brick but there are a few villas with slightly darker more typically Staffordshire brick with darker hues. The brick bonding in the area is almost exclusively Flemish bond. Only the main school buildings have English Garden Wall bond. Town houses on Marsh Parade are stuccoed in a classical regency style well-proportioned with balconies. Other houses on Mount Pleasant are currently rendered or have painted brickwork but were not originally intended to be rendered or painted and this has resulted in the loss of historic architectural features. Roofs are generally plain clay tiles.

In terms of joinery, many of the timber windows and doors are still in situ. Some have been replaced with uPVC but generally window openings have not been altered and the window proportions have retained their traditional proportions.

#### Businesses

There are a number of businesses which have tended to cluster around Marsh Parade, Mount Pleasant and Lancaster Road. They all occupy former residential properties with the exception of the business which currently operate out of the former silk mill on Marsh Parade. Signage can be detrimental to the style and design of the residential properties and therefore detract from the character of the Conservation Area.

#### Neutral Buildings

There are very few modern buildings and extensions within the Conservation Area and they generally neither contribute to nor detract from the character of the area and these are considered to be neutral buildings. Such buildings are the modern sports buildings on the school site and some garages to the rear of some of the properties.

## **7. Summary of Issues**

Since the Conservation Area was designated in 1993 there have been changes, but for the most part these have been changes of use to buildings from residential to businesses or visa versa with few external alterations as these have not harmed the overall character of the Conservation Area. Alterations to the school buildings have not materially altered the external appearance of the buildings from the main roads and vistas.

This desirable state must be continued, and improved when practicable, and this can only be achieved by continual vigilance by concerned local inhabitants, informed decisions by planning officers and positive action by enforcement where necessary, all acting in liaison for the common benefit.

### **Opportunities and Constraints**

- Inappropriate signage on businesses occupying former residential sites and action needs to be taken to improve or remove the signage.
- A few properties have fairly substantial plots on Lancaster Road and the rear gardens are large. There has not been any significant pressure for development on this backland and in order to maintain the historic character of the road, this should be resisted to help preserve the open character of the area.
- Loss of historic features such as windows and doors. Where possible these should be retained or opportunities found to reinstate such features.
- The effect of permitted development can be harmful by incrementally removing significant historic features from buildings. An Article 4 Direction should be considered to tighten control over important buildings and frontages which are not protected from harmful change.
- Appropriate use of materials when altering or extending properties within the Conservation Area.
- Retain trees and landscape features.

## **Section 2: Conservation Area Management Plan**

### **1. Introduction**

The purpose is to provide a framework for further actions which although primarily the responsibility of the Borough Council, will also depend on the cooperation and enthusiasm of local people and local organisations/institutions. This Plan is informed by Section 1 of this document which identified the special character and significance of the Conservation Area.

The Conservation Area in Stubbs Walk has been existence for over 20 years and the effectiveness of the designation depends on the way it has been managed in the past by the Borough Council, local businesses residents and Newcastle-under Lyme School.

Government policy guidance on Conservation Areas is contained in National Planning Policy Framework, where the government is still promoting informed and evidenced based conservation. It considers that parts of the environment which have significance due to their historic, archaeological, architectural or artistic interest are called heritage assets whether formally designated or not. These assets promote a sense of place and contribute towards the aims of sustainability.

Government policy has made it clear that Conservation Areas are not areas of preservation and that change is an inevitable fact of modern life. The challenge is therefore to manage that change in a manner which respects the special historic and architectural qualities of a place. The context for these policies is provided by the Local Development Framework (LDF) and the Core Spatial Strategy.

Local authorities are required by law to review their Conservation Areas and the preparation of management plans and conservation area appraisals form part of this obligation.

#### Consultation

The involvement of the local community in the formulation and delivery of these documents helps to strengthen the status and impact of Appraisals and Management Plans. A full period of consultation will take place with the documents to provide opportunities from the local community to input further into the documents. Following this the final document will go back to Committee before going to Cabinet for final approval and adoption as a Supplementary Planning Document.

Both documents will be of use to the Borough Council when determining planning applications for change within or on the edges of the Conservation Area, and for property owners and their agents when considering schemes for alteration or new development.

\* The proposed actions contained in the Management Plan will be undertaken using existing Council resources unless otherwise stated.

## **2. The implications of Conservation Area designation.**

Designation as a Conservation Area brings a number of specific statutory provisions aimed at assisting the “preservation and/or enhancement” of the area. The overriding policy is that new development should pay special regard to the character or appearance of the Conservation Area.

Other effects are:-

- Extra publicity must be given to planning applications affecting Conservation Areas. This is done through a site notice and an advertisement in the local newspaper.
- Permission is required for the demolition of most unlisted buildings in a Conservation Area (except small structures) and the local authority may take enforcement action or consider criminal prosecution if permission is not obtained.
- Written notice must be given to the Borough Council before works are carried out to any tree in the area to give the Council the opportunity to include the tree within a Tree Preservation Order.
- The Borough Council may take steps to ensure that a building in a Conservation Area is kept in good repair through the use of Urgent Works Notices and Amenity Notices.
- The energy conservation expectations of the Building Regulations (Part L) do not necessarily apply to buildings within a Conservation Area.
- Powers exist for local authorities, Historic England or the Heritage Lottery Fund to provide financial grant schemes to help with the upkeep of buildings in Conservation Areas, if the area is economically deprived.
- The Council has a Historic Building Grant Fund for the repair and reinstatement of buildings and structures which are considered as heritage assets, namely Listed Buildings, buildings in Conservation Areas and on the Council’s Register of Locally Important Buildings.

It is always a good idea to check with the Planning Service before carrying out any work and if you need any advice on any planning issues.

Where a building is designated as a Listed Building separate legislation applies to all internal and external alterations which affect the special architectural or historic interest of the building and will probably require Listed Building Consent. Planning permission is also needed for all proposed buildings in the garden of a domestic Listed Building including gas/oil containers. Listed Building Consent is practically always required for the installation of `antennas` and if the Borough Council considers that the installation will have an adverse effect on the special interest of the building, consent will usually be refused.

### 3. The Management of the Historic Environment

The Borough Council has policies which are aimed at preserving the significance and character and appearance of Conservation Areas.

Each application has to be determined on its own merits but much can be achieved by having a clear interpretation of statutes, detailed policy and guidance and training to help elected Councillors and officers to work within these constraints. Development proposals can have an effect on a Conservation Area even when they are some distance outside it. In such cases, the duty to pay special attention to the character and appearance of the Conservation Area still applies. Alterations to the external appearance of a property often require planning permission.

***Action 1 The Borough Council will adopt a consistent interpretation of what it considers to be a `material` change in the external appearance of a building.***

Certain works to Single dwelling houses within a Conservation Area are considered "permitted development" that enable some alterations to be carried out without the need for planning permission. These can include changes to windows and doors, roofs materials or construction of minor extensions. Although they may be minimal in each case, such alterations can have a cumulative effect that is damaging to historic areas. In summary:

- Planning permission is needed for extensions to houses in Conservation Areas if it extends the side wall of the house or if it has more than one storey to the rear and if it exceeds certain length and height restrictions.
- Planning permission is needed for external cladding to houses using stone, artificial stone, pebble dash, render, timber, plastic or tiles.
- Planning permission is needed for any alteration to the roof of a house in a Conservation Area.
- Planning permission is needed for the erection of any structure within the curtilage of a house in a Conservation Area if the structure proposed would be on land to the side or front of the house. This is especially important for sheds, garages and other outbuildings in gardens.
- Planning permission is required for satellite dishes and antennas if they are mounted on a chimney, wall or roof slope which faces onto and is visible from a highway or a building which exceeds 15 metres in height. In these cases, planning permission would not normally be approved. Conventional TV aerials and their mountings and poles are not considered to be `development` and therefore planning permission is not required.
- With commercial properties, such as shops and pubs, planning permission is generally required for alterations to these buildings.
- Solar PV or thermal equipment needs planning permission if it is to be located on a wall or roof slope of the main elevation of the main house or outbuilding or on a Listed Building or a building in its garden.
- Within Conservation Areas, lopping or felling a tree greater than 75 mm. diameter at 1.5 metres above the ground requires six weeks' notice to be given to the Borough Council before starting the work. This provides the Borough Council with an opportunity of assessing the tree to see if it makes a positive contribution to the character or appearance of the Conservation Area, in which case a Tree Preservation Order may be served.



## Article 4 Directions

Where this kind of development is considered to be harming the character of an area, an Article 4 Direction can be made by the Borough Council which removes permitted development rights. This does not mean that development will not be possible but it does mean that planning permission has to be sought for certain changes. This allows for the merits of the proposal to be considered against the conservation interests of the area.

In the case of Stubbs Walks Conservation Area, it is considered that the exercise of permitted development rights would undermine the general aims and objectives for the historic environment and its local distinctiveness.

For example under an Article 4 Direction planning permission would then be required for

- All extensions whatever the size including porches on the *front* of the building
- Changing roof materials and insertion of rooflights on *front-facing* roofslope
- Replacing windows or doors on the *front* elevation
- Painting a house, and the removal or partial demolition of a chimney.
- The erection, alteration or removal of a wall, gate or fence at the front of the house can also be controlled as well as demolition (front means facing a public highway or road).

***Action 2 The Borough Council will propose an Article 4 Direction within Stubbs Walk Conservation Area for certain and relevant types of development on properties in residential use in the Conservation Area as shown on the Plan S1, in order to seek to retain historic and architectural features which combine to give the Conservation Area its special character and significance. Consideration will be given to removing rights on commercial properties for development, where appropriate and if it is felt that this will likely have a positive effect of the areas character. Full consultation will be undertaken with those affected.***

### **Enforcement Strategy.**

Planning permission is not always sought or implemented correctly. Here it is important that enforcement action is considered and if action where needed is taken. This does reinforce that the development control process is fair and should be followed.

As well as following the Cabinet Office Enforcement Concordat, which sets out best practice principles for enforcement like openness, consistency and proportionality, the Borough Council has its own local Planning Enforcement Policy and within this historic building and conservation matters are given a greater priority. Usually issues are resolved through effective communication but this is not always the case.

***Action 3 Where appropriate the Council will take enforcement action against unauthorised development within the Stubbs Walk Conservation Area.***

### **Promotion and awareness**

Some degree of change is inevitable in Conservation Areas and the issue is often not so much whether change should happen, but how it is undertaken. Owners and residents can minimise the negative effects of change by employing skilled advice when preparing development proposals and by avoiding unrealistic aspirations.

It is important that the community should understand the significance of their surroundings if they are to play their part. There is a clear need to publish information on the history of each Conservation Area and its special qualities. This could be an effective outcome of the character appraisal process. There is also a significant role for amenity societies and other stakeholders to explain what matters, what is possible, what is expected and what has been achieved elsewhere.

***Action 4 The Borough Council will encourage and work with the community and other organisations to help recognise and manage the heritage assets in the Conservation Area for future generations.***

***Action 5 The Borough Council will ensure that information is available to enable communities to understand the significance of their Conservation Areas and the consequences of living and working within them.***

Community involvement is an integral part of the planning process. The Borough Council has already established a Conservation Advisory Working Party, which considers all relevant applications and acts as an important interface between local understanding and council decision making.

***Action 6 The Council will continue supporting the Conservation Advisory Working Party and will continue to seek to ensure that the Working Party is given the opportunity of commenting on applications affecting the historic environment in the Borough.***

***Action 7 The Borough Council will consider increasing its offer of guidance and update its range of published guidance to include specific topics such as historic buildings and living in a Conservation Area.***

## **Control of historic buildings**

It is important that this historic environment continues to be recognised and that local policies are included in future policy documents for the future protection of Newcastle-under-Lyme's 20 Conservation Areas and Listed Building entries. Listed Building Consent is required for the demolition alteration or extension of statutorily listed buildings. There is current guidance for owners of listed building on the Borough Councils website.

***Action 8 The Borough Council has placed information on its website on Listed Buildings and on the Conservation Areas in the Borough and this information should be updated and expanded upon.***

***Action 9 The Borough Council will continue to assess applications for Listed Building Consent in line with policy and guidance.***

## **Register of Locally Important Buildings and Structures**

There are buildings of local significance which, although not statutorily listed, are nonetheless important to the history and character and cultural value of the Borough.

The Register of Locally Important Buildings and Structures is a list of buildings which are of good design quality, attract appearance and historic interest which make a significant contribution to the character of the area. It is one way that the Council can help to identify buildings which are important to the character of the area and help to prevent harmful changes that would be detrimental to the character of the area. The current Register and information about the process by which buildings can be added to the Register can be seen at [www.newcastle-staffs.gov.uk/localregister](http://www.newcastle-staffs.gov.uk/localregister).

Buildings currently included on this Register within Stubbs Walk Conservation Area are;

- Newcastle under Lyme School, Mount Pleasant, Newcastle
- Former Orme School for Girls, Victoria Road, Newcastle
- Former Headmistresses, Orme School for Girls, Victoria Road, Newcastle
- Former Church Hall, Victoria Road, Newcastle

There are number of buildings which have been identified on the Townscape Appraisal map as being positive buildings of townscape merit. Buildings here will vary in quality but will be good examples of relatively unaltered historic buildings. Where their style, materials and detailing provides the Conservation Area with interest and variety they will be considered for inclusion of the local Register during the next review process. Where a building has been heavily altered, and restoration would be impractical, they are excluded.

***Action 10 The Borough Council will consider all buildings identified as making a positive contribution to the character of the area for the local Register of Locally Important Buildings and Structures and will encourage the local community to suggest other buildings that might be eligible for inclusion on the Register.***

***Action 11 The Borough Council will ensure that the Register of Locally Important Buildings and Structures is continually updated.***

***Action 12 Positive buildings, buildings on the Council's local Register and Listed Buildings should be retained and their settings protected from unsympathetic development.***

#### **Control and management of the natural environment**

Tree cover provides an important part of the Conservation Area especially within and around Stubbs Walks, the public park. These trees should be maintained retained and replaced when appropriate. All trees in Conservation Areas are already automatically protected by the requirement to notify the Council of any intention to carry out works to trees. The Council's Arboricultural Officer liaises with the Landscape section over tree works and has recently surveyed the trees in Stubbs Walks followed by a programme of maintenance works. In addition Newcastle under Lyme School has also had their trees recently surveyed and has a 3 year programme of works to the trees within their ownership. Tree Preservation Orders provide additional protection for significant trees or groups of trees and permission is required from the Council for any proposed works.

**Action 13 The Borough Council will continue to maintain the trees within the public park and carry out any works which are necessary.**

**Action 14 The Borough Council will continue to work with landowners to manage the trees within the Conservation Area in a way which recognises the important contribution they make to the character of the Conservation Area.**

#### **4. The Conservation Area Boundary Review**

Local authorities are required by law to review their boundaries of existing Conservation Areas from time to time. This is to ensure that they still retain special architectural or historic interest. As part of the Appraisal process the whole Conservation Area was inspected and the robustness of the present boundary assessed.

The Stubbs Walks Conservation Area contains buildings and features which are of principally Victorian and Georgian architectural styles and periods. It is fairly compact around the two school sites and includes the main streets the historic church, and the majority of the better quality terraces and villas. The topography affects experience one has as one enters into the Conservation Area. Trees and the natural landscape features also play a role in defining the area and its boundary.

The boundary to the north is less obvious in parts being along the centre of the road from North Street, West Street and around the grid iron section of smaller terraces to create a sensible inclusion of blocks of terraces. Whilst it would be possible to include all of these terraces, the quality as wholesale inclusion is not considered worthy of Conservation Status largely due to the high loss of features and fact that smaller terraces are less embellished and are less integrated around the schools church and Stubbs Walks.

***The boundary is considered to be appropriate and no changes are proposed.***

#### **5. The setting of the Conservation Area**

Stubbs Walk has a large number of trees, particularly within but also on the edges of the Conservation Area. The combined effect of the trees, shrubs, gardens contribute towards the character of the Conservation Area. These features are cherished by the local community and are well cared for including private gardens and the public open spaces.

***Action 15 The Borough Council will continue to protect and enhance the qualities of the Conservation Area carefully considering applications for new development which would result in the removal or reduction of trees or established planting which enhances the Conservation Area.***

#### **The control of new development**

New development should preserve and enhance the character and appearance of the Conservation Area. It must respect the historic and architectural context and should not necessarily copy existing styles but create sensitive, sympathetic and good quality modern architecture so that the special character and appearance of the Conservation Area is not downgraded or diluted, but reinforced, and enhanced whenever possible. The pattern and grain of the area is part of its special character and appearance and should be respected. It is important to have a good architect or advisor who understands the issues and context of Conservation Areas. New development should not increase the volume of development on the site and should be sympathetic to surrounding historic buildings in terms of scale materials and details. It should also respect views both within and into and out of the Conservation Area.

The pressure for development in Stubbs Walk is mainly for changes of use, signage and extensions to existing buildings especially to the school buildings. There is potential for infill and backland development (usually in the gardens of existing buildings) some of

which sit in spacious plots which will intensify and may harm the character of the Conservation Area.

***Action 16 The Borough Council will seek to ensure that new development conforms to policies within the LDF, saved Local Plan policies and the National Planning Policy Framework and does not have an adverse impact on the existing building or important landscape features of the Conservation Area.***

### **Demolition**

Permission is needed for demolition all buildings in the Conservation Area (over 115 cubic metres). Demolition of historically significant buildings within the Conservation Area will not be permitted unless the building to be demolished can be proven to have a harmful or negative effect. Partial demolition does not require permission, but some control will be exercised through an Article 4 Direction, particularly in relation to boundary walls and chimneys.

## **6. Implementation**

It is important that the Stubbs Walk Conservation Area should be a self sustaining as possible if it is to remain in its present state. Achieving this requires management to control any necessary changes so that its special character and appearance is not adversely affected. Success will require commitment by all Borough Council departments and their partners such as building control and the Highways Authority to ensure the sensitive exercise of controls, in the best interests of the Conservation Area, and the sensitive deployment of any resources which may become available. Success depends on the part played by other stakeholders: property owners, residents, businesses and amenity groups.

Those who live and work in the Conservation Area are encouraged to recognise the collective benefits they enjoy. For this they must understand the need to take a contextual view of proposals rather than acting in isolation. Change is inevitable in Conservation Areas but it is how rather than if it is undertaken. Employing skilled advice minimises the effects of these changes.

It is important that communities are well informed about the qualities of their Conservation Areas and of the opportunities for enhancing them in particular the School. There is also a role for the Borough Council and other recognised community groups such as the Civic Society.

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**Stubbs Walk Conservation Area Appraisal and  
Management Plan**

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## 1. Introduction

Stubbs Walk Conservation Area was designated in February 1993. The area is located south-east of Newcastle under Lyme Town Centre in Staffordshire.

Conservation Areas are defined as "areas of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance". Local planning authorities are required to formulate and publish proposals for the preservation and enhancement of Conservation Areas and must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The purpose of this Appraisal is to provide a good basis for planning decisions and for development proposals in the area in the future. The appraisal will inform the production of a management plan for the area. Once agreed by the Planning Committee of the Borough Council, the Draft Appraisal and Management Plan will be discussed with the wider community.

### Planning Policy Context

These documents should be read in conjunction with the wider policy framework as set out in various policy documents. The Development Plan for the Borough currently consists of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy and saved Local and Structure Plan Policies. More information about the planning system can be found on the Borough Council's website: [www.newcastle-staffs.gov.uk/planning](http://www.newcastle-staffs.gov.uk/planning)

These documents will therefore provide a firm basis on which applications for development within the Conservation Areas can be assessed. The governments online Planning Practice Guidance is a valuable and accessible resource <http://planningguidance.planningportal.gov.uk/blog/guidance/> and Historic England (formerly English Heritage) guidance sets out the importance of appraisals and management plans, [www.historicengland.org.uk](http://www.historicengland.org.uk). Additional historic and archaeological information can be obtained from the Historic Environment Record (HER) which is held at Staffordshire County Council. The Council has a Register of Locally Important Building and Structures. Information about the Register and the current list is available to view online at [www.newcastle-staffs.gov.uk/localregister](http://www.newcastle-staffs.gov.uk/localregister).

It is important to note that no appraisal can ever be completely comprehensive. If a building, feature or space is not mentioned this should not be taken to imply that it is of no interest.

## 2. Summary of Significance

Stubbs Walks Conservation Area is significant for the following reasons:

- It represents a well preserved street pattern of 19<sup>th</sup> Century development for the industrial expansion of the town.
- High quality environment marked by historic school buildings. Much of the land is now owned by Newcastle under Lyme School but the area still has the feel predominantly as a residential.
- Distinctive high quality Victorian Villas and late Georgian town houses, creatively embellished with many original features retained, such as tile patterning, decorative banding, clay tiles and boundary walls with piers
- Interesting history named after a former open field and archaeologically significant with the area's industrial heritage and one of the earliest canals.
- Attractive setting with historic public walks with mature natural landscaping open spaces and pathway networks.
- St Paul's Church, a Grade II Listed Building built from Hollington stone by R Scrivenor and Sons, Hanley

The Character Appraisal concludes that the key issues in the area are:

- Protection of the townscape and built features of the Conservation Area including the trees landscape and front boundary walls.
- Use of modern materials on historic buildings, such as upvc windows and doors and inappropriate changes to historic buildings.
- Consideration of additions to the Register of Locally Important Buildings and Structures.
- Insensitive signage on businesses

### 3. Location and Setting

Stubbs Walk Conservation Area is located beyond the ring road of Newcastle-under-Lyme Town Centre to southeast, close to the Borough boundary with Stoke-on-Trent. The central area of the Conservation Area is dominated by buildings and land owned by Newcastle under Lyme School. It has two main sites, one on the lower side of Victoria Road and the main high school which links from Mount Pleasant to a back lane. The school grounds are far more extensive than the Conservation Area including playing fields to the south which incorporate cricket and rugby pitches.

Around the periphery of the area the Conservation Area are terraced streets built on a grid-iron plan and is occupied by both residential and businesses in what used to be predominantly a residential area. This area is occupied by retail offices and other business uses which have become established over the years especially to the north of the area and along Marsh Parade.

On Lancaster Road is a bowling club, nursing home, office and two children's nurseries

Stubbs Walk is relatively built up on the periphery around the junction of West Street and North Street, Marsh Parade and Mount Pleasant but opens out to provide green walks and school playing fields in the centre, as well as green areas on both school sites. The landscape value of the trees and plants within Stubbs Walk is particularly high and provides a setting for the Conservation Area. The character of the Conservation Area to the north beyond the boundary deteriorates quickly with the historic pattern of development has been lost and replaced by modern flats.

#### 4. Historic development

In the medieval period this area was marshland and strip fields. Stubbs Field along with Brampton field and four other fields were still surrounding the town under crop cultivation until the early 19<sup>th</sup> century. By the early 19<sup>th</sup> Century, with the decrease in reliance of agriculture and increasing populations, the land was enclosed.

The demand for housing grew and so did the expansion of the town with the earliest development in the area around Marsh Parade and Mount Pleasant where houses were built in high density on a grid iron pattern. So no longer common land, the fields were managed by trustees and part of their role was to support the making of public walks in Brampton and Stubbs. Two linear walks were created and they still exist today and are a key feature of the character of the respective Conservation Areas.

Silk throwing was a new industry and established itself in the area. The former silk mill built by Henshall and Lester on Marsh Parade brought important industry to the area. It was in use from 1822 until 1938/9 and is now converted to offices.

In the mid-19<sup>th</sup> Century, Lancaster Road was not yet laid out although there was a path network relating to plots and former fields. By the end of the 19<sup>th</sup> Century Lancaster Road and Lancaster Avenue had been planned and built on. The Church of St Paul built between 1905-8, is shown to be built on the site on a former church.

Spatially the wider history of the area is significant defined by former canals, roads that linked them to the southwest. The historic maps from the mid and late 19<sup>th</sup> Centuries show that the general spatial layout and character remains the same with the principal streets, two school sites and the central park and walks. The borough council erected a bandstand in the location of the current playground and to the south a Russian gun was also exhibited until about 1940.

Allotments were a key characteristic of the mid 19<sup>th</sup> Century with a large area designated for this use at the former Orme Girls School which is now used as the school playing field. Allotments were also to be found close to Stubbs Walks on either side of Palmer Way, again this is now occupied by school sports buildings.

Malabars map (1847) shows the walks running along the side of the former canal. The former canal was known as Junction Canal and plans were approved in 1797 and in 1798 the canal was cut. This was planned to join up with Sir Nigel Gresley's Canal (of Knypersley Hall) which was built to transport coal from their coalmines at Apedale to Newcastle.

The main secondary school was built on Mount Pleasant as a upper school for boys to 19 years old in 1872 and was said to follow the main grammar school curriculum but with an emphasis on experimental chemistry due to the proximity and influence of the trade manufacturers of the surrounding area. The former Orme Girl's School on Victoria Road was founded 1871 and a new school built shortly after. This also includes the former headmistresses' house. The two schools are now amalgamated are known as the Newcastle-under-Lyme School, an independent day school that owns a considerable amount of land and other buildings within the Conservation Area and beyond, including the former church Hall on Victoria Road.

The Extensive Urban Survey for Newcastle under Lyme states that overall there is a low potential for the survival of below ground archaeology in the area. However further research will always help with the understanding of any unknown heritage assets.

## **5. Spatial and Character analysis**

### **Topography**

The topography of the Conservation Area rises steeply to the east and is a distinctive feature, creating some attractive views of the town centre from certain vantage points especially across the playing fields westwards towards the town centre. The land rises from the town centre then it plateaus at Victoria Road across Stubbs Walks then rises up in an easterly direction again plateauing again at Lancaster Road and rising to the edge of the Borough boundary with Stoke on Trent.

### **Layout and street pattern**

The area is fairly cohesive with the school buildings and playing fields at the heart of the Conservation Area. The predominant street pattern is a series of roads in a linear pattern, straight roads running north/south. Still evident, to the north is terraced streets based on a grid iron pattern, more compact on West Street, North Street and Victoria Road. Mount Pleasant (north side) has terraces facing the school site, closely compact of different styles and sizes but again forming an unbroken frontage ascending up the street. The size of plots varies significantly and relates directly to the principle use and class level of the building. Workers housing was terraced with small private spaces and housing for the more affluent was larger with more space around the houses. Lancaster Road has villas on the east side of the road which are set in formal relatively generous plots are slightly set back behind small front gardens bounded by walls, they present feeling of spaciousness and openness.

Lancaster Road, Victoria Road and Mount Pleasant all have gentle curves which restrict long distance views. The terraced streets to the north have buildings on one side of the road which are set to the back of the pavement giving a feeling of higher density. The buildings on Lancaster Road.

A large part of the Conservation Area is occupied by the two school sites. The presence of the school and its amalgamation of the two school sites and other adjacent areas of land have helped to retain the character of the area. The school have expanded and extended parts of the school over the years and this is generally outside the Conservation Area with the junior school and there is an ambience of spaciousness around the main school grounds providing a collegiate atmosphere as students move by foot between the two main sites.

### **Open spaces, trees and landscape**

The natural environment in the Conservation Area is an integral part of its significance. Despite being a suburban landscape, there is a large amount of open space within the Conservation Area thanks to the school grounds with three main playing fields and Stubbs Walks, a public park.

There is a tranquil feeling about the area and in general terms the mature landscape and trees play an important part in the character of the area. The public park was designed and laid out to be an area that residents could enjoy and get exercise, including avenues of trees and planting and this is exactly what it is used for now. The Council manages the park and open space and there is also a children's playground in the centre.

The main school site and grounds are set back from the road behind metal railings with brick decorative piers flanking the main access point and entrances. There are a row of trees and planting with a grassed area in front of the railings providing an attractive mature setting.

There are Tree Preservation Orders on trees within Gladstone Villas on Victoria Road and one on a property in Lancaster Avenue which protects the trees by law. Other trees are afforded some protection by virtue of being in the Conservation Area.

### **Focal points, focal buildings, views and vistas**

Due to the topography and mature trees, the views are limited across the park but they provide vistas along the pathway networks. There are significant key buildings which are visible and make a positive contribution to the overall character of the area. Perhaps the most prominent building given its tall tower and spire is the Church of St Paul on Victoria Road. The Church is set within a relatively small plot with limited curtilage although its location adjacent to the edge of Stubbs Walk, the linear park provides it with an attractive setting. The spire is framed in a number of views including along Stubbs Walks between the trees, from Garden Street at the bottom of the school playing field, across the school grounds from Lancaster Road, including more long distance views.

Other key buildings are the large school buildings some elements of which are more prominent than others, depending on location. Buildings on corners, including the large villas which are designed to have presence and prominence and are in elevated positions, including decorative gables, embellished string courses with tiles which all contribute towards a high quality environment.

### **Boundary features**

There are a variety of boundaries in the Conservation Area, generally man-made except the back lane, leading to Palmers Way which is an informal lane with soft edges. Boundaries vary between streets. Lancaster Road in general has stone boundary walls and piers with a hedge set behind it. The main school is characterised by simple metal railings, painted black and brick stone piers with stone finials. The former Orme School also has simple railings, some set on a low brick wall along Vessey Terrace. There are generally no boundaries for the terraces along Marsh Parade which front directly onto the pavement. Victoria Road has brick boundary walls to the villas. The Church is set behind a low stone plinth with piers and simple metal railings.

### **Public Realm**

There are few examples of historic public realm in the Conservation Area. The principal features in the public realm are the gate piers and walls marking the entrance into the public walks and park area. There is also a cast-iron post which used to have an ornamental lamp bracket. There are modern benches within the park and a playground and modern lampposts.

There are fairly extensive original blue brick paviers on the pavements along much of Mount Pleasant outside the periphery of the Newcastle-under-Lyme school. These have both a distinctive crisscross pattern and smooth finish. Stone kerbs are also still present within the area.

The character of the area is determined by more than just the appearance of the buildings. Due to the nature of the area as a residential area, there is little highway signage in the Conservation Area which can often cause unnecessary street clutter.



## 6. Quality and Character of Buildings

The historic buildings and structures in the area contribute greatly to making the area aesthetically special, and this is complemented by the presence of some nationally designated buildings as well.

The Conservation Area contains 5 Listed Buildings and Structures, all listed Grade II. There are 4 entries on the Council's Local Register Locally Important Buildings and Structures.

- Church of St Paul, an Edwardian Church, built in 1905 by R Scrivener & Son. It is built from red sandstone which is rusticated.
- Stone piers at the entrance to Stubbs Walks – the 4 piers are linked by stone walls and railings at the entrance are dated around 1800 so they were in existence earlier than the laying out of the walks. The cast iron post with an ornamental lamp bracket is also part of this listed building entry but this is missing.
- Former silk mill, at 21 Marsh Parade was built by 1822 and used as such until 1839. It is brick, now painted with plain tile roof. It is three-storeys, sash windows although these were probably originally cast-iron and replaced in timber. It is now used as offices and a number of business occupy the building.
- No 23 and 25 and 27 Marsh Parade are early 19th Century houses but again are now in business uses. They are stuccoed, 3 storey, with fanlights sash windows to No 23 and cross casements to no. 25.

The school buildings vary, but the main school built in 1872 is built in red brick with stone banding and window surrounds and a decorative fish scale clay tile roof. Later extensions are built in the same materials. The former Orme Girls school on Victoria Road built around the same time in same materials but a little plainer. The school buildings have stone window surrounds, verges and quoins used to decorative effect. Other significant building include the Church and former Church hall.

There are a variety of building styles within the Conservation Area, but many are well-proportioned domestic villas. The majority of properties are Victorian or late Georgian, so there is a high survival of many historic buildings of a high quality which contributes to the interest of the area. They vary in terms of size and status from the most prestigious houses, like those on Lancaster Road grading down to mid-size terraces along Mount Pleasant and part of West Street (East of Victoria Road) which have bay windows and greater embellishments, to the smaller simpler terraces around the corner of Victoria Road and West Street. The villas have typical architectural detailing, such as steep gables, gable dormers, 3 storeys, well detailed chimney stacks, decorative timber barge boards and decorative banding which add to the special character of the area.

There is a unified palette of materials in the area which gives the area a great deal of character and the regular repetition of architectural detailing on some terraces that also contributes to the character. The predominant building materials are red brick but there are a few villas with slightly darker more typically Staffordshire brick with darker hues. The brick bonding in the area is almost exclusively Flemish bond. Only the main school buildings have English Garden Wall bond. Town houses on Marsh Parade are stuccoed in a classical regency style well-proportioned with balconies. Other houses on Mount Pleasant are currently rendered or have painted brickwork but were not originally intended to be rendered or painted and this has resulted in the loss of historic architectural features. Roofs are generally plain clay tiles.

In terms of joinery, many of the timber windows and doors are still in situ. Some have been replaced with uPVC but generally window openings have not been altered and the window proportions have retained their traditional proportions.

### Businesses

There are a number of businesses which have tended to cluster around Marsh Parade, Mount Pleasant and Lancaster Road. They all occupy former residential properties with the exception of the business which currently operate out of the former silk mill on Marsh Parade. Signage can be detrimental to the style and design of the residential properties and therefore detract from the character of the Conservation Area.

### Neutral Buildings

There are very few modern buildings and extensions within the Conservation Area and they generally neither contribute to nor detract from the character of the area and these are considered to be neutral buildings. Such buildings are the modern sports buildings on the school site and some garages to the rear of some of the properties.

## **7. Summary of Issues**

Since the Conservation Area was designated in 1993 there have been changes, but for the most part these have been changes of use to buildings from residential to businesses or visa versa with few external alterations as these have not harmed the overall character of the Conservation Area. Alterations to the school buildings have not materially altered the external appearance of the buildings from the main roads and vistas.

This desirable state must be continued, and improved when practicable, and this can only be achieved by continual vigilance by concerned local inhabitants, informed decisions by planning officers and positive action by enforcement where necessary, all acting in liaison for the common benefit.

### **Opportunities and Constraints**

- Inappropriate signage on businesses occupying former residential sites and action needs to be taken to improve or remove the signage.
- A few properties have fairly substantial plots on Lancaster Road and the rear gardens are large. There has not been any significant pressure for development on this backland and in order to maintain the historic character of the road, this should be resisted to help preserve the open character of the area.
- Loss of historic features such as windows and doors. Where possible these should be retained or opportunities found to reinstate such features.
- The effect of permitted development can be harmful by incrementally removing significant historic features from buildings. An Article 4 Direction should be considered to tighten control over important buildings and frontages which are not protected from harmful change.
- Appropriate use of materials when altering or extending properties within the Conservation Area.
- Retain trees and landscape features.

## **Section 2: Conservation Area Management Plan**

### **1. Introduction**

The purpose is to provide a framework for further actions which although primarily the responsibility of the Borough Council, will also depend on the cooperation and enthusiasm of local people and local organisations/institutions. This Plan is informed by Section 1 of this document which identified the special character and significance of the Conservation Area.

The Conservation Area in Stubbs Walk has been existence for over 20 years and the effectiveness of the designation depends on the way it has been managed in the past by the Borough Council, local businesses residents and Newcastle-under Lyme School.

Government policy guidance on Conservation Areas is contained in National Planning Policy Framework, where the government is still promoting informed and evidenced based conservation. It considers that parts of the environment which have significance due to their historic, archaeological, architectural or artistic interest are called heritage assets whether formally designated or not. These assets promote a sense of place and contribute towards the aims of sustainability.

Government policy has made it clear that Conservation Areas are not areas of preservation and that change is an inevitable fact of modern life. The challenge is therefore to manage that change in a manner which respects the special historic and architectural qualities of a place. The context for these policies is provided by the Local Development Framework (LDF) and the Core Spatial Strategy.

Local authorities are required by law to review their Conservation Areas and the preparation of management plans and conservation area appraisals form part of this obligation.

#### **Consultation**

The involvement of the local community in the formulation and delivery of these documents helps to strengthen the status and impact of Appraisals and Management Plans. A full period of consultation will take place with the documents to provide opportunities from the local community to input further into the documents. Following this the final document will go back to Committee before going to Cabinet for final approval and adoption as a Supplementary Planning Document.

Both documents will be of use to the Borough Council when determining planning applications for change within or on the edges of the Conservation Area, and for property owners and their agents when considering schemes for alteration or new development.

\* The proposed actions contained in the Management Plan will be undertaken using existing Council resources unless otherwise stated.

## **2. The implications of Conservation Area designation.**

Designation as a Conservation Area brings a number of specific statutory provisions aimed at assisting the "preservation and/or enhancement" of the area. The overriding policy is that new development should pay special regard to the character or appearance of the Conservation Area.

Other effects are:-

- Extra publicity must be given to planning applications affecting Conservation Areas. This is done through a site notice and an advertisement in the local newspaper.
- Permission is required for the demolition of most unlisted buildings in a Conservation Area (except small structures) and the local authority may take enforcement action or consider criminal prosecution if permission is not obtained.
- Written notice must be given to the Borough Council before works are carried out to any tree in the area to give the Council the opportunity to include the tree within a Tree Preservation Order.
- The Borough Council may take steps to ensure that a building in a Conservation Area is kept in good repair through the use of Urgent Works Notices and Amenity Notices.
- The energy conservation expectations of the Building Regulations (Part L) do not necessarily apply to buildings within a Conservation Area.
- Powers exist for local authorities, Historic England or the Heritage Lottery Fund to provide financial grant schemes to help with the upkeep of buildings in Conservation Areas, if the area is economically deprived.
- The Council has a Historic Building Grant Fund for the repair and reinstatement of buildings and structures which are considered as heritage assets, namely Listed Buildings, buildings in Conservation Areas and on the Council's Register of Locally Important Buildings.

It is always a good idea to check with the Planning Service before carrying out any work and if you need any advice on any planning issues.

Where a building is designated as a Listed Building separate legislation applies to all internal and external alterations which affect the special architectural or historic interest of the building and will probably require Listed Building Consent. Planning permission is also needed for all proposed buildings in the garden of a domestic Listed Building including gas/oil containers. Listed Building Consent is practically always required for the installation of `antennas` and if the Borough Council considers that the installation will have an adverse effect on the special interest of the building, consent will usually be refused.

### 3. The Management of the Historic Environment

The Borough Council has policies which are aimed at preserving the significance and character and appearance of Conservation Areas.

Each application has to be determined on its own merits but much can be achieved by having a clear interpretation of statutes, detailed policy and guidance and training to help elected Councillors and officers to work within these constraints. Development proposals can have an effect on a Conservation Area even when they are some distance outside it. In such cases, the duty to pay special attention to the character and appearance of the Conservation Area still applies. Alterations to the external appearance of a property often require planning permission.

***Action 1 The Borough Council will adopt a consistent interpretation of what it considers to be a 'material' change in the external appearance of a building.***

Certain works to Single dwelling houses within a Conservation Area are considered "permitted development" that enable some alterations to be carried out without the need for planning permission. These can include changes to windows and doors, roofs materials or construction of minor extensions. Although they may be minimal in each case, such alterations can have a cumulative effect that is damaging to historic areas. In summary:

- Planning permission is needed for extensions to houses in Conservation Areas if it extends the side wall of the house or if it has more than one storey to the rear and if it exceeds certain length and height restrictions.
- Planning permission is needed for external cladding to houses using stone, artificial stone, pebble dash, render, timber, plastic or tiles.
- Planning permission is needed for any alteration to the roof of a house in a Conservation Area.
- Planning permission is needed for the erection of any structure within the curtilage of a house in a Conservation Area if the structure proposed would be on land to the side or front of the house. This is especially important for sheds, garages and other outbuildings in gardens.
- Planning permission is required for satellite dishes and antennas if they are mounted on a chimney, wall or roof slope which faces onto and is visible from a highway or a building which exceeds 15 metres in height. In these cases, planning permission would not normally be approved. Conventional TV aerials and their mountings and poles are not considered to be 'development' and therefore planning permission is not required.
- With commercial properties, such as shops and pubs, planning permission is generally required for alterations to these buildings.
- Solar PV or thermal equipment needs planning permission if it is to be located on a wall or roof slope of the main elevation of the main house or outbuilding or on a Listed Building or a building in its garden.
- Within Conservation Areas, lopping or felling a tree greater than 75 mm. diameter at 1.5 metres above the ground requires six weeks' notice to be given to the Borough Council before starting the work. This provides the Borough Council with an opportunity of assessing the tree to see if it makes a positive contribution to the character or appearance of the Conservation Area, in which case a Tree Preservation Order may be served.

## Article 4 Directions

Where this kind of development is considered to be harming the character of an area, an Article 4 Direction can be made by the Borough Council which removes permitted development rights. This does not mean that development will not be possible but it does mean that planning permission has to be sought for certain changes. This allows for the merits of the proposal to be considered against the conservation interests of the area.

In the case of Stubbs Walks Conservation Area, it is considered that the exercise of permitted development rights would undermine the general aims and objectives for the historic environment and its local distinctiveness.

For example under an Article 4 Direction planning permission would then be required for

- All extensions whatever the size including porches on the *front* of the building
- Changing roof materials and insertion of rooflights on *front-facing* roofslope
- Replacing windows or doors on the *front* elevation
- Painting a house, and the removal or partial demolition of a chimney.
- The erection, alteration or removal of a wall, gate or fence at the front of the house can also be controlled as well as demolition (front means facing a public highway or road).

***Action 2 The Borough Council will propose an Article 4 Direction within Stubbs Walk Conservation Area for certain and relevant types of development on properties in residential use in the Conservation Area as shown on the Plan S1, in order to seek to retain historic and architectural features which combine to give the Conservation Area its special character and significance. Consideration will be given to removing rights on commercial properties for development, where appropriate and if it is felt that this will likely have a positive effect of the areas character. Full consultation will be undertaken with those affected.***

### **Enforcement Strategy.**

Planning permission is not always sought or implemented correctly. Here it is important that enforcement action is considered and if action where needed is taken. This does reinforce that the development control process is fair and should be followed.

As well as following the Cabinet Office Enforcement Concordat, which sets out best practice principles for enforcement like openness, consistency and proportionality, the Borough Council has its own local Planning Enforcement Policy and within this historic building and conservation matters are given a greater priority. Usually issues are resolved through effective communication but this is not always the case.

***Action 3 Where appropriate the Council will take enforcement action against unauthorised development within the Stubbs Walk Conservation Area.***

### **Promotion and awareness**

Some degree of change is inevitable in Conservation Areas and the issue is often not so much whether change should happen, but how it is undertaken. Owners and residents can minimise the negative effects of change by employing skilled advice when preparing development proposals and by avoiding unrealistic aspirations.

It is important that the community should understand the significance of their surroundings if they are to play their part. There is a clear need to publish information on the history of each Conservation Area and its special qualities. This could be an effective outcome of the character appraisal process. There is also a significant role for amenity societies and other stakeholders to explain what matters, what is possible, what is expected and what has been achieved elsewhere.

***Action 4 The Borough Council will encourage and work with the community and other organisations to help recognise and manage the heritage assets in the Conservation Area for future generations.***

***Action 5 The Borough Council will ensure that information is available to enable communities to understand the significance of their Conservation Areas and the consequences of living and working within them.***

Community involvement is an integral part of the planning process. The Borough Council has already established a Conservation Advisory Working Party, which considers all relevant applications and acts as an important interface between local understanding and council decision making.

***Action 6 The Council will continue supporting the Conservation Advisory Working Party and will continue to seek to ensure that the Working Party is given the opportunity of commenting on applications affecting the historic environment in the Borough.***

***Action 7 The Borough Council will consider increasing its offer of guidance and update its range of published guidance to include specific topics such as historic buildings and living in a Conservation Area.***



## **Control of historic buildings**

It is important that this historic environment continues to be recognised and that local policies are included in future policy documents for the future protection of Newcastle-under-Lyme's 20 Conservation Areas and Listed Building entries. Listed Building Consent is required for the demolition alteration or extension of statutorily listed buildings. There is current guidance for owners of listed building on the Borough Councils website.

***Action 8 The Borough Council has placed information on its website on Listed Buildings and on the Conservation Areas in the Borough and this information should be updated and expanded upon.***

***Action 9 The Borough Council will continue to assess applications for Listed Building Consent in line with policy and guidance.***

## **Register of Locally Important Buildings and Structures**

There are buildings of local significance which, although not statutorily listed, are nonetheless important to the history and character and cultural value of the Borough.

The Register of Locally Important Buildings and Structures is a list of buildings which are of good design quality, attract appearance and historic interest which make a significant contribution to the character of the area. It is one way that the Council can help to identify buildings which are important to the character of the area and help to prevent harmful changes that would be detrimental to the character of the area. The current Register and information about the process by which buildings can be added to the Register can be seen at [www.newcastle-staffs.gov.uk/localregister](http://www.newcastle-staffs.gov.uk/localregister).

Buildings currently included on this Register within Stubbs Walk Conservation Area are;

- Newcastle under Lyme School, Mount Pleasant, Newcastle
- Former Orme School for Girls, Victoria Road, Newcastle
- Former Headmistresses, Orme School for Girls, Victoria Road, Newcastle
- Former Church Hall, Victoria Road, Newcastle

There are number of buildings which have been identified on the Townscape Appraisal map as being positive buildings of townscape merit. Buildings here will vary in quality but will be good examples of relatively unaltered historic buildings. Where their style, materials and detailing provides the Conservation Area with interest and variety they will be considered for inclusion of the local Register during the next review process. Where a building has been heavily altered, and restoration would be impractical, they are excluded.

***Action 10 The Borough Council will consider all buildings identified as making a positive contribution to the character of the area for the local Register of Locally Important Buildings and Structures and will encourage the local community to suggest other buildings that might be eligible for inclusion on the Register.***

***Action 11 The Borough Council will ensure that the Register of Locally Important Buildings and Structures is continually updated.***

***Action 12 Positive buildings, buildings on the Council's local Register and Listed Buildings should be retained and their settings protected from unsympathetic development.***

**Control and management of the natural environment**

Tree cover provides an important part of the Conservation Area especially within and around Stubbs Walks, the public park. These trees should be maintained retained and replaced when appropriate. All trees in Conservation Areas are already automatically protected by the requirement to notify the Council of any intention to carry out works to trees. The Council's Arboricultural Officer liaises with the Landscape section over tree works and has recently surveyed the trees in Stubbs Walks followed by a programme of maintenance works. In addition Newcastle under Lyme School has also had their trees recently surveyed and has a 3 year programme of works to the trees within their ownership. Tree Preservation Orders provide additional protection for significant trees or groups of trees and permission is required from the Council for any proposed works.

**Action 13 The Borough Council will continue to maintain the trees within the public park and carry out any works which are necessary.**

**Action 14 The Borough Council will continue to work with landowners to manage the trees within the Conservation Area in a way which recognises the important contribution they make to the character of the Conservation Area.**

#### **4. The Conservation Area Boundary Review**

Local authorities are required by law to review their boundaries of existing Conservation Areas from time to time. This is to ensure that they still retain special architectural or historic interest. As part of the Appraisal process the whole Conservation Area was inspected and the robustness of the present boundary assessed.

The Stubbs Walks Conservation Area contains buildings and features which are of principally Victorian and Georgian architectural styles and periods. It is fairly compact around the two school sites and includes the main streets the historic church, and the majority of the better quality terraces and villas. The topography affects experience one has as one enters into the Conservation Area. Trees and the natural landscape features also play a role in defining the area and its boundary.

The boundary to the north is less obvious in parts being along the centre of the road from North Street, West Street and around the grid iron section of smaller terraces to create a sensible inclusion of blocks of terraces. Whilst it would be possible to include all of these terraces, the quality as wholesale inclusion is not considered worthy of Conservation Status largely due to the high loss of features and fact that smaller terraces are less embellished and are less integrated around the schools church and Stubbs Walks.

***The boundary is considered to be appropriate and no changes are proposed.***

#### **5. The setting of the Conservation Area**

Stubbs Walk has a large number of trees, particularly within but also on the edges of the Conservation Area. The combined effect of the trees, shrubs, gardens contribute towards the character of the Conservation Area. These features are cherished by the local community and are well cared for including private gardens and the public open spaces.

***Action 15 The Borough Council will continue to protect and enhance the qualities of the Conservation Area carefully considering applications for new development which would result in the removal or reduction of trees or established planting which enhances the Conservation Area.***

#### **The control of new development**

New development should preserve and enhance the character and appearance of the Conservation Area. It must respect the historic and architectural context and should not necessarily copy existing styles but create sensitive, sympathetic and good quality modern architecture so that the special character and appearance of the Conservation Area is not downgraded or diluted, but reinforced, and enhanced whenever possible. The pattern and grain of the area is part of its special character and appearance and should be respected. It is important to have a good architect or advisor who understands the issues and context of Conservation Areas. New development should not increase the volume of development on the site and should be sympathetic to surrounding historic buildings in terms of scale materials and details. It should also respect views both within and into and out of the Conservation Area.

The pressure for development in Stubbs Walk is mainly for changes of use, signage and extensions to existing buildings especially to the school buildings. There is potential for infill and backland development (usually in the gardens of existing buildings) some of

which sit in spacious plots which will intensify and may harm the character of the Conservation Area.

***Action 16 The Borough Council will seek to ensure that new development conforms to policies within the LDF, saved Local Plan policies and the National Planning Policy Framework and does not have an adverse impact on the existing building or important landscape features of the Conservation Area.***

### **Demolition**

Permission is needed for demolition all buildings in the Conservation Area (over 115 cubic metres). Demolition of historically significant buildings within the Conservation Area will not be permitted unless the building to be demolished can be proven to have a harmful or negative effect. Partial demolition does not require permission, but some control will be exercised through an Article 4 Direction, particularly in relation to boundary walls and chimneys.

## **6. Implementation**

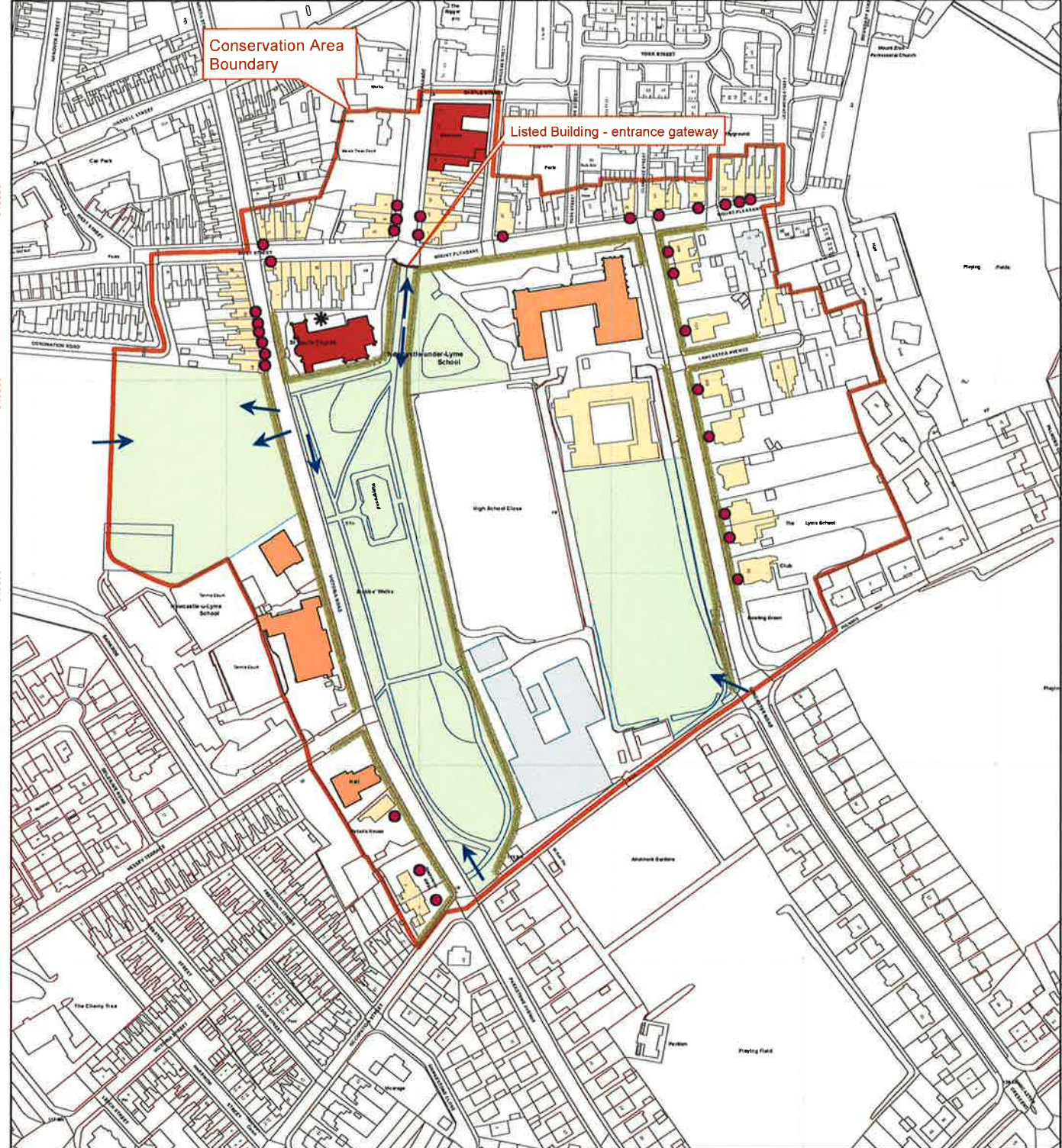
It is important that the Stubbs Walk Conservation Area should be a self sustaining as possible if it is to remain in its present state. Achieving this requires management to control any necessary changes so that its special character and appearance is not adversely affected. Success will require commitment by all Borough Council departments and their partners such as building control and the Highways Authority to ensure the sensitive exercise of controls, in the best interests of the Conservation Area, and the sensitive deployment of any resources which may become available. Success depends on the part played by other stakeholders: property owners, residents, businesses and amenity groups.

Those who live and work in the Conservation Area are encouraged to recognise the collective benefits they enjoy. For this they must understand the need to take a contextual view of proposals rather than acting in isolation. Change is inevitable in Conservation Areas but it is how rather than if it is undertaken. Employing skilled advice minimises the effects of these changes.

It is important that communities are well informed about the qualities of their Conservation Areas and of the opportunities for enhancing them in particular the School. There is also a role for the Borough Council and other recognised community groups such as the Civic Society.

















# Stubbs Walks Conservation Area Townscape Appraisal Map

## Key

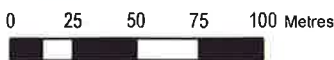
-  Conservation Area boundary
-  Listed buildings
-  Locally listed bldgs
-  Positive buildings
-  neutral building
-  Significant open space
-  Proposed Article 4 buildings
-  landmark building
-  characteristic boundaries
-  Important views

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**NEWCASTLE UNDER LYME  
BOROUGH COUNCIL**



1:2,000  
at print size A3







## APPEAL BY MR JONES AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISISON FOR A TWO-STOREY, THREE BEDROOMED DETACHED HOUSE

<b><u>Application Number</u></b>	<b>15/00579/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused by delegated authority on 14<sup>th</sup> September 2015</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Costs Decision</u></b>	<b>Refused</b>
<b><u>Date of Decisions</u></b>	<b>28<sup>th</sup> January 2016</b>

### **The Appeal Decision**

The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the street scene and the wider Area of Landscape Restoration (ALR).

In dismissing the planning appeal the Inspector made the following comments:

- Dales Green is a ribbon of predominantly residential development extending northwards until it joins the settlement of Mow Cop. There is no overall cohesive character with the dwellings varying in age and design, though for the most part they are modest detached and semi-detached houses and bungalows. The front building alignment varies and the proposed dwelling would be set on a similar line to the adjoining bungalows at 16A and 16B.
- However, the bulk and mass of the proposed house would be much greater than the single storey buildings to either side. Although the view of the site in the street scene is partially obscured in the approach northwards up Dales Green Road by the adjoining single storey agricultural buildings, once in view it would appear to dominate the adjoining bungalows. Similarly, looking down Dales Green Road, the proposed dwelling would appear to overwhelm the smaller neighbouring dwellings. The Inspector considered that it would be an obtrusive feature which would not sit comfortably in the street scene.
- The visual harm would be compounded by the fact that the proposed house would be built right up to the boundary with the farm access so that there would be nothing to alleviate the imposing flank wall on this side of the house. To the other side there would be a timber sleeper retaining wall and a path only 1m wide so that, with the bulk and mass of the dwelling, it would appear cramped on the plot.
- The Inspector agreed that there would be harm to the street scene, but did not agree there would be harm to the wider landscape. The Council has not objected to the principle of an infill house on this plot, or identified longer views in which the proposed house would have an adverse visual effect.
- The Inspector concluded that the proposed development would be detrimental to the character and appearance of the street scene in Dales Green Road. As such it would not accord with policy CSP1 of the Core Spatial Strategy 2006-2026 (adopted 2009) which, among other things, requires that new development should be well designed to respect the character, identity and context of the townscape, or policy R3 of the Newcastle under Lyme and Stoke on Trent Urban Design Supplementary Planning Document 2010 (SPD) which states that new housing must relate well to its surroundings.

### **Costs Decision**

In refusing the costs appeal, the Inspector made the following comments:

- The Planning Practice Guidance (Practice Guidance) advises that parties in an appeal normally meet their own expenses, but where a party has behaved

unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.

- The appellant claims that the only discussion with the Council during the application process was one exchange of emails. The Council emailed the agent on 17 August 2015 with an explanation of why the submitted scheme was considered to be unacceptable and likely to be refused. The agent responded on 1 September 2015 with a detailed response to the points raised, but the scheme was not amended. The Council subsequently refused the application on 14 September 2015.
- The appellant claimed it unreasonable for the Case Officer to not have a direct dial number. The Inspector did not consider that it was unreasonable of the Council not to provide a direct dial number for the case officer. It seems to be the established system at the planning department that few officers have direct dial numbers and that all calls are routed through the customer service advisers. There is no evidence which shows that the appellant was treated differently from other applicants or was unable to speak to the case officer prior to the application being determined or the appeal submitted as a result of not having a direct number.
- The Council accepted several of the appellant's arguments regarding its objections to the scheme as, for example, the application was not refused on Green Belt grounds, the proximity to the agricultural buildings or because of the size of the private amenity space. Although some of the comments from the Council appeared to question the principle of development, contrary to the appellant's assertion it was made plain that it was considered that a bungalow may be more appropriate.
- The Council's email states that *'The 2001 permission, whilst expired and made 5 years ago under a different development plan and national policies, was for outline permission for a bungalow, which would be more appropriate given the context of the site'*. However the reply to the Council's concerns about the size of the dwelling and its visual impact indicated that the appellant did not agree with the Council's assessment of the scheme in this regard.
- While the fact that the Council did not respond to the offer of further discussion about the scheme may have been frustrating for the appellant, LPA's are required to try to deal with applications in a timely manner. The Inspector did not consider that it was unreasonable of the Council to have proceeded to determine the application having given the appellant an opportunity to amend the scheme, but receiving a response that the appellant did not agree with the concerns.
- Following refusal of the application, there is no evidence that the appellant tried, unsuccessfully, to have further discussion with Council about an amended scheme before the appeal was submitted. Therefore, the Inspector does not consider that it can be said that the Council *'has denied us the opportunity to establish the extent of the issues dividing on this proposal'* or unreasonably delayed the development.
- The Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated and that an award of costs is not justified.

### **Recommendation**

That the decisions be noted.

**APPEAL BY MR M.S COLE AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONVERSION AND ALTERATION OF EXISTING DISUSED TELEPHONE EXCHANGE INTO SINGLE DWELLING AT THE FORMER GPO EXCHANGE, BLORE ROAD, HALES**

<b><u>Application Number</u></b>	<b>15/00175/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused by delegated authority on 12 May 2015</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Appeal Decision</u></b>	<b>1<sup>st</sup> February 2016</b>

The Inspector considered the main issues to be whether the proposal would be a sustainable development within the countryside; the impact of the proposal on highway safety; and the impact of the proposal on the hedgerow and visually significant trees.

In dismissing the appeal the Inspector made the following comments:

*Development in the countryside*

- The site is bounded on three sides by fields and on the fourth side by a road which runs through Hales Village. The site is within walking distance of the heart of the village which is dominated by residential properties but also includes a church and a village hall.
- In the absence of a 5 year supply of deliverable housing sites, the Council consider the site to be within an isolated and unsustainable location, and therefore contrary to paragraph 55 of the National Planning Policy Framework (the Framework).
- The appeal site is opposite existing built development and is a short distance from other built development within the village. The site has a stronger relationship with the village than it does the open countryside and therefore it is not considered that the proposal would be an isolated form of development within the countryside.
- Whilst the proposal would be for one house, any amount of development within the village would help support the social activities in the village and therefore help maintain the vitality of the local community. Altogether, it is considered that the appeal site would be in a sustainable location. The site would have an association with the village. An additional dwelling would help maintain the vitality of the local community and an additional dwelling would also help the Council to meet its requirement for additional housing. In all, therefore, the proposal would be compliant with the Framework.

*Highway Safety*

- The Council considered the proposal contrary to policy T16 of the Newcastle-under-Lyme Local Plan 2011 (the Plan). This was on the basis that the applicant had failed to demonstrate that the appropriate visibility splays could be provided on site. In turn, it was considered that occupiers of the proposed dwelling would not be able to access, park and turn within the site, risking highway safety.
- The proposed development is not supported by a vehicle speed and traffic movement survey and it is not clear on the block layout plan to what extent the access meets the visibility splay requirements. It has not been demonstrated, therefore, that vehicles would be able to enter and exit the site safely, without creating a potential hazard to other road users. The Inspector was not convinced, therefore, that the visibility splays would meet the requirements set out in Appendix A of the Staffordshire Residential Design Guide (2000). In turn, in the absence of acceptable visibility splays, it is possible that the parking and turning area shown on the block plan would be impracticable, resulting in vehicles parking on the road.
- In light of my findings above, the Inspector was not confident that the proposed development, given the restrictions on site, and the lack of evidence regarding

volume and traffic speeds, would not result in problems of highway safety. The proposal would be contrary to policy T16 of the Plan.

*Hedgerow and visually significant trees*

- Along the boundary of the site, adjoining the road is a mature hedgerow and further along, on neighbouring land, a large oak tree. The oak tree is a large tree, with an extensive canopy that extends over the appeal site and the road which suggests that the roots of the tree could also extend into the site. In providing a vehicular access, the hedgerow along the front boundary of the site would be removed.
- The removal of the hedgerow to the front of the site would create a more open and less rural character. However, gaps in the hedgerow to allow vehicles to access properties exist along the lane and the proposal would be another such opening. It was not considered that the proposal would result in the loss of a visually significant part of the hedgerow.
- From the evidence before her the Inspector could not be confident either way on the harm the proposal may cause to the tree and therefore could not consider it contrary to policy.

Your Officer's Comments

Whilst the appeal was dismissed on highway safety grounds the Inspector found the location of the site for one residential dwelling in the open countryside to be acceptable. The Inspector recognised the site to be a sustainable location because it was within walking distance of the heart of the village which is dominated by residential properties but also includes a church and a village hall.

Hales is a significant distance from the nearest rural service centre of Loggerheads but the Inspector considered Hales to have sufficient services and amenities to class it as being a sustainable rural location and that it would not represent an isolated form of development.

This is clearly a significant decision on the issue of rural locations and sustainability but it is not fully consistent with other appeal decisions received and as such this decision does not necessarily mean that a more positive approach should be adopted to the consideration of new dwellings in similar rural locations.

Classification: NULBC UNCLASSIFIED

**APPEAL BY SULBY PROPERTIES AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR ALTERATIONS TO PLANS AND ELEVATIONS PREVIOUSLY APPROVED UNDER 07/00014/FUL (REPLACEMENT DWELLING AND ALTERATIONS TO VEHICULAR ACCESS AND PEDESTRIAN ACCESS) AND UNDER 07/00653/FUL (ALTERATIONS TO ELEVATIONS PREVIOUSLY APPROVED UNDER 07/00014/FUL) AT SULBY, DEN LANE, WRINEHILL**

<b><u>Application Number</u></b>	<b>15/00504/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused by delegated authority on 11<sup>th</sup> August 2015</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Appeal Decision</u></b>	<b>5 February 2016</b>

The Inspector considered the main issues to be whether the development constitutes inappropriate development in the Green Belt, the effect on the openness of the Green Belt, the effect on the living conditions of the adjacent occupiers in terms of loss of privacy, and whether if found to be inappropriate development, there are any very special circumstances to justify inappropriate development.

In dismissing the appeal the Inspector made the following comments:

*Inappropriate Development in the Green Belt*

- Whilst the volume increase between the original dwelling and the proposed development is disputed between the Council and the appellant, the appellant's lower figure is still materially larger than the original dwelling. The original scheme was considered to be inappropriate development in the Green Belt and the current scheme is larger still and it follows that it too constitutes inappropriate Green Belt development.
- The Inspector did not accept the appellant's argument that he should only consider whether the dwelling now proposed is disproportionately larger than the 2007 scheme as that is the fall back. The approved replacement dwelling has not been built and it is not possible to consider extensions to a building which does not exist. It is therefore a larger replacement building than that which was granted permission in the 1007 scheme.
- The proposed development would constitute inappropriate development in the Green Belt.

*Openness*

- The proposal would be larger than the 2007 scheme and therefore as a matter of fact, there would be a reduction in the openness of the Green Belt.

*Living Conditions of Adjoining Occupiers*

- The Inspector considered the views to the neighbouring property to the west to be limited. The house to the east has a large first floor balcony and there are already clear views between the two properties.
- The proposed balcony would be surrounded by a glazed screen of a height that would restrict views to each side and further details of the screen could be required by condition.
- Given the above, the Inspector considered the proposal would not be a material additional loss of privacy for adjoining occupiers.

*Other Considerations*

- The Inspector dismissed the appellant's argument that the proposal would provide a better quality layout with more functional and better managed internal space than the

approved house. She could find no evidence that the approved dwelling would be of a poor or impractical design and the inclusion of certain design features is a personal preference of the appellant. Moreover, some of the internal rearrangement could probably be achieved without enlarging the house.

*The Planning Balance*

- The Inspector concluded the proposal would cause significant harm to the Green Belt by way of inappropriate development and added to this the harm, albeit not significant harm, through the loss of openness in the Green Belt.
- The absence of an adverse effect on the privacy of the adjoining occupiers is considered to be neutral factor in the planning balance.
- The Inspector did not consider that improvements to the layout of the house would provide for a significantly better quality dwelling such as to outweigh the harm to the Green Belt.
- No other very special circumstances necessary to justify granting inappropriate development exist in this case.

**Recommendation**

That the decision be noted.